

**CONFERENCE COMMITTEE REPORT
DIGEST FOR EHB 1129**

Citations Affected: IC 9-13-2; IC 9-21-8; IC 9-24-11-0.5.

Synopsis: Use of telecommunications devices while driving. Conference committee report for EHB 1129. 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 to place or receive a telephone call while operating a moving motor vehicle, and permits a person to call 911 to report an emergency 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 motor 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 a violation. Repeals the current definition of "telecommunications device". **(This conference committee report: (1) removes language prohibiting a person from using a telecommunications device to place or receive a telephone call while operating a moving motor vehicle; (2) specifies that, for purposes of the prohibition against using a telecommunications device while operating a motor vehicle, the term "telecommunications device" does not includes a communications system installed in a commercial motor vehicle weighing more than 10,000 pounds; and (3) makes technical corrections.)**

Effective: July 1, 2011.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill No. 1129 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
 2 SECTION 1. IC 9-13-2-177.3, AS ADDED BY P.L.101-2009,
 3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2011]: Sec. 177.3. (a) "Telecommunications device", for
 5 purposes of IC 9-21-8 and IC 9-24-11-3.3, has the meaning set forth
 6 in IC 9-24-11-0.5. means an electronic or digital
 7 telecommunications device. The term includes a:
 8 (1) wireless telephone;
 9 (2) personal digital assistant;
 10 (3) pager; or
 11 (4) text messaging device.
 12 (b) The term does not include:
 13 (1) amateur radio equipment that is being operated by a
 14 person licensed as an amateur radio operator by the Federal
 15 Communications Commission under 47 CFR Part 97; or
 16 (2) a communications system installed in a commercial motor
 17 vehicle weighing more than ten thousand (10,000) pounds.
 18 SECTION 2. IC 9-13-2-177.4 IS ADDED TO THE INDIANA
 19 CODE AS A NEW SECTION TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2011]: Sec. 177.4. "Text message", for
 21 purposes of IC 9-21-8, has the meaning set forth in IC 9-21-8-0.5.
 22 SECTION 3. IC 9-21-8-0.5 IS ADDED TO THE INDIANA CODE

1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
2 1, 2011]: **Sec. 0.5. As used in this chapter, "text message" means a**
3 **communication in the form of electronic text sent from a**
4 **telecommunications device.**

5 SECTION 4. IC 9-21-8-59 IS ADDED TO THE INDIANA CODE
6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2011]: **Sec. 59. (a) A person may not use a telecommunications**
8 **device to:**

- 9 (1) type a text message or an electronic mail message;
10 (2) transmit a text message or an electronic mail message; or
11 (3) read a text message or an electronic mail message;
12 while operating a moving motor vehicle unless the device is used in
13 conjunction with hands free or voice operated technology, or unless
14 the device is used to call 911 to report a bona fide emergency.

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

19 SECTION 5. IC 9-24-11-0.5 IS REPEALED [EFFECTIVE JULY
20 1, 2011].

(Reference is to EHB 1129 as reprinted March 15, 2011.)

Conference Committee Report
on
Engrossed House Bill 1129

Signed by:

Representative Koch
Chairperson

Senator Holdman

Representative Welch

Senator Randolph

House Conferees

Senate Conferees