

---

---

# SENATE BILL No. 129

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-13-2; IC 9-21-21.

**Synopsis:** Driving while using a hand held mobile telephone. Provides that a person who operates a motor vehicle and simultaneously uses a hand held mobile telephone commits a Class D infraction. Creates exceptions for: (1) a person who uses a mobile telephone in an emergency situation; (2) an authorized emergency vehicle; (3) a medical services vehicle; and (4) a privately owned vehicle if the operator of or a passenger in the vehicle is a volunteer firefighter or a certified emergency medical technician en route to the scene of an emergency and a warning light is displayed on the vehicle. Defines various terms concerning the use of a mobile telephone.

**Effective:** July 1, 2002.

---

---

### Howard

---

---

December 7, 2001, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

---

---

C  
o  
p  
y



Second Regular Session 112th General Assembly (2002)

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 2001 General Assembly.

C  
o  
p  
y

**SENATE BILL No. 129**



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 9-13-2-30.7 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2002]: **Sec. 30.7. "Commercial mobile radio service", for**
- 4 **purposes of IC 9-21-21-6, has the meaning set forth in**
- 5 **IC 36-8-16.5-5.**
- 6 SECTION 2. IC 9-13-2-49.7 IS ADDED TO THE INDIANA CODE
- 7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 8 1, 2002]: **Sec. 49.7. "Emergency situation", for purposes of**
- 9 **IC 9-21-21-7(c), has the meaning set forth in IC 9-21-21-7(c).**
- 10 SECTION 3. IC 9-13-2-72.1 IS ADDED TO THE INDIANA CODE
- 11 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 12 1, 2002]: **Sec. 72.1. "Hand held mobile telephone", for purposes of**
- 13 **IC 9-21-21, has the meaning set forth in IC 9-21-21-1.**
- 14 SECTION 4. IC 9-13-2-72.3 IS ADDED TO THE INDIANA CODE
- 15 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 16 1, 2002]: **Sec. 72.3. "Hands free mobile telephone", for purposes of**
- 17 **IC 9-21-21, has the meaning set forth in IC 9-21-21-2.**



1 SECTION 5. IC 9-13-2-76.1 IS ADDED TO THE INDIANA CODE  
 2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 3 1, 2002]: **Sec. 76.1. "Immediate proximity", for purposes of**  
 4 **IC 9-21-21, has the meaning set forth in IC 9-21-21-3.**

5 SECTION 6. IC 9-13-2-103.3 IS ADDED TO THE INDIANA  
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 7 [EFFECTIVE JULY 1, 2002]: **Sec. 103.3. "Mobile telephone", for**  
 8 **purposes of IC 9-21-21, has the meaning set forth in IC 9-21-21-4.**

9 SECTION 7. IC 9-13-2-195.1 IS ADDED TO THE INDIANA  
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 11 [EFFECTIVE JULY 1, 2002]: **Sec. 195.1. "Use", for purposes of**  
 12 **IC 9-21-21, has the meaning set forth in IC 9-21-21-5.**

13 SECTION 8. IC 9-13-2-199.1 IS ADDED TO THE INDIANA  
 14 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 15 [EFFECTIVE JULY 1, 2002]: **Sec. 199.1. "Wireless telephone**  
 16 **service", for purposes of IC 9-21-21, has the meaning set forth in**  
 17 **IC 9-21-21-6.**

18 SECTION 9. IC 9-21-21 IS ADDED TO THE INDIANA CODE AS  
 19 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
 20 1, 2002]:

21 **Chapter 21. Use of Mobile Telephones**

22 **Sec. 1. As used in this chapter, "hand held mobile telephone"**  
 23 **means a mobile telephone with which a user engages in a call using**  
 24 **at least one (1) hand.**

25 **Sec. 2. As used in this chapter, "hands free mobile telephone"**  
 26 **means a mobile telephone that has an internal feature or function,**  
 27 **or that is equipped with an attachment or addition whether or not**  
 28 **permanently part of the mobile telephone, by which a user engages**  
 29 **in a call without the use of either hand, whether or not the use of**  
 30 **either hand is necessary to:**

- 31 (1) activate;  
 32 (2) deactivate; or  
 33 (3) initiate a function of;

34 **the mobile telephone.**

35 **Sec. 3. As used in this chapter, "immediate proximity" means**  
 36 **the distance that permits the user of a mobile telephone to hear the**  
 37 **telecommunication transmitted over the mobile telephone that does**  
 38 **not require physical contact with the ear of the user.**

39 **Sec. 4. As used in this chapter, "mobile telephone" means the**  
 40 **device used by a subscriber and another operator of a wireless**  
 41 **telephone service to access the service.**

42 **Sec. 5. As used in this chapter, "use" means holding a mobile**

C  
o  
p  
y



1 telephone to, or in the immediate proximity of, the ear of the  
2 operator of a motor vehicle. The term does not include holding a  
3 mobile telephone to:

- 4 (1) activate;
- 5 (2) deactivate; or
- 6 (3) initiate a function of;

7 the telephone.

8 **Sec. 6. As used in this chapter, "wireless telephone service"**  
9 **means two-way real time voice telecommunications service that is**  
10 **interconnected to a public switched telephone network and is**  
11 **provided by a commercial mobile radio service (as defined in**  
12 **IC 36-8-16.5-5).**

13 **Sec. 7. (a) Except as provided in subsections (b), (c), and (d), a**  
14 **person who operates a motor vehicle and simultaneously uses a**  
15 **hand held mobile telephone commits a Class D infraction.**

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

- 17 (1) an authorized emergency vehicle;
- 18 (2) a medical services vehicle;
- 19 (3) a privately owned vehicle if:

20 (A) the operator of or a passenger in the vehicle is a  
21 volunteer firefighter en route to the scene of a fire or other  
22 emergency in the line of duty; and

23 (B) a blue light is displayed on the vehicle under  
24 IC 36-8-12-11; or

25 (4) a privately owned vehicle if:

26 (A) the operator of or a passenger in the vehicle is a  
27 certified emergency medical technician, a certified  
28 emergency medical service driver, or a certified emergency  
29 medical service first responder en route to the scene of  
30 emergency medical service activities in the line of duty;  
31 and

32 (B) a green light is displayed on the vehicle under  
33 IC 9-19-14.5-1.

34 **(c) Subsection (a) does not apply if the mobile telephone is used**  
35 **in an emergency situation to:**

- 36 (1) transmit an emergency call (as defined in IC 35-45-2-3(c));
- 37 (2) contact a health care provider (as defined in  
38 IC 16-18-2-163);
- 39 (3) contact a police and law enforcement system established  
40 under IC 36-8-2-2; or
- 41 (4) contact a firefighting and fire prevention system  
42 established under IC 36-8-2-3.

C  
O  
P  
Y



1     **As used in this subsection, "emergency situation" means a threat**  
2     **to the safety or security of persons or property, or both.**

3         **(d) Subsection (a) does not prohibit the use of a hands free**  
4     **mobile telephone by the operator of a motor vehicle.**

C  
o  
p  
y

