
HOUSE BILL No. 1945

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2; IC 9-21-21; IC 9-24-18-12.

Synopsis: Mobile phone use in motor vehicles. Makes it a Class D infraction to operate a motor vehicle and simultaneously use a mobile telephone, except in an emergency situation. Provides that a motor vehicle may be stopped to determine compliance only in conjunction with another motor vehicle violation. Permits a court to order a six month suspension of the driver's license of a minor who violates the mobile telephone law.

Effective: July 1, 2003.

Thompson, Whetstone

January 23, 2003, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

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HOUSE BILL No. 1945



A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-13-2-30.7 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2003]: **Sec. 30.7. "Commercial mobile radio service", for**
4 **purposes of IC 9-21-21-3, has the meaning set forth in**
5 **IC 36-8-16.5-5.**

6 SECTION 2. IC 9-13-2-49.7 IS ADDED TO THE INDIANA CODE
7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 2003]: **Sec. 49.7. "Emergency situation", for purposes of**
9 **IC 9-21-21-4, has the meaning set forth in IC 9-21-21-4(c).**

10 SECTION 3. IC 9-13-2-103.3 IS ADDED TO THE INDIANA
11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2003]: **Sec. 103.3. "Mobile telephone", for**
13 **purposes of IC 9-21-21, has the meaning set forth in IC 9-21-21-1.**

14 SECTION 4. IC 9-13-2-124 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 124. (a) "Person"
16 means, except as otherwise provided in this section, an individual, a
17 firm, a partnership, an association, a fiduciary, an executor or



1 administrator, a governmental entity, a limited liability company, or a
2 corporation.

3 (b) "Person", for purposes of IC 9-14-3.5, does not include the state
4 or an agency of the state.

5 (c) "Person", for purposes of IC 9-20-14, IC 9-20-15, and
6 IC 9-20-18-13(b), means a mobile home or sectionalized building
7 transport company, mobile home or sectionalized building
8 manufacturer, mobile home or sectionalized building dealer, or mobile
9 home or sectionalized building owner.

10 (d) "Person", for purposes of **IC 9-21-21, means an individual.**

11 (e) "**Person**" for purposes of IC 9-23, means an individual, a
12 corporation, a limited liability company, an association, a partnership,
13 a trust, or other entity. The term does not include the state, an agency
14 of the state, or a municipal corporation.

15 SECTION 5. IC 9-13-2-195.1 IS ADDED TO THE INDIANA
16 CODE AS A NEW SECTION TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2003]: **Sec. 195.1. "Use", for purposes of**
18 **IC 9-21-21, has the meaning set forth in IC 9-21-21-2.**

19 SECTION 6. IC 9-13-2-199.1 IS ADDED TO THE INDIANA
20 CODE AS A NEW SECTION TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2003]: **Sec. 199.1. "Wireless telephone**
22 **service", for purposes of IC 9-21-21, has the meaning set forth in**
23 **IC 9-21-21-3.**

24 SECTION 7. IC 9-21-21 IS ADDED TO THE INDIANA CODE AS
25 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
26 1, 2003]:

27 **Chapter 21. Use of Mobile Telephones**

28 **Sec. 1. As used in this chapter, "mobile telephone" means a**
29 **device used by subscribers of a wireless telephone service to obtain**
30 **the service.**

31 **Sec. 2. As used in this chapter, "use" means using a mobile**
32 **telephone to place or receive a call.**

33 **Sec. 3. As used in this chapter, "wireless telephone service"**
34 **means two-way real time voice telecommunications service that is**
35 **interconnected to a public switched telephone network and is**
36 **provided by a commercial mobile radio service.**

37 **Sec. 4. (a) An individual who operates a motor vehicle and**
38 **simultaneously uses a mobile telephone commits a Class D**
39 **infraction.**

40 **(b) Subsection (a) does not apply to an operator of:**

- 41 **(1) an authorized emergency vehicle;**
42 **(2) a medical services vehicle;**

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- (3) a privately owned vehicle when:**
 - (A) the operator or a passenger in the vehicle is a volunteer firefighter en route to the scene of a fire or other emergency in the line of duty; and**
 - (B) a blue light is displayed on the vehicle under IC 36-8-12-11; or**
- (4) a privately owned vehicle when:**
 - (A) the operator or a passenger in the vehicle is a certified emergency medical technician, a certified emergency medical service driver, or a certified emergency medical service first responder en route to the scene of emergency medical service activities in the line of duty; and**
 - (B) a green light is displayed on the vehicle under IC 9-19-14.5-1.**

(c) Subsection (a) does not apply if the mobile telephone is used in an emergency situation to:

- (1) transmit an emergency call (as defined in IC 35-45-2-3(c));**
- (2) contact a health care provider (as defined in IC 16-18-2-163);**
- (3) contact a police and law enforcement system established under IC 36-8-2-2; or**
- (4) contact a firefighting and fire prevention system established under IC 36-8-2-3.**

As used in this subsection, "emergency situation" means a threat to the safety or security of persons or property.

Sec. 5. A motor vehicle may be stopped to determine compliance with this chapter only in conjunction with another violation of this title.

Sec. 6. (a) After June 30, 2003, if a person:

- (1) less than eighteen (18) years of age; and**
- (2) born after June 30, 1987;**

violates section 4(a) of this chapter, the court that enters judgment for the infraction under section 4(a) may issue an order recommending that the person's driver's license be suspended for up to six (6) months.

(b) The court shall deliver an order recommending the suspension of the person's driver's license under subsection (a) to the bureau. The bureau shall suspend the person's driver's license under IC 9-24-18-12 for the period ordered by the court.

SECTION 8. IC 9-24-18-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. Upon receipt of a court order under:

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1 **(1) IC 7.1-5-7-7** (minor possessing, consuming, or transporting
2 alcohol or having alcohol present in a bodily substance); **or**
3 **(2) IC 9-21-21-6 (mobile telephone use by minor);**
4 the bureau shall suspend the minor's driver's license for the period
5 ordered by the court.

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