

Motor Vehicle Division Informational Memo # 17-06

2017 Legislation – Using Hand-Held Electronic Communication Devices While Driving

DATE: June 14, 2017

FROM: Melissa Spiegel, Interim Director, MVD

TO: All Driver and Identification Services (DIS) staff, Iowa County Treasurers and County Treasurers' staff that issue driver's licenses.

SUBJECT

This informational memo explains legislation enacted during the 2017 legislative session regarding use of hand-held electronic communication devices to write, send, or view electronic messages while driving.

SUMMARY

The legislation amended Iowa Code section 321.276 related to texting while driving. The legislation changed the code to update definitions regarding writing, sending and reading text messages and also changed the definition of a text message itself to include more than just traditional text messages. The legislation also provides that writing, sending or viewing an electronic message while driving is now considered a primary offense, where it used to be considered a secondary offense, and thus, could not have been the sole reason for a law enforcement officer to initiate a traffic stop. **The legislation is effective July 1, 2017.**

LINK TO LEGISLATION

2017 Iowa Acts, Senate File 234:

<https://www.legis.iowa.gov/docs/publications/LGE/87/SF234.pdf>

CURRENT

Under current Iowa Code section 321.276, using a hand-held electronic communication device to write, send or read a text message while driving is prohibited under the law, unless the motor vehicle is at a complete stop off the traveled portion of the roadway. An individual may only be stopped for committing such a violation if it is a secondary offense. What that means is that the person must first have committed a different traffic violation, i.e., speeding, in order to also be ticketed for texting while driving. Under current law, an individual cannot be stopped and cited solely for texting while driving. The law provides that a hand-held electronic communication device does not include a wireless communication device used to transmit or receive data as part of digital dispatch system, but does include a device which is temporarily mounted inside the motor vehicle unless the device is voice-operated or hands-free. The current scheduled fine for a violation of this code section is \$30.

NEW

The new legislation changed the terminology regarding "reading a text" to instead reference "viewing an electronic" message. The reason for this change is to encompass a new definition of "electronic message" which

replaces the definition of “text message.” The definition of electronic message now includes images visible on the screen of a hand-held electronic device, including a text-based message, an instant message, a portion of electronic mail, an internet site, a social media application or a game. Terminology related to writing, sending and viewing was updated to now include “playing, browsing, or accessing an electronic message.” The legislation also provides that using an electronic communications device while driving will now be considered a primary offense upon which a law enforcement officer may initiate a traffic stop.

The legislation did not change the definition of hand-held electronic device, the requirement that the vehicle be at a complete stop and off the traveled portion of the roadway in order to use a hand-held electronic communication device or the amount of the scheduled fine for a violation of this code section.

BUSINESS IMPACT

The legislation does not directly impact the way that DIS functions, but it is important to understand what this legislation does and how it impacts our customers.

RESULT

This legislation does not implement any new procedures for DIS staff. However, since customers may have questions about how this new law will affect their driver’s license or driving record, we wanted you to be aware of the changes.

HELPFUL QUESTIONS AND ANSWERS

The following questions and answers provide additional information that will be helpful to you and to customers.

IS A CONVICTION FOR USING AN ELECTRONIC COMMUNICATION DEVICE WHILE DRIVING CONSIDERED A MOVING VIOLATION?

No, a conviction under 321.276 is still not considered a moving violation. The conviction will be recorded on a customer’s driving record, however, in the same way that it is today.

DOES A CONVICTION FOR USING AN ELECTRONIC COMMUNICATION DEVICE WHILE DRIVING COUNT TOWARDS HABITUAL VIOLATOR OR HABITUAL OFFENDER STATUS?

No, the legislature did not amend Iowa Code section 321.210 and 321.555, which exempt offenses committed under Iowa Code section 321.276 from being considered towards either habitual violator or habitual offender status.