

HOUSE BILL No. 1013

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2-177.3; IC 9-21-8-59.

Synopsis: Use of telecommunications devices while driving. Requires a person to use hands free or voice operated technology to place or receive a telephone call while operating a moving motor vehicle unless the device is used to call 911 to report a bona fide emergency. Revises the term "telecommunications device" for purposes related to motor vehicle operation.

Effective: July 1, 2018.

Smith M

January 9, 2018, read first time and referred to Committee on Roads and Transportation.



Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

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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 AMENDED BY P.L.198-2016,
2 SECTION 171, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2018]: Sec. 177.3. (a) "Telecommunications
4 device", for purposes of IC 9-21-8, IC 9-25-4-7, IC 9-24-11-3.3 (before
5 its repeal), and IC 9-24-11-3.7, 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; **or**
11 **(5) functional equivalent or successor to a device listed in**
12 **subdivisions (1) through (4).**
13 (b) The term does not include:
14 (1) amateur radio equipment that is being operated by a person
15 licensed as an amateur radio operator by the Federal
16 Communications Commission under 47 CFR Part 97; or
17 (2) a communications system installed in a commercial motor



- 1 vehicle weighing more than ten thousand (10,000) pounds.
2 SECTION 2. IC 9-21-8-59, AS AMENDED BY P.L.191-2014,
3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2018]: Sec. 59. (a) A person may not use a
5 telecommunications device to:
6 (1) type a text message or an electronic mail message;
7 (2) transmit a text message or an electronic mail message; ~~or~~
8 (3) read a text message or an electronic mail message; ~~or~~
9 **(4) place or receive a telephone call;**
10 while operating a moving motor vehicle unless the device is used in
11 conjunction with hands free or voice operated technology, or unless the
12 device is used to call 911 to report a bona fide emergency.
13 (b) A police officer may not, without the consent of the person:
14 (1) confiscate a telecommunications device for the purpose of
15 determining compliance with this section;
16 (2) confiscate a telecommunications device and retain it as
17 evidence pending trial for a violation of this section; or
18 (3) extract or otherwise download information from a
19 telecommunications device for a violation of this section unless:
20 (A) the police officer has probable cause to believe that the
21 telecommunications device has been used in the commission
22 of a crime;
23 (B) the information is extracted or otherwise downloaded
24 under a valid search warrant; or
25 (C) otherwise authorized by law.

