

## Senate File 22 - Introduced

SENATE FILE 22

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### A BILL FOR

1 An Act relating to the use of an electronic device in a  
2 voice-activated or hands-free mode while driving, providing  
3 penalties, and making penalties applicable.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.178, subsection 2, paragraph  
2 a, subparagraph (2), Code 2025, is amended by striking the  
3 subparagraph.

4 Sec. 2. Section 321.178, subsection 2, paragraphs b and c,  
5 Code 2025, are amended to read as follows:

6 ~~b. The department may suspend a restricted work license~~  
7 ~~issued under this subsection upon receiving satisfactory~~  
8 ~~evidence that the licensee has violated the restrictions~~  
9 ~~imposed under paragraph "a", subparagraph (2), subparagraph~~  
10 ~~division (a).~~ The department may also suspend a restricted  
11 work license issued under this subsection upon receiving a  
12 record of the person's conviction for one violation and shall  
13 revoke the license upon receiving a record of conviction  
14 for two or more violations of a law of this state or a city  
15 ordinance regulating the operation of motor vehicles on  
16 highways, other than parking violations as described in section  
17 321.210. After revoking a restricted work license under this  
18 paragraph, the department shall not grant an application for a  
19 new driver's license or instruction permit until the expiration  
20 of one year or until the person attains the age of eighteen,  
21 whichever is the longer period.

22 ~~c. A person who violates the restrictions imposed under~~  
23 ~~paragraph "a", subparagraph (2), subparagraph division (a),~~  
24 ~~may be issued a citation under this section and shall not be~~  
25 ~~issued a citation under section 321.193. A violation of the~~  
26 ~~restrictions imposed under paragraph "a", subparagraph (2),~~  
27 ~~subparagraph division (a), shall not be considered a moving~~  
28 ~~violation.~~

29 Sec. 3. Section 321.180B, subsection 3, paragraph b, Code  
30 2025, is amended to read as follows:

31 b. The department may suspend an instruction permit,  
32 intermediate license, or full license issued under this section  
33 upon receiving satisfactory evidence that the person issued  
34 the instruction permit, intermediate license, or full license  
35 violated the restrictions imposed under subsection 1, or 2, ~~or~~

1 6 during the term of the instruction permit or intermediate  
2 license.

3 Sec. 4. Section 321.180B, subsection 6, Code 2025, is  
4 amended by striking the subsection.

5 Sec. 5. Section 321.180B, subsection 7, Code 2025, is  
6 amended to read as follows:

7 7. *Citations for violation of restrictions.* A person who  
8 violates the restrictions imposed under subsection 1, or 2, ~~or~~  
9 6 may be issued a citation under this section and shall not be  
10 issued a citation under section 321.193. A violation of the  
11 restrictions imposed under ~~subsection~~ subsections 1, and 2, ~~or~~  
12 6 shall not be considered a moving violation.

13 Sec. 6. Section 321.194, subsection 5, paragraph d, Code  
14 2025, is amended by striking the paragraph.

15 Sec. 7. Section 321.210, subsection 2, paragraph e, Code  
16 2025, is amended by striking the paragraph.

17 Sec. 8. Section 321.238, Code 2025, is amended to read as  
18 follows:

19 **321.238 Use of electronic devices while driving — preemption**  
20 **of local legislation.**

21 The provisions of this chapter restricting the use of  
22 electronic ~~communication devices and electronic entertainment~~  
23 devices by motor vehicle operators shall be implemented  
24 uniformly throughout the state. Such provisions shall preempt  
25 any county or municipal ordinance regarding the use of an  
26 electronic ~~communication device or electronic entertainment~~  
27 device by a motor vehicle operator. In addition, a county or  
28 municipality shall not adopt or continue in effect an ordinance  
29 regarding the use of an electronic ~~communication device or~~  
30 ~~electronic entertainment~~ device by a motor vehicle operator.

31 Sec. 9. Section 321.276, subsection 1, Code 2025, is amended  
32 by striking the subsection and inserting in lieu thereof the  
33 following:

34 1. For purposes of this section:

35 a. "Electronic device" means a device that is powered by

1 electricity, including by a battery, and that is capable of  
2 being used to compose, send, receive, or read an electronic  
3 message, or that is capable of storing, retrieving on-demand,  
4 or displaying videos, movies, broadcast television images,  
5 visual images, or audio or video data files. *"Electronic*  
6 *device"* includes but is not limited to a telephone including  
7 a cellular telephone, personal digital assistant, portable  
8 or mobile computer including a tablet, two-way messaging  
9 device, electronic gaming device, and any substantially similar  
10 portable device that is used to initiate, store, or receive  
11 electronic communication, information, or data. *"Electronic*  
12 *device"* does not include a device that is physically or  
13 electronically integrated into a motor vehicle, including but  
14 not limited to an integrated global positioning system or  
15 navigation system when the destination is entered into such  
16 system before the vehicle is in motion.

