



HOUSE REPUBLICAN STAFF ANALYSIS

Bill: SF 234 Committee: Transportation Floor Manager: Rep. Worthan Date: April 5, 2017 Staff: Ashley Beall (1-3440)	House Committee: Passed March 28 (21-0) House Floor: Senate Committee: PASSED Feb 8 (12-0) Senate Floor: PASSED March 22 (43-6) House Floor:
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Texting and Driving

This bill makes texting and driving a primary offense.
 This bill allows a peace officer to stop or detain a person solely for texting and driving.
 Using a phone in hands-free mode is allowed.
 You are allowed to use your phone as a GPS.
 The fine for violating this section would still remain \$30.
 Effective upon July 1, 2017

Section by Section Analysis

Section 1 Section 321.276 Use of electronic communication device while driving – text-messaging.

Subsection 1 paragraph b, discusses the use of “hand-held electronic communication device” and describes it as a device that is capable of being used to write, send, or view an electronic message.

A “hand-held electronic communication device” does not include a voice-operated or hands-free device

A “hand-held electronic communication device” does not include a wireless communication device used to transmit or receive data as part of the digital dispatch system.

A “hand-held electronic communication device” does include a device which is temporarily mounted inside the motor vehicle, unless the device is a voice-operated or hands-free device.

Subsection 1, paragraph c, changes it to be a definition of an “electronic message” which includes images visible on the screen of a hand-held electronic communication device including a text-based message, an instant message, a portion of electronic mail, an internet site, a social media application, or a game.

Subsection 1, paragraph d, defines the terms “write”, “send”, and “view” when it comes to an electronic message and how it includes playing, browsing, or accessing an electronic message.

Section 2 Section 321.276 Use of an electronic communication device while driving – text-messaging

A person shall not use their hand-held electronic communication device to write, send, or view an electronic message while driving a motor vehicle unless they are at a complete stop off the traveled portion of the roadway.

Section 3 Section 321.276 Use of electronic communication device while driving – text-messaging.

Subsection 2, paragraph b, does not change provisions for who is allowed to text and drive, but changes it from reading a text, to writing, sending, or viewing an electronic message do not apply to the following persons. This section relates to emergency situations

Section 4 Section 321.276 Use of electronic communication device while driving – text-messaging.

Nothing in this section shall be construed to allow for a peace officer to confiscate a hand-held electronic communication device from the driver or occupant of a motor vehicle.

Section 5 Section 321.276 Use of an electronic communication device while driving – text-messaging

Strikes out the provision that prohibits peace officers from detaining a person solely for a suspected violation of this section

Section 6 Section 805.8A Motor Vehicle and transportation scheduled violations

Changes the violations title to read as “writing, sending, or viewing an electronic message while driving violations”

Violations under this section will remain at a scheduled fine of \$30.

Amendment Analysis

H-1315 by Kressig

Adding the word bicycle to be included in the code section 321.299 so the title of this section now reads as “Overtaking a vehicle or bicycle”

Adds one rule for the overtaking and passing of vehicles that are moving in the same direction: the driver of a vehicle overtaking a person going in the same direction on the road shall pass to the left of a bicycle in an adjacent travel lane or on the opposite side of the roadway and shall not again drive to the right side of the roadway until safely clear of the overtaken bicycle in accordance with section 321.281. This subsection does not apply to a vehicle that is traveling on a paved shoulder or in a bicycle lane.

321.304 prohibited passing, a vehicle shall not in overtaking and passing another vehicle, a bicycle, or at any other time, be driven to the left side of the roadway under specific conditions

Where there are signs in place directing that traffic keep to the right or a distinctive center line or off-center line is marked, which distinctive line also so directs traffic as declared in the sign manual adopted by the DOT, this subsection does not apply to a vehicle that is overtaking and passing a bicycle.

321.385A is amended to read as Citation for unlighted headlamp, rear lamp, bicycle lamp, or rear registration plate light. Adds a subsection in which a citation issued for failure to have a front or rear lamp on a bicycle or on a bicycle

rider as required shall first provide for a 72 hour period within which the person charged with this violation shall replace or repair the lamp.

321.397 Lamps on bicycles, at any time from sunset to sunrise, a bicycle shall have a steady or flashing white light on the front of their bike and a steady or flashing red light on the back of their bike.

Strikes out the exception of a red reflector being used in lieu of a rear light.

321.423, a new paragraph is added requiring flashing white or red lights equipped on bicycles operating on a highway pursuant to the requirements in section 321.397.