Reprinted
January 25, 2011

HOUSE BILL No. 1129

DIGEST OF HB 1129 (Updated January 24, 2011 4:24 pm - DI 96)

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 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 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: (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

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.

C o p y

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January 25, 2011

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.

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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:

SECTION 1. IC 9-13-2-177.3, AS ADDED BY P.L.101-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 177.3. **(a)** "Telecommunications device", for purposes of **IC 9-21-8 and** IC 9-24-11-3.3, ~~has the meaning set forth in IC 9-24-11-0.5.~~ **means an electronic or digital telecommunications device. The term includes a:**

(1) wireless telephone;

(2) personal digital assistant;

(3) pager; or

(4) text messaging device.

(b) The term does not include:

(1) 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; or

(2) a communications system installed in a commercial vehicle weighing more than ten thousand (10,000) pounds.

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

CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 177.4. "Text message", for purposes of IC 9-21-8, has the meaning set forth in IC 9-21-8-0.5.**

SECTION 3. IC 9-21-8-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.5. As used in this chapter, "text message" means a communication in the form of electronic text sent from a telecommunications device.**

SECTION 4. IC 9-21-8-59 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 59. (a) A person may not use a telecommunications device to:**

(1) type a text message or an electronic mail message;

(2) transmit a text message or an electronic mail message; or

(3) read a text message or an electronic mail message;

while operating a moving motor vehicle unless the device is used in conjunction with hands free or voice operated technology.

(b) A police officer may not confiscate a telecommunications device for the purpose of determining compliance with this section or confiscate a telecommunications device and retain it as evidence pending trial for the violation.

SECTION 5. IC 9-24-11-0.5 IS REPEALED [EFFECTIVE JULY 1, 2011].

C o p y

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

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