



January 29, 2010

HOUSE BILL No. 1279

DIGEST OF HB 1279 (Updated January 27, 2010 2:08 pm - DI 14)

Citations Affected: IC 9-13; IC 9-21; IC 9-24.

Synopsis: Texting while driving. Provides that it is a Class C infraction if a person uses a telecommunications device to transmit a text message or electronic mail message while operating a moving motor vehicle. Provides, for purposes of the prohibition against using a telecommunications device while operating a motor vehicle, that "telecommunications device" does not include amateur radio equipment operated by a person licensed by the FCC as an amateur radio operator. Allows a person to use hands-free or voice-operated technology to transmit a text message or electronic mail message while operating a moving motor vehicle. Repeals the current definition of "telecommunications device".

Effective: July 1, 2010.

Pearson, Summers, Michael, Koch

January 12, 2010, read first time and referred to Committee on Public Policy.
January 28, 2010, amended, reported — Do Pass.

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HB 1279—LS 6973/DI 107+



January 29, 2010

Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

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HOUSE BILL No. 1279

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 9-13-2-177.3, AS ADDED BY P.L.101-2009,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2010]: Sec. 177.3. (a) "Telecommunications device", for
4 purposes of **IC 9-21-8 and IC 9-24-11-3.3**, ~~has the meaning set forth~~
5 ~~in IC 9-24-11-0.5~~; **means an electronic or digital**
6 **telecommunications device. The term includes a:**

- 7 (1) **wireless telephone;**
8 (2) **personal digital assistant;**
9 (3) **pager; or**
10 (4) **text messaging device.**

11 (b) **The term does not include amateur radio equipment that is**
12 **being operated by a person licensed as an amateur radio operator**
13 **by the Federal Communications Commission under 47 CFR Part**
14 **97.**

15 SECTION 2. IC 9-13-2-177.4 IS ADDED TO THE INDIANA
16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2010]: **Sec. 177.4. "Text message", for**

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1 **purposes of IC 9-21-8, means a communication in the form of**
2 **electronic text sent from a telecommunications device.**
3 SECTION 3. IC 9-21-8-58 IS ADDED TO THE INDIANA CODE
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2010]: **Sec. 58. A person may not use a telecommunications**
6 **device to transmit a text message or electronic mail message while**
7 **operating a moving motor vehicle unless the device is used in**
8 **conjunction with hands free or voice operated technology.**
9 SECTION 4. IC 9-24-11-0.5 IS REPEALED [EFFECTIVE JULY
10 1, 2010].

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1279, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, after "Sec. 177.3." insert "(a)".

Page 1, between lines 10 and 11, begin a new paragraph and insert:

"(b) The term does not include amateur radio equipment that is being operated by a person licensed as an amateur radio operator by the Federal Communications Commission under 47 CFR Part 97."

Page 2, line 3, delete "vehicle." and insert **"vehicle unless the device is used in conjunction with hands free or voice operated technology."**

and when so amended that said bill do pass.

(Reference is to HB 1279 as introduced.)

VAN HAAFTEN, Chair

Committee Vote: yeas 11, nays 0.

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