

FILED JAN 09 2006

TRANSPORTATION

SENATE FILE 2009  
BY KREIMAN

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the use of handheld two-way communication  
2 devices by motor vehicle operators under age eighteen and  
3 making penalties applicable.

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

TRANSPORTATION  
SF 2009

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1 Section 1. Section 321.178, Code Supplement 2005, is  
2 amended by adding the following new subsection:

3 NEW SUBSECTION. 2A. CELL PHONE USE RESTRICTED. A person  
4 under eighteen years of age who has been issued a restricted  
5 license under subsection 2 shall not operate or utilize a  
6 handheld cellular telephone, or other handheld device used for  
7 remote two-way communication, while operating a motor vehicle  
8 on a highway. This subsection does not apply when the motor  
9 vehicle is at a complete stop off the roadway or when a  
10 cellular telephone or other handheld communication device is  
11 used to call 9-1-1 or to contact law enforcement authorities  
12 or an emergency response agency in an emergency situation.

13 Sec. 2. Section 321.180B, Code 2005, is amended by adding  
14 the following new subsection:

15 NEW SUBSECTION. 2A. CELL PHONE USE RESTRICTED. A person  
16 under eighteen years of age who has been issued an instruction  
17 permit or an intermediate driver's license under this section  
18 shall not operate or utilize a handheld cellular telephone, or  
19 other handheld device used for remote two-way communication,  
20 while operating a motor vehicle on a highway. This subsection  
21 does not apply when the motor vehicle is at a complete stop  
22 off the roadway or when a cellular telephone or other handheld  
23 communication device is used to call 9-1-1 or to contact law  
24 enforcement authorities or an emergency response agency in an  
25 emergency situation.

26 Sec. 3. Section 321.194, Code Supplement 2005, is amended  
27 by adding the following new subsection:

28 NEW SUBSECTION. 1A. CELL PHONE USE RESTRICTED. A person  
29 under eighteen years of age who has been issued a driver's  
30 license under this section shall not operate or utilize a  
31 handheld cellular telephone, or other handheld device used for  
32 remote two-way communication, while operating a motor vehicle  
33 on a highway. This subsection does not apply when the motor  
34 vehicle is at a complete stop off the roadway or when a  
35 cellular telephone or other handheld communication device is

1 used to call 9-1-1 or to contact law enforcement authorities  
2 or an emergency response agency in an emergency situation.

3 Sec. 4. Section 805.8A, subsection 4, paragraph a, Code  
4 Supplement 2005, is amended to read as follows:

5 a. For violations under sections 321.174A, 321.178,  
6 subsection 2A, sections 321.180, 321.180B, 321.193, and  
7 321.194, the scheduled fine is thirty dollars.

8 EXPLANATION

9 This bill prohibits a motor vehicle operator under 18 years  
10 of age with an instruction permit, an intermediate license, a  
11 minor's restricted license, or a minor's school license from  
12 using a handheld cellular telephone or other handheld two-way  
13 communication device while driving. Exceptions are allowed  
14 for 911 calls and calls to law enforcement authorities or  
15 emergency response agencies in an emergency situation. In  
16 addition, the bill does not prohibit the use of a cell phone  
17 when the motor vehicle is at a complete stop off the roadway.

18 Under graduated driver licensing provisions or minors'  
19 school licensing provisions, the penalty for a violation is a  
20 simple misdemeanor, punishable by a scheduled fine of \$30.  
21 The bill provides the same penalty for a violation by a person  
22 with a minor's restricted license.

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