

**Senate File 547 - Introduced**

SENATE FILE 547

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 207)

(SUCCESSOR TO SF 60)

**A BILL FOR**

1 An Act relating to the use of an electronic device in a  
2 voice-activated or hands-free mode while driving, providing  
3 penalties, and making penalties applicable.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.178, subsection 2, paragraph  
2 a, subparagraph (2), Code 2023, is amended by striking the  
3 subparagraph.

4 Sec. 2. Section 321.178, subsection 2, paragraphs b and c,  
5 Code 2023, are amended to read as follows:

6 ~~b. The department may suspend a restricted driver's license~~  
7 ~~issued under [this section](#) upon receiving satisfactory evidence~~  
8 ~~that the licensee has violated the restrictions imposed under~~  
9 ~~paragraph "a", subparagraph (2), subparagraph division (a).~~  
10 The department may also suspend a restricted license issued  
11 under [this section](#) upon receiving a record of the person's  
12 conviction for one violation and shall revoke the license upon  
13 receiving a record of conviction for two or more violations  
14 of a law of this state or a city ordinance regulating the  
15 operation of motor vehicles on highways, other than parking  
16 violations as defined in [section 321.210](#). After revoking a  
17 license under [this section](#) the department shall not grant an  
18 application for a new license or permit until the expiration  
19 of one year or until the person attains the age of eighteen,  
20 whichever is the longer period.

21 ~~c. A person who violates the restrictions imposed under~~  
22 ~~paragraph "a", subparagraph (2), subparagraph division (a),~~  
23 ~~may be issued a citation under [this section](#) and shall not be~~  
24 ~~issued a citation under [section 321.193](#). A violation of the~~  
25 ~~restrictions imposed under paragraph "a", subparagraph (2),~~  
26 ~~subparagraph division (a), shall not be considered a moving~~  
27 ~~violation.~~

28 Sec. 3. Section 321.180B, subsection 3, paragraph b, Code  
29 2023, is amended to read as follows:

30 ~~b. The department may suspend an instruction permit,~~  
31 intermediate license, or full license issued under [this section](#)  
32 upon receiving satisfactory evidence that the person issued  
33 the instruction permit, intermediate license, or full license  
34 violated the restrictions imposed under subsection 1, or 2, ~~or~~  
35 6 during the term of the instruction permit or intermediate

1 license.

2 Sec. 4. Section 321.180B, subsection 6, Code 2023, is  
3 amended by striking the subsection.

4 Sec. 5. Section 321.180B, subsection 7, Code 2023, is  
5 amended to read as follows:

6 7. *Citations for violation of restrictions.* A person who  
7 violates the restrictions imposed under subsection ~~17~~ or 27 ~~or~~  
8 6 may be issued a citation under [this section](#) and shall not be  
9 issued a citation under [section 321.193](#). A violation of the  
10 restrictions imposed under [subsection 17](#) or 27 ~~or 6~~ shall not  
11 be considered a moving violation.

12 Sec. 6. Section 321.194, subsection 2, paragraph b,  
13 subparagraph (2), Code 2023, is amended by striking the  
14 subparagraph.

15 Sec. 7. Section 321.210, subsection 2, paragraph e, Code  
16 2023, is amended by striking the paragraph.

17 Sec. 8. Section 321.238, Code 2023, is amended to read as  
18 follows:

19 **321.238 Use of electronic devices while driving — preemption**  
20 **of local legislation.**

21 The provisions of [this chapter](#) restricting the use of  
22 electronic ~~communication devices and electronic entertainment~~  
23 devices by motor vehicle operators shall be implemented  
24 uniformly throughout the state. Such provisions shall preempt  
25 any county or municipal ordinance regarding the use of an  
26 electronic ~~communication device or electronic entertainment~~  
27 device by a motor vehicle operator. In addition, a county or  
28 municipality shall not adopt or continue in effect an ordinance  
29 regarding the use of an electronic ~~communication device or~~  
30 ~~electronic entertainment~~ device by a motor vehicle operator.