17     *b. "Use"* includes but is not limited to holding, viewing, or  
18 manipulating an electronic device.

19     *c. "Voice-activated or hands-free mode"* means an attachment,  
20 accessory, application, wireless connection, or built-in  
21 feature of an electronic device or motor vehicle that allows  
22 a person to use verbal commands or a single touch to activate  
23 or deactivate the device or a function or software application  
24 of the device. *"Voice-activated or hands-free mode"* does not  
25 include accessing nonnavigation video content, engaging in a  
26 video call, accessing or engaging in video streaming, accessing  
27 gaming data, or reading an electronic message or notification.

28     Sec. 10. Section 321.276, subsections 2, 3, and 4, Code  
29 2025, are amended to read as follows:

30     2. A person shall not use ~~a hand-held~~ an electronic  
31 ~~communication device to write, send, or view an electronic~~  
32 ~~message~~ while driving a motor vehicle unless the motor vehicle  
33 is at a complete stop off the traveled portion of the roadway,  
34 or as far away from the center of the roadway as is practicable  
35 if the vehicle cannot be entirely removed from the traveled

1 portion of the roadway.

2     a. A person does not violate this section by using a ~~global~~  
3 ~~positioning system or navigation system or when, for the~~  
4 ~~purpose of engaging in a call, the person selects or enters a~~  
5 ~~telephone number or name in a hand-held mobile telephone or~~  
6 ~~activates, deactivates, or initiates a function of a hand-held~~  
7 ~~mobile telephone~~ an electronic device in a voice-activated or  
8 hands-free mode.

9     b. The provisions of this subsection relating to ~~writing,~~  
10 ~~sending, or viewing an electronic message~~ the use of an  
11 electronic device do not apply to the following persons:

12       (1) A member of a public safety agency, as defined in  
13 section 34.1, performing official duties.

14       (2) A health care professional in the course of an emergency  
15 situation.

16       (3) A person receiving safety-related information including  
17 emergency, ~~traffic,~~ or weather alerts.

18       (4) A person using an electronic device for the purpose  
19 of reporting an emergency situation, including any continued  
20 communication with emergency personnel during the emergency  
21 situation or public transit personnel responding to a  
22 transit-specific situation.

23       (5) A person operating an implement of husbandry.

24       (6) A person using a two-way radio transmitter or receiver  
25 who is licensed with the federal communications commission in  
26 amateur radio service.

27       (7) A member of a public transit system, as defined in  
28 section 324A.1, performing official duties while in a vehicle  
29 that is not in motion.

30       (8) A utility maintenance employee or contractor using  
31 an electronic device while in a utility maintenance vehicle,  
32 for the purpose of providing utility services including  
33 but not limited to cable, electric, natural gas, telephone,  
34 telecommunication, water, and wastewater treatment services,  
35 provided the employee or contractor is acting within the scope

1 of their employment or agency.

2 (9) A transportation network company driver, as defined in  
3 section 321N.1, while engaged in a prearranged ride, as defined  
4 in section 321N.1, provided the vehicle is not in motion.

5 (10) A person using an electronic device for the purpose of  
6 accessing or using a fleet management system.

7 3. Nothing in this section shall be construed to authorize  
8 a peace officer to confiscate a ~~hand-held~~ an electronic  
9 ~~communication~~ device from the driver or occupant of a motor  
10 vehicle.

11 4. a. A person convicted of a violation of this section  
12 is guilty of a simple misdemeanor punishable as a scheduled  
13 violation under section 805.8A, subsection 14, paragraph "1".

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

17 c. Notwithstanding paragraphs "a" and "b", a peace officer  
18 shall issue a warning memorandum in lieu of a citation to a  
19 person for violating this section. This paragraph is repealed  
20 January 1, 2026.

21 Sec. 11. Section 321.482A, unnumbered paragraph 1, Code  
22 2025, is amended to read as follows:

23 Notwithstanding section 321.482, a person who is convicted  
24 of operating a motor vehicle in violation of ~~section 321.178,~~  
25 ~~subsection 2, paragraph "a", subparagraph (2), section~~  
26 ~~321.180B, subsection 6, section 321.194, subsection 5,~~  
27 ~~paragraph "d",~~ section 321.256, 321.257, section 321.275,  
28 subsection 4, section 321.276, 321.297, 321.298, 321.299,  
29 321.302, 321.303, 321.304, 321.305, 321.306, 321.307, 321.311,  
30 321.319, 321.320, 321.321, 321.322, 321.323, 321.324, 321.324A,  
31 321.327, 321.329, 321.333, section 321.372, subsection 3, or  
32 section 321.449B, causing serious injury to or the death of  
33 another person may be subject to the following penalties in  
34 addition to the penalty provided for a scheduled violation in  
35 section 805.8A or any other penalty provided by law:

1     Sec. 12. Section 321.555, subsection 2, Code 2025, is  
2 amended to read as follows:

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

13     Sec. 13. Section 707.6A, subsection 2, paragraph a,  
14 subparagraphs (1), (2), and (3), Code 2025, are amended by  
15 striking the subparagraphs and inserting in lieu thereof the  
16 following:

17     (1) For purposes of this paragraph "a", a person's use of  
18 an electronic device while driving a motor vehicle shall be  
19 considered prima facie evidence that the person was driving  
20 the motor vehicle in a reckless manner with willful or wanton  
21 disregard for the safety of persons or property, in violation  
22 of section 321.277.

