
HOUSE BILL No. 1586

DIGEST OF INTRODUCED BILL

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

Synopsis: Hands free mobile telephone use. Makes it a Class D infraction to operate a motor vehicle while using a hand held mobile telephone. Exempts: (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 volunteer firefighter or a certified emergency medical technician en route to the scene of an emergency.

Effective: July 1, 2003.

Summers

January 16, 2003, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

C
O
P
Y



First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

C
o
p
y

HOUSE BILL No. 1586



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, 2003]: **Sec. 30.7. "Commercial mobile radio service", for**
- 4 **purposes of IC 9-21-21-5, 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, 2003]: **Sec. 49.7. "Emergency situation", for purposes of**
- 9 **IC 9-21-21-6, has the meaning set forth in IC 9-21-21-6(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, 2003]: **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, 2003]: **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 9-13-2-103.3 IS ADDED TO THE INDIANA
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2003]: **Sec. 103.3. "Mobile telephone", for**
 4 **purposes of IC 9-21-21, has the meaning set forth in IC 9-21-21-3.**

5 SECTION 6. IC 9-13-2-195.1 IS ADDED TO THE INDIANA
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2003]: **Sec. 195.1. "Use", for purposes of**
 8 **IC 9-21-21, has the meaning set forth in IC 9-21-21-4.**

9 SECTION 7. IC 9-13-2-199.1 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2003]: **Sec. 199.1. "Wireless telephone**
 12 **service", for purposes of IC 9-21-21, has the meaning set forth in**
 13 **IC 9-21-21-5.**

14 SECTION 8. IC 9-21-21 IS ADDED TO THE INDIANA CODE AS
 15 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 16 1, 2003]:

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

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

21 **Sec. 2. As used in this chapter, "hands free mobile telephone"**
 22 **means a mobile telephone that has an internal feature or function**
 23 **or that is equipped with an attachment or addition by which a user**
 24 **engages in a call without the use of either hand.**

25 **Sec. 3. As used in this chapter, "mobile telephone" means the**
 26 **device used by subscribers of a wireless telephone service to access**
 27 **the service.**

28 **Sec. 4. (a) As used in this chapter, "use" means holding a mobile**
 29 **telephone to or in the immediate proximity of the ear of the**
 30 **operator of a motor vehicle. The term does not include holding a**
 31 **mobile telephone to:**

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

35 **the mobile telephone.**

36 **(b) For purposes of this section, a mobile telephone that does not**
 37 **require physical contact with the ear of the user is held in the**
 38 **immediate proximity of a motor vehicle operator's ear if the**
 39 **distance between the mobile telephone and the motor vehicle**
 40 **operator's ear permits the motor vehicle operator to hear the**
 41 **telecommunication transmitted over the mobile telephone.**

42 **Sec. 5. As used in this chapter, "wireless telephone service"**

C
o
p
y



1 means a two-way real time voice telecommunications service that
 2 is interconnected to a public switched telephone network and is
 3 provided by a commercial mobile radio service.

4 Sec. 6. (a) An individual who operates a motor vehicle and
 5 simultaneously uses a hand held mobile telephone commits a Class
 6 D infraction.

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

8 (1) an authorized emergency vehicle;

9 (2) a medical services vehicle;

10 (3) a privately owned vehicle if:

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

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

16 (4) a privately owned vehicle if:

17 (A) the operator or a passenger in the vehicle is a certified
 18 emergency medical technician, a certified emergency
 19 medical service driver, or a certified emergency medical
 20 service first responder en route to the scene of emergency
 21 medical service activities in the line of duty; and

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

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

26 (1) transmit an emergency call (as defined in IC 35-45-2-3(c));

27 (2) contact a health care provider (as defined in
 28 IC 16-18-2-163);

29 (3) contact a police and law enforcement system established
 30 under IC 36-8-2-2; or

31 (4) contact a firefighting and fire prevention system
 32 established under IC 36-8-2-3.

33 As used in this subsection, "emergency situation" means a situation
 34 threatening the safety or security of persons or property.

35 (d) Subsection (a) does not prohibit the use of a hands free
 36 mobile telephone by an operator of a motor vehicle.

C
O
P
Y

