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# HOUSE BILL No. 1129

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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:** 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.

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**Koch**

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January 6, 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. 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, 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:**  
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



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; or**  
 15 (3) **read the receipt of a text message or an electronic mail**  
 16 **message;**  
 17 **while operating a moving motor vehicle unless the device is used in**  
 18 **conjunction with hands free or voice operated technology.**  
 19 (b) **A police officer may not confiscate a telecommunications**  
 20 **device for the purpose of determining compliance with this section**  
 21 **or confiscate a telecommunications device and retain it as evidence**  
 22 **pending trial for the violation.**  
 23 SECTION 5. IC 9-24-11-0.5 IS REPEALED [EFFECTIVE JULY  
 24 1, 2011].

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