23     (2) Subparagraph (1) does not apply to any of the following:

24     (a) A person using an electronic device in a voice-activated  
25 or hands-free mode.

26     (b) A person listed in section 321.276, subsection 2,  
27 paragraph "b".

28     (3) For purposes of this paragraph "a", the following  
29 definitions apply:

30     (a) "*Electronic device*" means the same as defined in section  
31 321.276.

32     (b) "*Use*" means the same as defined in section 321.276.

33     (c) "*Voice-activated or hands-free mode*" means the same as  
34 defined in section 321.276.

35     Sec. 14. Section 805.8A, subsection 4, paragraph c, Code

1 2025, is amended by striking the paragraph.

2 Sec. 15. Section 805.8A, subsection 14, paragraph 1, Code  
3 2025, is amended to read as follows:

4 1. ~~Writing, sending, or viewing an~~ Use of electronic message  
5 device while driving violations. For violations under section  
6 321.276, the scheduled fine is ~~forty-five~~ one hundred dollars.

7 EXPLANATION

8 The inclusion of this explanation does not constitute agreement with  
9 the explanation's substance by the members of the general assembly.

10 Under current law, Code section 321.276 prohibits the use of  
11 hand-held electronic communication devices to write, send, or  
12 view electronic messages while driving a motor vehicle. This  
13 bill expands Code section 321.276 to prohibit any use of an  
14 electronic device while driving. The bill defines the terms  
15 "electronic device", "use", and "voice-activated or hands-free  
16 mode". The bill allows the use of an electronic device if the  
17 vehicle is at a complete stop off the traveled portion of the  
18 roadway, or as far away from the center of the roadway as is  
19 practicable if the vehicle cannot be entirely removed.

20 The bill provides exceptions for the use of an electronic  
21 device in a voice-activated or hands-free mode, for members of  
22 a public safety agency performing official duties, for health  
23 care professionals in the course of emergency situations,  
24 for the purpose of receiving safety-related information,  
25 for the purpose of reporting an emergency situation, for  
26 persons operating an implement of husbandry, for certain radio  
27 operators, for members of a public transit system performing  
28 official duties while in a vehicle that is not in motion, for  
29 utility maintenance employees or contractors for the purpose of  
30 providing utility services, for transportation network company  
31 drivers engaged in a prearranged ride while the vehicle is  
32 not in motion, and for persons using an electronic device for  
33 the purpose of accessing or using a fleet management system.  
34 Under current law, to be considered an implement of husbandry,  
35 a vehicle must be manufactured, designed, or reconstructed



1 for agricultural purposes, exclusively used in the conduct  
2 of agricultural operations except for incidental uses, and  
3 operated at speeds of 35 miles per hour or less.

4 The bill makes a violation of Code section 321.276 a moving  
5 violation. Under current law, a moving violation can be  
6 considered for purposes of administrative suspension of a  
7 driver's license (Code section 321.210; 761 IAC 615.12) or to  
8 establish habitual offender status (Code section 321.555).  
9 However, a peace officer is required to issue a warning  
10 memorandum in lieu of a citation for violations that occur  
11 during the period between the effective date of the bill and  
12 January 1, 2026.

13 The bill increases the scheduled fine for a violation of Code  
14 section 321.276 from \$45 to \$100. Under Code section 321.482A,  
15 if a person is convicted for a violation and the violation  
16 causes a serious injury, a court could impose an additional  
17 fine of \$500 or suspend the person's driver's license for not  
18 more than 90 days, or both. If a person is convicted for a  
19 violation and the violation causes a death, a court could  
20 impose an additional fine of \$1,000 or suspend the person's  
21 driver's license for not more than 180 days, or both. By  
22 operation of law, a person issued a warning memorandum under  
23 the bill is not subject to the enhanced penalties under Code  
24 section 321.482A.

25 The bill makes corresponding changes to Code sections  
26 321.238 (preemption of local legislation) and 707.6A (homicide  
27 or serious injury by vehicle) to align those provisions to the  
28 provisions of Code section 321.276 as amended by the bill.  
29 The bill also makes corresponding changes to Code sections  
30 321.178, 321.180B, and 321.194, by striking provisions relating  
31 to the use of electronic communication devices while driving  
32 by persons under the age of 18 who are issued certain types  
33 of driver's licenses, thereby making Code section 321.276 as  
34 amended by the bill applicable to such persons.