

**House File 2020 - Introduced**

HOUSE FILE 2020

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**A BILL FOR**

1 An Act relating to text messaging and the use of cellular  
2 telephones by motor vehicle operators and providing a  
3 penalty.

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

1 Section 1. NEW SECTION. 321.363A Use of cellular telephones  
2 and other devices restricted.

3 1. For purposes of this section, the following definitions  
4 apply:

5 a. "*Hands-free mode*" means the use of a cellular telephone  
6 by way of an internal feature or function, or an attachment  
7 or addition, whether or not permanently part of the cellular  
8 telephone, by which the user engages in a conversation or  
9 communication without the use of either hand.

10 b. "*Public safety agency*" means the same as defined in  
11 section 34.1.

12 c. "*Text message*" means a text-based electronic  
13 communication transmitted using the short message service  
14 (SMS), a wireless telephone service, or an electronic  
15 communication network.

16 d. "*Wireless handset*" means a handheld portable electronic  
17 or computing device capable of transmitting data in the form of  
18 a text message. "*Wireless handset*" includes but is not limited  
19 to a cellular telephone or personal digital assistant.

20 2. A person shall not operate or use a cellular telephone  
21 while operating a motor vehicle on a street or highway unless  
22 the cellular telephone is used in a hands-free mode.

23 3. A person shall not use a wireless handset to write, read,  
24 or send a text message while operating a motor vehicle.

25 4. This section does not apply to any of the following:

26 a. A member of a public safety agency while using a cellular  
27 telephone or wireless handset in the performance of the  
28 member's official duties.

29 b. The use of a cellular telephone or wireless handset  
30 to call 911 or to contact law enforcement authorities or an  
31 emergency response agency in an emergency situation.

32 c. The use of a cellular telephone or wireless handset when  
33 the motor vehicle is at a complete stop off the roadway.

34 5. A person who violates this section commits a simple  
35 misdemeanor, punishable as a scheduled violation under section

1 805.8A, subsection 6, paragraph "e".

2 Sec. 2. Section 805.8A, subsection 6, Code Supplement 2009,  
3 is amended by adding the following new paragraph:

4 NEW PARAGRAPH. e. For violations under section 321.363A,  
5 the scheduled fine is thirty dollars.

6 EXPLANATION

7 This bill prohibits a person from operating or using a  
8 cellular telephone while operating a motor vehicle on a  
9 street or highway unless the cellular telephone is used in a  
10 hands-free mode.

11 The bill also prohibits a person from using a wireless  
12 handset to write, read, or send a text message while operating  
13 a motor vehicle.

14 The bill defines "hands-free mode" as the use of a cellular  
15 telephone by way of an internal feature or function, or  
16 an attachment or addition, by which the user engages in  
17 a conversation or communication without the use of either  
18 hand. "Text message" is defined as a text-based electronic  
19 communication transmitted using the short message service  
20 (SMS), a wireless telephone service, or an electronic  
21 communication network. "Wireless handset" is defined as a  
22 handheld portable electronic or computing device capable of  
23 transmitting data in the form of a text message. The term  
24 includes a cellular telephone or personal digital assistant.

25 The prohibition does not apply to a member of a public safety  
26 agency while using a cellular telephone or wireless handset in  
27 the performance of official duties. In addition, an exception  
28 is allowed for emergency situations when a cellular telephone  
29 or wireless handset is used by a driver to call 911 or to  
30 contact law enforcement authorities or an emergency response  
31 agency. The bill does not prohibit a driver from using any  
32 cellular telephone or wireless handset when the motor vehicle  
33 is at a complete stop off the roadway.

34 A violation of the bill is a simple misdemeanor punishable by  
35 a scheduled fine of \$30.