



February 14, 2011

SENATE BILL No. 18

DIGEST OF SB 18 (Updated February 11, 2011 4:21 pm - DI 110)

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

Synopsis: Handheld communication devices while driving. Provides that it is a Class C infraction for a person to use a telecommunications device to type, transmit, or read a text message or electronic mail message while operating a moving motor vehicle, with certain exceptions. 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.

Effective: July 1, 2011.

**Holdman, Charbonneau, Kruse,
Merritt, Randolph, Taylor, Grooms,
Lanane, Broden, Alting**

January 5, 2011, read first time and referred to Committee on Public Policy.
February 14, 2011, amended, reported favorably — Do Pass.

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SB 18—LS 6261/DI 96+



February 14, 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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SENATE BILL No. 18



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

SB 18—LS 6261/DI 96+



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 a text message or an electronic mail message;

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

18 (b) Subsection (a) does not apply to an operator of:

- 19 (1) a medical services vehicle;
- 20 (2) a privately owned vehicle if:
 - 21 (A) the operator or a passenger in the vehicle is a volunteer
 - 22 firefighter en route to the scene of a fire or other
 - 23 emergency in the line of duty; and
 - 24 (B) a blue light is displayed on the vehicle in accordance
 - 25 with IC 36-8-12-11; or

- 26 (3) a privately owned vehicle if:
 - 27 (A) the operator or a passenger in the vehicle is a certified:
 - 28 (i) paramedic;
 - 29 (ii) emergency medical technician-intermediate;
 - 30 (iii) emergency medical technician-basic advanced;
 - 31 (iv) emergency medical technician;
 - 32 (v) emergency medical service driver; or
 - 33 (vi) emergency medical service first responder;
 - 34 en route to the scene of emergency medical service
 - 35 activities in the line of duty; and
 - 36 (B) a green light is displayed on the vehicle in accordance
 - 37 with IC 9-19-14.5-1.

38 (c) A police officer may not:

- 39 (1) confiscate a telecommunications device for the purpose of
- 40 determining compliance with subsection (a); or
- 41 (2) confiscate a telecommunications device and retain it as
- 42 evidence pending trial for a violation of this section.

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1 SECTION 5. IC 9-24-11-0.5 IS REPEALED [EFFECTIVE JULY
2 1, 2011].

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COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Senate Bill No. 18, 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 3, after "177.3" insert **(a)**".

Page 1, line 4, delete "IC 9-21-22," and insert "**IC 9-21-8 and**".

Page 1, line 4, delete "and this chapter,".

Page 1, line 4, strike "has the meaning set"

Page 1, line 5, strike "forth in IC 9-24-11-0.5." and insert: **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."**

Page 1, delete lines 6 through 17, begin a new paragraph and insert: "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) Subsection (a) does not apply to an operator of:

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- (1) a medical services vehicle;**
- (2) a privately owned vehicle if:**
 - (A) the operator or a passenger in the vehicle is a volunteer firefighter en route to the scene of a fire or other emergency in the line of duty; and**
 - (B) a blue light is displayed on the vehicle in accordance with IC 36-8-12-11; or**
- (3) a privately owned vehicle if:**
 - (A) the operator or a passenger in the vehicle is a certified:**
 - (i) paramedic;**
 - (ii) emergency medical technician-intermediate;**
 - (iii) emergency medical technician-basic advanced;**
 - (iv) emergency medical technician;**
 - (v) emergency medical service driver; or**
 - (vi) emergency medical service first responder;**
 - en route to the scene of emergency medical service activities in the line of duty; and**
 - (B) a green light is displayed on the vehicle in accordance with IC 9-19-14.5-1.**
- (c) A police officer may not:**
 - (1) confiscate a telecommunications device for the purpose of determining compliance with subsection (a); or**
 - (2) confiscate a telecommunications device and retain it as evidence pending trial for a violation of this section.**

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

Delete pages 2 through 3.

and when so amended that said bill do pass.

(Reference is to SB 18 as introduced.)

ALTING, Chairperson

Committee Vote: Yeas 5, Nays 2.

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