

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.

HOUSE ENROLLED ACT No. 1070

AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 9-13-2-177.4 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~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 2. IC 9-21-8-0.5, AS AMENDED BY P.L.185-2018, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 0.5. The following definitions apply throughout this chapter:

(1) "Solid waste hauler" means a vehicle in which solid waste or recyclable materials are transported to a:

(A) transfer station for further transport to a final disposal facility;

(B) final disposal facility; or

(C) materials recovery facility.

~~(2) "Text message" means a communication in the form of electronic text sent from a telecommunications device.~~

~~(3)~~ (2) "Vehicle platoon" means a group of motor vehicles that are traveling in a unified manner under electronic coordination at speeds and following distances that are faster and closer than would be reasonable and prudent without electronic coordination.

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)**

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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.

(e) The bureau may not assess points under the point system for a violation of this section occurring before July 1, 2021.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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