31 Sec. 9. Section 321.276, subsection 1, Code 2023, is amended  
32 by striking the subsection and inserting in lieu thereof the  
33 following:

34 1. For purposes of this section:

35 a. "Electronic device" means a device that is powered by

1 electricity, including by a battery, and that is capable of  
2 being used to compose, send, receive, or read an electronic  
3 message, or that is capable of storing, retrieving on-demand,  
4 or displaying videos, movies, broadcast television images,  
5 visual images, or audio or video data files. *“Electronic*  
6 *device”* includes but is not limited to a telephone including  
7 a cellular telephone, personal digital assistant, portable  
8 or mobile computer including a tablet, two-way messaging  
9 device, electronic gaming device, and any substantially similar  
10 portable device that is used to initiate, store, or receive  
11 electronic communication, information, or data. *“Electronic*  
12 *device”* does not include a device that is physically or  
13 electronically integrated into a motor vehicle, including but  
14 not limited to an integrated global positioning system or  
15 navigation system when the destination is entered into such  
16 system before the vehicle is in motion.

17 *b. “Use”* includes but is not limited to holding, viewing, or  
18 manipulating an electronic device.

19 *c. “Voice-activated or hands-free mode”* means an attachment,  
20 accessory, application, wireless connection, or built-in  
21 feature of an electronic device or motor vehicle that allows  
22 a person to use verbal commands or a single touch to activate  
23 or deactivate the device or a function or software application  
24 of the device. *“Voice-activated or hands-free mode”* does not  
25 include accessing nonnavigation video content, engaging in a  
26 video call, accessing or engaging in video streaming, accessing  
27 gaming data, or reading an electronic message or notification.

28 Sec. 10. Section 321.276, subsections 2, 3, and 4, Code  
29 2023, are amended to read as follows:

30 2. A person shall not use a ~~hand-held~~ an electronic  
31 ~~communication device to write, send, or view an electronic~~  
32 ~~message~~ while driving a motor vehicle unless the motor vehicle  
33 is at a complete stop off the traveled portion of the roadway,  
34 or as far away from the center of the roadway as is practicable  
35 if the vehicle cannot be entirely removed from the traveled

1 portion of the roadway.

2     a. A person does not violate this section by using a ~~global~~  
3 ~~positioning system or navigation system or when, for the~~  
4 ~~purpose of engaging in a call, the person selects or enters a~~  
5 ~~telephone number or name in a hand-held mobile telephone or~~  
6 ~~activates, deactivates, or initiates a function of a hand-held~~  
7 ~~mobile telephone~~ an electronic device in a voice-activated or  
8 hands-free mode.

9     b. The provisions of **this subsection** relating to ~~writing,~~  
10 ~~sending, or viewing an electronic message~~ the use of an  
11 electronic device do not apply to the following persons:

12       (1) A member of a public safety agency, as defined in  
13 section 34.1, performing official duties.

14       (2) A health care professional in the course of an emergency  
15 situation.

16       (3) A person receiving safety-related information including  
17 emergency, ~~traffic,~~ or weather alerts.

18       (4) A person using an electronic device for the purpose  
19 of reporting an emergency situation, including any continued  
20 communication with emergency personnel during the emergency  
21 situation, or public transit personnel responding to a  
22 transit-specific situation.

23       (5) A person operating an implement of husbandry.

24       (6) A person using a two-way radio transmitter or receiver  
25 who is licensed with the federal communications commission in  
26 amateur radio service.

27       (7) A member of a public transit system, as defined in  
28 section 324A.1, performing official duties while in a vehicle  
29 that is not in motion.

30       (8) A utility maintenance employee or contractor using  
31 an electronic device while in a utility maintenance vehicle,  
32 for the purpose of providing utility services including  
33 but not limited to cable, electric, natural gas, telephone,  
34 telecommunication, water, and wastewater treatment services,  
35 provided the employee or contractor is acting within the scope

1 of their employment or agency.

