
SENATE BILL No. 119

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2; IC 9-21-22.

Synopsis: Cell phone use while driving. Makes it a Class D infraction for a person less than 18 years of age 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) the operator of an authorized emergency vehicle; (3) the operator of a medical services vehicle; and (4) a volunteer firefighter and certain emergency services professionals en route to the scene of an emergency.

Effective: July 1, 2008.

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January 8, 2008, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Second Regular Session 115th General Assembly (2008)

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 2007 Regular Session of the General Assembly.

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SENATE BILL No. 119



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, 2008]: **Sec. 30.7. "Commercial mobile radio service", for**
- 4 **purposes of IC 9-21-22, has the meaning set forth in IC 36-8-16.5-5.**
- 5 SECTION 2. IC 9-13-2-49.7 IS ADDED TO THE INDIANA CODE
- 6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 7 1, 2008]: **Sec. 49.7. "Emergency situation", for purposes of**
- 8 **IC 9-21-22, has the meaning set forth in IC 9-21-22-6(c).**
- 9 SECTION 3. IC 9-13-2-72.1 IS ADDED TO THE INDIANA CODE
- 10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 11 1, 2008]: **Sec. 72.1. "Hand held mobile telephone", for purposes of**
- 12 **IC 9-21-22, has the meaning set forth in IC 9-21-22-1.**
- 13 SECTION 4. IC 9-13-2-72.3 IS ADDED TO THE INDIANA CODE
- 14 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 15 1, 2008]: **Sec. 72.3. "Hands free mobile telephone", for purposes of**
- 16 **IC 9-21-22, has the meaning set forth in IC 9-21-22-2.**
- 17 SECTION 5. IC 9-13-2-103.3 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2008]: **Sec. 103.3. "Mobile telephone", for**
 3 **purposes of IC 9-21-22, has the meaning set forth in IC 9-21-22-3.**

4 SECTION 6. IC 9-13-2-193.5 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2008]: **Sec. 193.5. "Use", for purposes of**
 7 **IC 9-21-22, has the meaning set forth in IC 9-21-22-4.**

8 SECTION 7. IC 9-13-2-199.1 IS ADDED TO THE INDIANA
 9 CODE AS A NEW SECTION TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2008]: **Sec. 199.1. "Wireless telephone**
 11 **service", for purposes of IC 9-21-22, has the meaning set forth in**
 12 **IC 9-21-22-5.**

13 SECTION 8. IC 9-21-22 IS ADDED TO THE INDIANA CODE AS
 14 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 15 1, 2008]:

16 **Chapter 22. Use of Mobile Telephones**

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

20 **Sec. 2. As used in this chapter, "hands free mobile telephone"**
 21 **means a mobile telephone that:**

- 22 (1) has an internal feature or function; or
 23 (2) is equipped with an attachment or addition;

24 by which a user 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"**

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1 means a two-way real time voice telecommunications service that
 2 is:
 3 (1) interconnected to a public switched telephone network;
 4 and
 5 (2) provided by a commercial mobile radio service.
 6 Sec. 6. (a) Except as provided in subsections (b) and (c), an
 7 individual who is less than eighteen (18) years of age and
 8 simultaneously:
 9 (1) operates a motor vehicle; and
 10 (2) uses a hand held mobile telephone;
 11 commits a Class D infraction.
 12 (b) Subsection (a) does not apply to an operator of:
 13 (1) an authorized emergency vehicle;
 14 (2) a medical services vehicle;
 15 (3) a privately owned vehicle if:
 16 (A) the operator or a passenger in the vehicle is a volunteer
 17 firefighter en route to the scene of a fire or other
 18 emergency in the line of duty; and
 19 (B) a blue light is displayed on the vehicle under
 20 IC 36-8-12-11; or
 21 (4) a privately owned vehicle if:
 22 (A) the operator or a passenger in the vehicle is a certified:
 23 (i) paramedic;
 24 (ii) emergency medical technician-intermediate;
 25 (iii) emergency medical technician-basic advanced;
 26 (iv) emergency medical technician;
 27 (v) emergency medical service driver; or
 28 (vi) emergency medical service first responder;
 29 en route to the scene of emergency medical services
 30 activities in the line of duty; and
 31 (B) a green light is displayed on the vehicle under
 32 IC 9-19-14.5-1.
 33 (c) As used in this subsection, "emergency situation" means a
 34 situation threatening the safety or security of persons or property.
 35 Subsection (a) does not apply if the hand held mobile telephone is
 36 used in an emergency situation to:
 37 (1) transmit an emergency call (as defined in IC 35-45-2-3(c));
 38 (2) contact a health care provider (as defined in
 39 IC 16-18-2-163);
 40 (3) contact a police and law enforcement system established
 41 under IC 36-8-2-2; or
 42 (4) contact a firefighting and fire prevention system

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1 **established under IC 36-8-2-3.**
2 **(d) Subsection (a) does not prohibit the use of a hands free**
3 **mobile telephone by an operator of a motor vehicle.**

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