

House Study Bill 64 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON YOUNG)

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:

unofficial

1 Section 1. Section 321.178, subsection 2, paragraph a,
2 subparagraph (2), Code 2025, is amended by striking the
3 subparagraph.

4 Sec. 2. Section 321.178, subsection 2, paragraphs b and c,
5 Code 2025, are amended to read as follows:

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

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

27 Sec. 3. Section 321.180B, subsection 3, paragraph b, Code
28 2025, is amended to read as follows:

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

1 Sec. 4. Section 321.180B, subsection 6, Code 2025, is amended
2 by striking the subsection.

3 Sec. 5. Section 321.180B, subsection 7, Code 2025, is amended
4 to read as follows:

5 7. *Citations for violation of restrictions.* A person who
6 violates the restrictions imposed under subsection 1~~7~~ or 2~~7~~~~or~~
7 6 may be issued a citation under this section and shall not be
8 issued a citation under section 321.193. A violation of the
9 restrictions imposed under ~~subsection~~ subsections 1~~7~~ and 2~~7~~~~or~~~~6~~
10 shall not be considered a moving violation.

11 Sec. 6. Section 321.194, subsection 5, paragraph d, Code
12 2025, is amended by striking the paragraph.

13 Sec. 7. Section 321.210, subsection 2, paragraph e, Code
14 2025, is amended by striking the paragraph.

15 Sec. 8. Section 321.238, Code 2025, is amended to read as
16 follows:

17 **321.238 Use of electronic devices while driving — preemption**
18 **of local legislation.**

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

29 Sec. 9. Section 321.276, subsection 1, Code 2025, is amended
30 by striking the subsection and inserting in lieu thereof the
31 following:

32 1. For purposes of this section:

33 a. "Electronic device" means a device that is powered by
34 electricity, including by a battery, and that is capable of
35 being used to compose, send, receive, or read an electronic

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

15 b. "Use" includes but is not limited to holding, viewing, or
16 manipulating an electronic device.

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

26 Sec. 10. Section 321.276, subsections 2, 3, and 4, Code 2025,
27 are amended to read as follows:

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

35 a. A person does not violate this section by using a ~~global~~

1 ~~positioning system or navigation system or when, for the purpose~~
2 ~~of engaging in a call, the person selects or enters a telephone~~
3 ~~number or name in a hand-held mobile telephone or activates,~~
4 ~~deactivates, or initiates a function of a hand-held mobile~~
5 ~~telephone an electronic device in a voice-activated or hands-free~~
6 ~~mode.~~

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

10 (1) A member of a public safety agency, as defined in section
11 34.1, performing official duties.

12 (2) A health care professional in the course of an emergency
13 situation.

14 (3) A person receiving safety-related information including
15 emergency, ~~traffie,~~ or weather alerts.

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

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

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

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

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

35 (9) A transportation network company driver, as defined in

1 section 321N.1, while engaged in a prearranged ride, as defined
2 in section 321N.1, provided the vehicle is not in motion.

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

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

9 4. a. A person convicted of a violation of this section
10 is guilty of a simple misdemeanor punishable as a scheduled
11 violation under section 805.8A, subsection 14, paragraph "l".

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

15 c. Notwithstanding paragraphs "a" and "b", a peace officer
16 shall issue a warning memorandum in lieu of a citation to a
17 person for violating this section. This paragraph is repealed
18 January 1, 2026.

19 Sec. 11. Section 321.482A, unnumbered paragraph 1, Code 2025,
20 is amended to read as follows:

21 Notwithstanding section 321.482, a person who is convicted
22 of operating a motor vehicle in violation of ~~section 321.178,~~
23 ~~subsection 2, paragraph "a", subparagraph (2), section 321.180B,~~
24 ~~subsection 6, section 321.194, subsection 5, paragraph "d",~~
25 section 321.256, 321.257, section 321.275, subsection 4, section
26 321.276, 321.297, 321.298, 321.299, 321.302, 321.303, 321.304,
27 321.305, 321.306, 321.307, 321.311, 321.319, 321.320, 321.321,
28 321.322, 321.323, 321.324, 321.324A, 321.327, 321.329, 321.333,
29 section 321.372, subsection 3, or section 321.449B, causing
30 serious injury to or the death of another person may be subject
31 to the following penalties in addition to the penalty provided
32 for a scheduled violation in section 805.8A or any other penalty
33 provided by law:

34 Sec. 12. Section 321.555, subsection 2, Code 2025, is amended
35 to read as follows:

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

11 Sec. 13. Section 707.6A, subsection 2, paragraph a,
12 subparagraphs (1), (2), and (3), Code 2025, are amended by
13 striking the subparagraphs and inserting in lieu thereof the
14 following:

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

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

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

24 (b) A person listed in section 321.276, subsection 2,
25 paragraph "b".

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

28 (a) "*Electronic device*" means the same as defined in section
29 321.276.

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

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

33 Sec. 14. Section 805.8A, subsection 4, paragraph c, Code
34 2025, is amended by striking the paragraph.

35 Sec. 15. Section 805.8A, subsection 14, paragraph 1, Code

1 2025, is amended to read as follows:

2 l. ~~Writing, sending, or viewing an~~ Use of electronic message
3 device while driving violations. For violations under section
4 321.276, the scheduled fine is ~~forty-five~~ one hundred dollars.

5 EXPLANATION

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

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

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

1 The bill makes a violation of Code section 321.276 a
2 moving violation. Under current law, a moving violation can
3 be considered for purposes of administrative suspension of a
4 driver's license (Code section 321.210; 761 IAC 615.12) or
5 to establish habitual offender status (Code section 321.555).
6 However, a peace officer is required to issue a warning
7 memorandum in lieu of a citation for violations that occur during
8 the period between the effective date of the bill and January 1,
9 2026.

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

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