2 (9) A transportation network company driver, as defined in  
3 section 321N.1, while engaged in a prearranged ride, as defined  
4 in section 321N.1, provided the vehicle is not in motion.

5 (10) A person using an electronic device for the purpose of  
6 accessing or using a fleet management system.

7 3. Nothing in this section shall be construed to authorize  
8 a peace officer to confiscate ~~a hand-held~~ an electronic  
9 ~~communication~~ device from the driver or occupant of a motor  
10 vehicle.

11 4. *a.* A person convicted of a violation of this section  
12 is guilty of a simple misdemeanor punishable as a scheduled  
13 violation under section 805.8A, subsection 14, paragraph "1".

14 *b.* A violation of this section shall ~~not~~ be considered a  
15 moving violation for purposes of this chapter ~~or~~ and rules  
16 adopted pursuant to this chapter.

17 *c.* Notwithstanding paragraphs "a" and "b", a peace officer  
18 shall issue a warning memorandum in lieu of a citation to a  
19 person for violating this section. This paragraph is repealed  
20 January 1, 2024.

21 Sec. 11. Section 321.482A, unnumbered paragraph 1, Code  
22 2023, is amended to read as follows:

23 Notwithstanding section 321.482, a person who is convicted  
24 of operating a motor vehicle in violation of ~~section 321.178,~~  
25 ~~subsection 2, paragraph "a", subparagraph (2), section~~  
26 ~~321.180B, subsection 6, section 321.194, subsection 2,~~  
27 ~~paragraph "b", subparagraph (2),~~ section 321.256, 321.257,  
28 section 321.275, subsection 4, section 321.276, 321.297,  
29 321.298, 321.299, 321.302, 321.303, 321.304, 321.305, 321.306,  
30 321.307, 321.311, 321.319, 321.320, 321.321, 321.322, 321.323,  
31 321.324, 321.324A, 321.327, 321.329, 321.333, section 321.372,  
32 subsection 3, or section 321.449B, causing serious injury to  
33 or the death of another person may be subject to the following  
34 penalties in addition to the penalty provided for a scheduled  
35 violation in section 805.8A or any other penalty provided by

1 law:

2 Sec. 12. Section 321.555, subsection 2, Code 2023, is  
3 amended to read as follows:

4 2. Six or more of any separate and distinct offenses within  
5 a two-year period in the operation of a motor vehicle, which  
6 are required to be reported to the department by section  
7 321.491 or [chapter 321C](#), except equipment violations, parking  
8 violations as defined in [section 321.210](#), violations of  
9 registration laws, violations of [sections 321.445](#) and [321.446](#),  
10 ~~violations of [section 321.276](#)~~, operating a vehicle with an  
11 expired license or permit, failure to appear, weights and  
12 measures violations and speeding violations of less than  
13 fifteen miles per hour over the legal speed limit.

14 Sec. 13. Section 707.6A, subsection 2, paragraph a,  
15 subparagraphs (1), (2), and (3), Code 2023, are amended by  
16 striking the subparagraphs and inserting in lieu thereof the  
17 following:

18 (1) For purposes of this paragraph "a", a person's use of  
19 an electronic device while driving a motor vehicle shall be  
20 considered prima facie evidence that the person was driving  
21 the motor vehicle in a reckless manner with willful or wanton  
22 disregard for the safety of persons or property, in violation  
23 of section 321.277.

24 (2) Subparagraph (1) does not apply to any of the following:

25 (a) A person using an electronic device in a voice-activated  
26 or hands-free mode.

27 (b) A person listed in section 321.276, subsection 2,  
28 paragraph "b".

29 (3) For purposes of this paragraph "a", the following  
30 definitions apply:

31 (a) "Electronic device" means the same as defined in section  
32 321.276.

33 (b) "Use" means the same as defined in section 321.276.

