

House File 2456 - Reprinted

HOUSE FILE 2456
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HF 2021)

(COMPANION TO LSB 5533SV BY
COMMITTEE ON TRANSPORTATION)

(As Amended and Passed by the House February 23, 2010)

A BILL FOR

1 An Act concerning the use of electronic communication devices
2 while driving, including prohibiting a person from writing
3 or sending a text message while driving a motor vehicle and
4 providing penalties.

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

1 Section 1. Section 321.210, subsection 2, Code 2009, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *e.* Violations of section 321.276.

4 Sec. 2. NEW SECTION. **321.276 Use of electronic**
5 **communication device while driving — text messaging.**

6 1. For purposes of this section:

7 *a.* "*Engage in a call*" means talking or listening on a mobile
8 telephone or other portable electronic communication device.

9 *b.* "*Hand-held electronic communication device*" means a mobile
10 telephone or other portable electronic communication device
11 capable of being used to write, send, or read a text message.

12 "*Hand-held electronic communication device*" does not include a
13 voice-operated or hands-free device which allows the user to
14 write, send, or read a text message without the use of either
15 hand except to activate or deactivate a feature or function.

16 "*Hand-held electronic communication device*" includes a device
17 which is temporarily mounted inside the motor vehicle, unless
18 the device is a voice-operated or hands-free device.

19 *c.* "*Text message*" includes a text-based message, an instant
20 message, and electronic mail.

21 *d.* The terms "*write*", "*send*", and "*read*", with respect
22 to a text message, mean the manual entry, transmission, and
23 retrieval of a text message, respectively, to communicate with
24 any other person or device.

25 2. A person shall not use a hand-held electronic
26 communication device to write or send a text message while
27 driving a motor vehicle unless the motor vehicle is at a
28 complete stop off the roadway. A person is not writing or
29 sending a text message when using a global positioning system
30 or navigation system or when, for the purpose of engaging in a
31 call, the person selects or enters a telephone number or name
32 in a hand-held mobile telephone or activates, deactivates, or
33 initiates a function of a hand-held mobile telephone.

34 3. The provisions of this section shall be implemented
35 uniformly throughout the state. The provisions of this section

1 shall preempt any local county or municipal ordinance regarding
2 the use of an electronic communication device by a motor
3 vehicle operator. In addition, a county or municipality shall
4 not adopt or continue in effect an ordinance regarding the
5 use of an electronic communication device by a motor vehicle
6 operator.

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

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

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

16 6. For the period beginning July 1, 2010, through June 30,
17 2011, peace officers shall issue only warning citations for
18 violations of this section. The department, in cooperation
19 with the department of public safety, shall establish
20 educational programs to foster compliance with the requirements
21 of this section.

22 Sec. 3. Section 321.482A, unnumbered paragraph 1, Code
23 2009, is amended to read as follows:

24 Notwithstanding section 321.482, a person who is convicted
25 of operating a motor vehicle in violation of section 321.275,
26 subsection 4, section 321.276, 321.297, 321.298, 321.299,
27 321.302, 321.303, 321.304, 321.305, 321.306, 321.307, 321.308,
28 section 321.309, subsection 2, or section 321.311, 321.319,
29 321.320, 321.321, 321.322, 321.323, 321.323A, 321.324,
30 321.324A, 321.327, 321.329, or 321.333 causing serious injury
31 to or the death of another person may be subject to the
32 following penalties in addition to the penalty provided for
33 a scheduled violation in section 805.8A or any other penalty
34 provided by law:

35 Sec. 4. Section 321.555, subsection 2, Code 2009, is amended

1 to read as follows:

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

12 Sec. 5. Section 805.8A, subsection 14, Code Supplement
13 2009, is amended by adding the following new paragraph:

14 NEW PARAGRAPH. *k. Text-messaging while driving*
15 *violations.* For violations under section 321.276, the scheduled
16 fine is thirty dollars.