



February 21, 2020

**ENGROSSED
HOUSE BILL No. 1070**

DIGEST OF HB 1070 (Updated February 18, 2020 12:49 pm - DI 132)

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

Synopsis: Distracted driving. Provides that except in certain circumstances, a person may not hold or use a telecommunications device while operating a moving motor vehicle. Removes prohibitions on typing, transmitting, or reading a text message or an electronic mail message while operating a moving motor vehicle. Makes conforming changes.

Effective: July 1, 2020.

**Sullivan, Pressel, Karickhoff,
Schaibley, Candelaria Reardon**

(SENATE SPONSORS — CRIDER, GROOMS, MRVAN, FORD J.D.,
FORD JON, ROGERS, NIEZGODSKI)

January 13, 2020, read first time and referred to Committee on Roads and Transportation.
January 23, 2020, reported — Do Pass.
January 27, 2020, read second time, ordered engrossed.
January 28, 2020, engrossed.
January 29, 2020, read third time, passed. Yeas 86, nays 10.

SENATE ACTION

February 5, 2020, read first time and referred to Committee on Homeland Security and Transportation.
February 20, 2020, amended, reported favorably — Do Pass.

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February 21, 2020

Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1070

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 IC 9-13-2-177.4 IS REPEALED [EFFECTIVE JULY
2 1, 2020]. ~~Sec. 177.4. "Text message", for purposes of IC 9-21-8, has the~~
3 ~~meaning set forth in IC 9-21-8-0.5.~~
- 4 SECTION 2. IC 9-21-8-0.5, AS AMENDED BY P.L.185-2018,
5 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2020]: Sec. 0.5. The following definitions apply throughout
7 this chapter:
- 8 (1) "Solid waste hauler" means a vehicle in which solid waste or
9 recyclable materials are transported to a:
- 10 (A) transfer station for further transport to a final disposal
11 facility;
- 12 (B) final disposal facility; or
- 13 (C) materials recovery facility.
- 14 (2) ~~"Text message" means a communication in the form of~~
15 ~~electronic text sent from a telecommunications device.~~
- 16 (3) (2) "Vehicle platoon" means a group of motor vehicles that are
17 traveling in a unified manner under electronic coordination at

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1 speeds and following distances that are faster and closer than
 2 would be reasonable and prudent without electronic coordination.
 3 SECTION 3. IC 9-21-8-59, AS AMENDED BY P.L.191-2014,
 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2020]: Sec. 59. (a) **Except as provided in subsections (b)**
 6 **and (c),** a person may not **hold or** use a telecommunications device to:
 7 (1) type a text message or an electronic mail message;
 8 (2) transmit a text message or an electronic mail message; or
 9 (3) read a text message or an electronic mail message;
 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 telecommunications device may be used in conjunction**
 14 **with hands free or voice operated technology.**
 15 **(c) A telecommunications device may be used or held to call 911**
 16 **to report a bona fide emergency.**
 17 ~~(b)~~ **(d)** A police officer may not, without the consent of the person:
 18 (1) confiscate a telecommunications device for the purpose of
 19 determining compliance with this section;
 20 (2) confiscate a telecommunications device and retain it as
 21 evidence pending trial for a violation of this section; or
 22 (3) extract or otherwise download information from a
 23 telecommunications device for a violation of this section unless:
 24 (A) the police officer has probable cause to believe that the
 25 telecommunications device has been used in the commission
 26 of a crime;
 27 (B) the information is extracted or otherwise downloaded
 28 under a valid search warrant; or
 29 (C) otherwise authorized by law.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1070, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1070 as introduced.)

SULLIVAN

Committee Vote: Yeas 13, Nays 0

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security and Transportation, to which was referred House Bill No. 1070, 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 2, delete lines 3 through 26, begin a new paragraph and insert:

"SECTION 3. IC 9-21-8-59, AS AMENDED BY P.L.191-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 59. (a) **Except as provided in subsections (b) and (c),** a person may not **hold or** 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; or unless the device is used to call 911 to report a bona fide emergency.~~

(b) A telecommunications device may be used in conjunction with hands free or voice operated technology.

(c) A telecommunications device may be used or held to call 911 to report a bona fide emergency.

~~(b)~~ **(d)** A police officer may not, without the consent of the person:

- (1) confiscate a telecommunications device for the purpose of determining compliance with this section;
- (2) confiscate a telecommunications device and retain it as evidence pending trial for a violation of this section; or
- (3) extract or otherwise download information from a telecommunications device for a violation of this section unless:

(A) the police officer has probable cause to believe that the



telecommunications device has been used in the commission of a crime;

(B) the information is extracted or otherwise downloaded under a valid search warrant; or

(C) otherwise authorized by law."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1070 as printed January 24, 2020.)

CRIDER, Chairperson

Committee Vote: Yeas 8, Nays 1.

