
SENATE BILL No. 80

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2; IC 9-21-22.

Synopsis: Cell phone use while driving. Makes it a Class D infraction for a person less than 18 years of age to operate a motor vehicle while using a hand held mobile telephone. Exempts: (1) a person who uses a mobile telephone in an emergency situation; (2) the operator of an authorized emergency vehicle; (3) the operator of a medical services vehicle; and (4) a volunteer firefighter and certain emergency services professionals en route to the scene of an emergency.

Effective: July 1, 2009.

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January 7, 2009, read first time and referred to Committee on Homeland Security, Transportation & Veterans Affairs.

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First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

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SENATE BILL No. 80



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 9-13-2-49.6 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2009]: **Sec. 49.6. "Emergency situation", for purposes of**
- 4 **IC 9-21-22-6(c), has the meaning set forth in IC 9-21-22-6(c).**
- 5 SECTION 2. IC 9-13-2-72.1 IS ADDED TO THE INDIANA CODE
- 6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 7 1, 2009]: **Sec. 72.1. "Hand held mobile telephone", for purposes of**
- 8 **IC 9-21-22, has the meaning set forth in IC 9-21-22-1.**
- 9 SECTION 3. IC 9-13-2-72.3 IS ADDED TO THE INDIANA CODE
- 10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 11 1, 2009]: **Sec. 72.3. "Hands free mobile telephone", for purposes of**
- 12 **IC 9-21-22, has the meaning set forth in IC 9-21-22-2.**
- 13 SECTION 4. IC 9-13-2-103.3 IS ADDED TO THE INDIANA
- 14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 15 [EFFECTIVE JULY 1, 2009]: **Sec. 103.3. "Mobile telephone", for**
- 16 **purposes of IC 9-21-22, has the meaning set forth in IC 9-21-22-3.**
- 17 SECTION 5. IC 9-13-2-193.5 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2009]: **Sec. 193.5. "Use", for purposes of**
 3 **IC 9-21-22-6(c), has the meaning set forth in IC 9-21-22-4.**
 4 SECTION 6. IC 9-13-2-199.1 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2009]: **Sec. 199.1. "Wireless telephone**
 7 **service", for purposes of IC 9-21-22, has the meaning set forth in**
 8 **IC 9-21-22-5.**
 9 SECTION 7. IC 9-21-22 IS ADDED TO THE INDIANA CODE AS
 10 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 11 1, 2009]:
 12 **Chapter 22. Use of Mobile Telephones**
 13 **Sec. 1. As used in this chapter, "hand held mobile telephone"**
 14 **means a mobile telephone with which a user engages in a call using**
 15 **at least one (1) hand.**
 16 **Sec. 2. As used in this chapter, "hands free mobile telephone"**
 17 **means a mobile telephone that:**
 18 **(1) has an internal feature or function; or**
 19 **(2) is equipped with an attachment or addition;**
 20 **by which a user engages in a call without the use of either hand.**
 21 **Sec. 3. As used in this chapter, "mobile telephone" means the**
 22 **device used by subscribers of a wireless telephone service to access**
 23 **the service.**
 24 **Sec. 4. (a) As used in this chapter, "use" means holding a mobile**
 25 **telephone to or in the immediate proximity of the ear of the**
 26 **operator of a motor vehicle. The term does not include holding a**
 27 **mobile telephone to:**
 28 **(1) activate;**
 29 **(2) deactivate; or**
 30 **(3) initiate a function of;**
 31 **the mobile telephone.**
 32 **(b) For purposes of this section, a mobile telephone that does not**
 33 **require physical contact with the ear of the user is held in the**
 34 **immediate proximity of a motor vehicle operator's ear if the**
 35 **distance between the mobile telephone and the motor vehicle**
 36 **operator's ear permits the motor vehicle operator to hear the**
 37 **telecommunication transmitted over the mobile telephone.**
 38 **Sec. 5. As used in this chapter, "wireless telephone service"**
 39 **means a two-way, real-time voice telecommunications service that**
 40 **is:**
 41 **(1) interconnected to a public switched telephone network;**
 42 **and**

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1 (2) provided by a commercial mobile radio service (as defined
2 in IC 36-8-16.5-5).

3 Sec. 6. (a) Except as provided in subsections (b) and (c), an
4 individual who is less than eighteen (18) years of age and
5 simultaneously:
6 (1) operates a motor vehicle; and
7 (2) uses a hand held mobile telephone;
8 commits a Class D infraction.

9 (b) Subsection (a) does not apply to an operator of:
10 (1) an authorized emergency vehicle;
11 (2) a medical services vehicle;
12 (3) a privately owned vehicle if:
13 (A) the operator or a passenger in the vehicle is a volunteer
14 firefighter en route to the scene of a fire or other
15 emergency in the line of duty; and
16 (B) a blue light is displayed on the vehicle under
17 IC 36-8-12-11; or
18 (4) a privately owned vehicle if:
19 (A) the operator or a passenger in the vehicle is a certified:
20 (i) paramedic;
21 (ii) emergency medical technician-intermediate;
22 (iii) emergency medical technician-basic advanced;
23 (iv) emergency medical technician;
24 (v) emergency medical service driver; or
25 (vi) emergency medical service first responder;
26 en route to the scene of emergency medical services
27 activities in the line of duty; and
28 (B) a green light is displayed on the vehicle under
29 IC 9-19-14.5-1.

30 (c) As used in this subsection, "emergency situation" means a
31 situation threatening the safety or security of persons or property.
32 Subsection (a) does not apply if the hand held mobile telephone is
33 used in an emergency situation to:
34 (1) transmit an emergency call (as defined in IC 35-45-2-3(c));
35 (2) contact a health care provider (as defined in
36 IC 16-18-2-163);
37 (3) contact a police and law enforcement system established
38 under IC 36-8-2-2; or
39 (4) contact a firefighting and fire prevention system
40 established under IC 36-8-2-3.

41 (d) Subsection (a) does not prohibit the use of a hands free
42 mobile telephone by an operator of a motor vehicle.

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