

SENATE BILL No. 342

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-21-8-56.

Synopsis: Work zone cell phone ban. Provides that a person who recklessly, knowingly, or intentionally uses a telecommunications device while operating a motor vehicle in a highway work zone when workers are present commits a Class A misdemeanor. Provides exceptions for the use of a device in conjunction with hands free or voice activated technology or for 911 calls.

Effective: July 1, 2012.

Broden

January 9, 2012, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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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 2011 Regular Session of the General Assembly.

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SENATE BILL No. 342



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 9-21-8-56, AS AMENDED BY P.L.66-2011,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2012]: Sec. 56. (a) For purposes of this section, "highway
4 work zone" has the meaning set forth in IC 8-23-2-15.

5 (b) Except as provided in subsections (f) through (h), a person who
6 recklessly operates a vehicle in the immediate vicinity of a highway
7 work zone when workers are present commits a Class A misdemeanor.

8 (c) Except as provided in subsections (f) through (h), a person who
9 knowingly, intentionally, or recklessly operates a motor vehicle in the
10 immediate vicinity of a highway work zone when workers are present
11 with the intent to:

12 (1) damage traffic control devices; or

13 (2) inflict bodily injury on a worker;

14 commits a Class A misdemeanor.

15 (d) Except as provided in subsections (f) through (h), a person who
16 knowingly, intentionally, or recklessly engages in:

17 (1) aggressive driving, as defined in section 55 of this chapter; or



1 (2) a speed contest, as prohibited under IC 9-21-6-1;
 2 in the immediate vicinity of a highway work zone when workers are
 3 present commits a Class A misdemeanor.

4 (e) Except as provided in subsections (f) through (h), a person who
 5 recklessly fails to obey a traffic control device or flagman, as
 6 prohibited under section 41 of this chapter, in the immediate vicinity
 7 of a highway work zone when workers are present commits a Class A
 8 misdemeanor.

9 (f) An offense under subsection (b), (c), (d), or (e) is a Class D
 10 felony if the person who commits the offense:

11 (1) has a prior unrelated conviction under this section in the
 12 previous five (5) years; or

13 (2) is operating the vehicle in violation of IC 9-30-5-1 or
 14 IC 9-30-5-2.

15 (g) An offense under subsection (b), (c), (d), or (e) is a Class D
 16 felony if the offense results in bodily injury to a worker in the worksite.

17 (h) An offense under subsection (b), (c), (d), or (e) is a Class C
 18 felony if the offense results in the death of a worker in the worksite.

19 (i) A person who knowingly, intentionally, or recklessly engages in
 20 an act described in section 55(b)(1), 55(b)(2), 55(b)(3), 55(b)(4),
 21 55(b)(5), or 55(b)(6) of this chapter in the immediate vicinity of a
 22 highway work zone when workers are present commits a Class B
 23 infraction. Notwithstanding IC 34-28-5-5(c), the funds collected as
 24 judgments for an infraction under this subsection shall be transferred
 25 to the Indiana department of transportation to pay the costs of hiring off
 26 duty police officers to perform the duties described in IC 8-23-2-15(b).

27 **(j) A person who recklessly, knowingly, or intentionally uses a**
 28 **telecommunications device while operating a motor vehicle in the**
 29 **immediate vicinity of a highway work zone when workers are**
 30 **present commits a Class A misdemeanor, unless the device is used:**

31 **(1) in conjunction with hands free or voice operated**
 32 **technology; or**

33 **(2) to call 911 to report a bona fide emergency.**

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