

Senate File 234 - Reprinted

SENATE FILE 234

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 1002)

(As Amended and Passed by the Senate March 22, 2017)

A BILL FOR

1 An Act relating to the use of electronic communication devices
2 to write, send, or view electronic messages while driving as
3 a primary offense, and making penalties applicable.

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

1 Section 1. Section 321.276, subsection 1, paragraphs b, c,
2 and d, Code 2017, are amended to read as follows:

3 *b. "Hand-held electronic communication device" means a*
4 *mobile telephone or other portable electronic communication*
5 *device capable of being used to write, send, or read a text*
6 *view an electronic message. "Hand-held electronic communication*
7 *device" does not include a voice-operated or hands-free device*
8 *which allows the user to write, send, or read a text view*
9 *an electronic message without the use of either hand except*
10 *to activate or deactivate a feature or function. "Hand-held*
11 *electronic communication device" does not include a wireless*
12 *communication device used to transmit or receive data as*
13 *part of a digital dispatch system. "Hand-held electronic*
14 *communication device" includes a device which is temporarily*
15 *mounted inside the motor vehicle, unless the device is a*
16 *voice-operated or hands-free device.*

17 *c. ~~Text~~ "Electronic message" includes images visible on the*
18 *screen of a hand-held electronic communication device including*
19 *a text-based message, an instant message, and a portion of*
20 *electronic mail, an internet site, a social media application,*
21 *or a game.*

22 *d. The terms "write", "send", and "read" "view", with*
23 *respect to a text an electronic message, mean the manual entry,*
24 *transmission, and or retrieval of a text an electronic message,*
25 *respectively, to communicate with any other person or device*
26 *and include playing, browsing, or accessing an electronic*
27 *message.*

28 Sec. 2. Section 321.276, subsection 2, unnumbered paragraph
29 1, Code 2017, is amended to read as follows:

30 A person shall not use a hand-held electronic communication
31 device to write, send, or read a text 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 Sec. 3. Section 321.276, subsection 2, paragraph b,
35 unnumbered paragraph 1, Code 2017, is amended to read as

1 follows:

2 The provisions of **this subsection** relating to ~~reading a text~~
3 writing, sending, or viewing an electronic message do not apply
4 to the following persons:

5 Sec. 4. Section 321.276, subsection 3, Code 2017, is amended
6 to read as follows:

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

11 Sec. 5. Section 321.276, subsection 5, Code 2017, is amended
12 by striking the subsection.

13 Sec. 6. Section 805.8A, subsection 14, paragraph 1, Code
14 2017, is amended to read as follows:

15 1. ~~Text-messaging~~ Writing, sending, or viewing an electronic
16 message while driving violations. For violations under section
17 321.276, the scheduled fine is thirty dollars.