

JAN 4 2007
TRANSPORTATION

HOUSE FILE 2026
BY RICHARDSON

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing a rebuttable presumption of negligence against
2 operators of motor vehicles involved in traffic accidents
3 while using mobile telephones.

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

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HF-2026

1 Section 1. NEW SECTION. 321.494 MOBILE TELEPHONE USE --
2 PRESUMPTION OF NEGLIGENCE.

3 1. A rebuttable presumption arises that an operator of a
4 motor vehicle who was involved in a traffic accident was
5 negligent in the operation of the motor vehicle if the
6 operator was using a mobile telephone at the time of the
7 accident.

8 2. This section does not apply to the operator of a motor
9 vehicle using a mobile telephone in the course of the
10 operator's duties on behalf of a public safety agency as
11 defined in section 34.1.

12 3. For purposes of this section, the following definitions
13 apply:

14 a. "Mobile telephone" means any type of wireless
15 telecommunications device, whether hand-held or hands-free.

16 b. "Using a mobile telephone" means actually physically
17 interacting with the mobile telephone either by physically
18 holding, picking up, or setting down the mobile telephone or
19 any accessory associated with use of the mobile telephone,
20 dialing or pressing keys of the mobile telephone, or talking
21 into or listening to the mobile telephone, as part of a voice
22 telephone call.

23 EXPLANATION

24 This bill creates a rebuttable presumption of negligence
25 against an operator of a motor vehicle who was involved in a
26 traffic accident if the operator was using a mobile telephone
27 at the time of the accident. The bill defines "mobile
28 telephone" as any type of wireless telecommunications device,
29 whether hand-held or hands-free. An operator uses a mobile
30 telephone if the operator actually physically interacts with
31 the mobile telephone.

32 The presumption does not apply to the operator of a motor
33 vehicle using a mobile telephone if such use is in the course
34 of the operator's duties on behalf of a public safety agency
35 as defined in Code section 34.1.