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# HOUSE BILL No. 1050

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## DIGEST OF INTRODUCED BILL

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

**Synopsis:** Texting while operating a motor vehicle. Provides that a person who uses a telecommunications device to transmit a text message or electronic mail message while operating a moving motor vehicle commits a Class D infraction. Provides that a person who uses a telecommunications device to transmit a text message or electronic mail message while operating a moving vehicle and causes an accident commits a Class B infraction. Repeals a definition of "telecommunications device" that is superseded by this act.

**Effective:** July 1, 2011.

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January 5, 2011, read first time and referred to Committee on Roads and Transportation.

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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.

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## HOUSE BILL No. 1050

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. "Telecommunications device", for purposes  
4 of IC 9-21-8 and IC 9-24-11-3.3, ~~has the meaning set forth in~~  
5 ~~IC 9-24-11-0.5~~; **means an electronic or digital telecommunications**  
6 **device. The term includes a:**

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

11 SECTION 2. IC 9-13-2-177.4 IS ADDED TO THE INDIANA  
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 2011]: **Sec. 177.4. "Text message", for**  
14 **purposes of IC 9-21-8, means a communication in the form of**  
15 **electronic text sent from a telecommunications device.**

16 SECTION 3. IC 9-21-8-49, AS AMENDED BY P.L.65-2010,  
17 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2011]: Sec. 49. Except as provided in sections 50, 51, 52, 54,  
 2 55, 56, ~~and 58,~~ **and 59** of this chapter, a person who violates this  
 3 chapter commits a Class C infraction.  
 4 SECTION 4. IC 9-21-8-59 IS ADDED TO THE INDIANA CODE  
 5 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY  
 6 1, 2011]: **Sec. 59. (a) A person may not use a telecommunications**  
 7 **device to transmit a text message or electronic mail message while**  
 8 **operating a moving motor vehicle.**  
 9 **(b) A motor vehicle may be stopped to determine compliance**  
 10 **with this section. However, a motor vehicle, the contents of a motor**  
 11 **vehicle, the driver of a motor vehicle, or a passenger in a motor**  
 12 **vehicle may not be inspected, searched, or detained solely because**  
 13 **of a violation of this section.**  
 14 **(c) A person who violates subsection (a) commits a Class D**  
 15 **infraction.**  
 16 **(d) A person who violates subsection (a) and causes a traffic**  
 17 **accident as the result of committing the act in violation of**  
 18 **subsection (a) commits a Class B infraction.**  
 19 **(e) The bureau may not assess points under the point system for**  
 20 **Class D infractions under this section.**  
 21 SECTION 5. IC 9-24-11-0.5 IS REPEALED [EFFECTIVE JULY  
 22 1, 2011].

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