34 (c) "Voice-activated or hands-free mode" means the same as  
35 defined in section 321.276.

1 Sec. 14. Section 805.8A, subsection 4, paragraph c, Code  
2 2023, is amended by striking the paragraph.

3 Sec. 15. Section 805.8A, subsection 14, paragraph 1, Code  
4 2023, is amended to read as follows:

5 *1. ~~Writing, sending, or viewing an~~ Use of electronic message*  
6 *device while driving violations.* For violations under section  
7 321.276, the scheduled fine is ~~forty-five~~ one hundred dollars.

8 EXPLANATION

9 The inclusion of this explanation does not constitute agreement with  
10 the explanation's substance by the members of the general assembly.

11 Under current law, Code section 321.276 prohibits the use of  
12 hand-held electronic communication devices to write, send, or  
13 view electronic messages while driving a motor vehicle. This  
14 bill expands Code section 321.276 to prohibit any use of an  
15 electronic device while driving. The bill defines the terms  
16 "electronic device", "use", and "voice-activated or hands-free  
17 mode". The bill allows the use of an electronic device if the  
18 vehicle is at a complete stop off the traveled portion of the  
19 roadway, or as far away from the center of the roadway as is  
20 practicable if the vehicle cannot be entirely removed.

21 The bill provides exceptions for the use of an electronic  
22 device in a voice-activated or hands-free mode, for members of  
23 a public safety agency performing official duties, for health  
24 care professionals in the course of emergency situations,  
25 for the purpose of receiving safety-related information,  
26 for the purpose of reporting an emergency situation, for  
27 persons operating an implement of husbandry, for certain radio  
28 operators, for members of a public transit system performing  
29 official duties while in a vehicle that is not in motion, for  
30 utility maintenance employees or contractors for the purpose of  
31 providing utility services, for transportation network company  
32 drivers engaged in a prearranged ride while the vehicle is  
33 not in motion, and for persons using an electronic device for  
34 the purpose of accessing or using a fleet management system.  
35 Under current law, to be considered an implement of husbandry,

1 a vehicle must be manufactured, designed, or reconstructed  
2 for agricultural purposes, exclusively used in the conduct  
3 of agricultural operations except for incidental uses, and  
4 operated at speeds of 35 miles per hour or less.

5 The bill makes a violation of Code section 321.276 a moving  
6 violation. Under current law, a moving violation can be  
7 considered for purposes of administrative suspension of a  
8 driver's license (Code section 321.210; 761 IAC 615.12) or to  
9 establish habitual offender status (Code section 321.555).  
10 However, a peace officer is required to issue a warning  
11 memorandum in lieu of a citation for violations that occur  
12 during the period between the effective date of the bill and  
13 January 1, 2024.

14 The bill increases the scheduled fine for a violation of Code  
15 section 321.276 from \$45 to \$100. Under Code section 321.482A,  
16 if a person is convicted for a violation and the violation  
17 causes a serious injury, a court could impose an additional  
18 fine of \$500 or suspend the person's driver's license for not  
19 more than 90 days, or both. If a person is convicted for a  
20 violation and the violation causes a death, a court could  
21 impose an additional fine of \$1,000 or suspend the person's  
22 driver's license for not more than 180 days, or both. By  
23 operation of law, a person issued a warning memorandum under  
24 the bill is not subject to the enhanced penalties under Code  
25 section 321.482A.

26 The bill makes corresponding changes to Code sections  
27 321.238 (preemption of local legislation) and 707.6A (homicide  
28 or serious injury by vehicle) to align those provisions to the  
29 provisions of Code section 321.276 as amended by the bill.  
30 The bill also makes corresponding changes to Code sections  
31 321.178, 321.180B, and 321.194, by striking provisions relating  
32 to the use of electronic communication devices while driving  
33 by persons under the age of 18 who are issued certain types  
34 of driver's licenses, thereby making Code section 321.276 as  
35 amended by the bill applicable to such persons.