

CHAPTER 1017

OPERATION OF COMMERCIAL VEHICLES — TEXTING OR USE OF MOBILE TELEPHONE PROHIBITED

H.F. 2196

AN ACT relating to texting or using a mobile telephone while operating a commercial motor vehicle, providing penalties, and making penalties applicable.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. [Section 321.482A](#), unnumbered paragraph 1, Code 2018, is amended to read as follows:

Notwithstanding [section 321.482](#), a person who is convicted of operating a motor vehicle in violation of [section 321.178, subsection 2](#), paragraph “a”, subparagraph (2), [section 321.180B, subsection 6](#), [section 321.194, subsection 2](#), paragraph “b”, subparagraph (2), [section 321.256, 321.257, section 321.275, subsection 4, section 321.276, 321.297, 321.298, 321.299, 321.302, 321.303, 321.304, 321.305, 321.306, 321.307, 321.308, section 321.309, subsection 2](#), ~~or section 321.311, 321.319, 321.320, 321.321, 321.322, 321.323, 321.324, 321.324A, 321.327, 321.329, 321.333, or section 321.372, subsection 3, or section 321.449B~~, causing serious injury to or the death of another person may be subject to the following penalties in addition to the penalty provided for a scheduled violation in [section 805.8A](#) or any other penalty provided by law:

Sec. 2. **NEW SECTION. 321.449B Texting or using a mobile telephone while operating a commercial motor vehicle.**

1. a. A person subject to rules adopted by the department pursuant to [section 321.449](#) shall not operate a commercial motor vehicle while engaged in texting as prohibited by [49 C.F.R. §392.80](#), except in an emergency or as otherwise permitted under [49 C.F.R. §392.80](#).

b. A person subject to rules adopted by the department pursuant to [section 321.449](#) shall not operate a commercial motor vehicle while using a hand-held mobile telephone as prohibited by [49 C.F.R. §392.82](#), except in an emergency or as otherwise permitted under [49 C.F.R. §392.82](#).

2. a. A person convicted of a violation of [this section](#) is guilty of a simple misdemeanor punishable as a scheduled violation under [section 805.8A, subsection 13](#), paragraph “b”.

b. A violation of [this section](#) shall be considered a moving violation for the purposes of [this chapter](#) and rules adopted pursuant to [this chapter](#).

c. A conviction for a violation of [this section](#) shall be in lieu of a conviction for a violation of [section 321.276](#) if the violations are based on the same facts and circumstances.

Sec. 3. [Section 805.8A, subsection 13](#), paragraph b, Code 2018, is amended to read as follows:

b. For a violation under [section 321.449](#), ~~or 321.449A~~, or 321.449B, the scheduled fine is fifty dollars.

Approved March 21, 2018