



Reprinted
March 15, 2011

ENGROSSED HOUSE BILL No. 1129

DIGEST OF HB 1129 (Updated March 14, 2011 2:47 pm - DI 106)

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

Synopsis: Use of telecommunications device while driving. Provides that it is a Class C infraction if a person uses a telecommunications device to type, transmit, or read a text message or electronic mail message, or to place or receive a telephone call while operating a moving motor vehicle. Allows a person to use hands free or voice operated technology to transmit a text message or electronic mail message, or to place or receive a telephone call while operating a moving motor vehicle, and permits a person to call 911 to report an emergency. Provides, for purposes of the prohibition against using a telecommunications device while operating a motor vehicle, that "telecommunications device" does not include: (1) amateur radio equipment operated by a person licensed by the Federal Communications Commission as an amateur radio operator; or (2) a communications system installed in a commercial vehicle weighing more than 10,000 pounds. Prohibits a police officer from confiscating a telecommunications device for the purpose of determining compliance or confiscating a telecommunications device and retaining it as evidence pending trial for the violation. Repeals the current definition of "telecommunications device".

Effective: July 1, 2011.

Koch, Welch, Soliday, Moses

(SENATE SPONSORS — HOLDMAN, RANDOLPH, LANANE)

January 6, 2011, read first time and referred to Committee on Roads and Transportation.
January 20, 2011, amended, reported — Do Pass.
January 24, 2011, read second time, amended, ordered engrossed.
January 25, 2011, engrossed. Read third time, passed. Yeas 85, nays 11.

SENATE ACTION

February 17, 2011, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.
March 3, 2011, amended, reported favorably — Do Pass.
March 14, 2011, read second time, amended, ordered engrossed.

EH 1129—LS 6627/DI 96+



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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

**ENGROSSED
HOUSE BILL No. 1129**

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, 2011]: 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:**

- 12 (1) **amateur radio equipment that is being operated by a**
- 13 **person licensed as an amateur radio operator by the Federal**
- 14 **Communications Commission under 47 CFR Part 97; or**
- 15 (2) **a communications system installed in a commercial vehicle**
- 16 **weighing more than ten thousand (10,000) pounds.**

17 SECTION 2. IC 9-13-2-177.4 IS ADDED TO THE INDIANA

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1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2011]: **Sec. 177.4. "Text message", for**
 3 **purposes of IC 9-21-8, has the meaning set forth in IC 9-21-8-0.5.**
 4 SECTION 3. IC 9-21-8-0.5 IS ADDED TO THE INDIANA CODE
 5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 6 1, 2011]: **Sec. 0.5. As used in this chapter, "text message" means a**
 7 **communication in the form of electronic text sent from a**
 8 **telecommunications device.**
 9 SECTION 4. IC 9-21-8-59 IS ADDED TO THE INDIANA CODE
 10 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 11 1, 2011]: **Sec. 59. (a) A person may not use a telecommunications**
 12 **device to:**
 13 (1) **type a text message or an electronic mail message;**
 14 (2) **transmit a text message or an electronic mail message;**
 15 (3) **read a text message or an electronic mail message; or**
 16 (4) **place or receive a telephone call;**
 17 **while operating a moving motor vehicle unless the device is used in**
 18 **conjunction with hands free or voice operated technology, or unless**
 19 **the device is used to call 911 to report a bona fide emergency.**
 20 (b) **A police officer may not confiscate a telecommunications**
 21 **device for the purpose of determining compliance with this section**
 22 **or confiscate a telecommunications device and retain it as evidence**
 23 **pending trial for the violation.**
 24 SECTION 5. IC 9-24-11-0.5 IS REPEALED [EFFECTIVE JULY
 25 1, 2011].

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1129, 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 2, line 15, delete "the receipt of".

and when so amended that said bill do pass.

(Reference is to HB 1129 as introduced.)

SOLIDAY, Chair

Committee Vote: yeas 10, nays 2.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1129 be amended to read as follows:

Page 1, line 3, delete "2010]:" and insert "2011]:".

(Reference is to HB 1129 as printed January 21, 2011.)

KOCH

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred House Bill No. 1129, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 15, after "vehicle" insert "**(as described in IC 9-18-2-4)**".

and when so amended that said bill do pass.

(Reference is to HB 1129 as reprinted January 25, 2011.)

STEELE, Chairperson

Committee Vote: Yeas 7, Nays 2.



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SENATE MOTION

Madam President: I move that Engrossed House Bill 1129 be amended to read as follows:

Page 1, line 16, delete "(as described in IC 9-18-2-4)".

(Reference is to EHB 1129 as printed March 4, 2011.)

HOLDMAN

SENATE MOTION

Madam President: I move that Engrossed House Bill 1129 be amended to read as follows:

Page 2, line 15, delete "or".

Page 2, line 16, after ";" insert "**or**

(4) place or receive a telephone call;".

Page 2, line 18, after "technology" insert "**, or unless the device is used to call 911 to report a bona fide emergency**".

(Reference is to EHB 1129 as printed March 4, 2011.)

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