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# HOUSE BILL No. 1242

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-13-2; IC 9-21-22; IC 9-24-11-3.

**Synopsis:** Mobile telephone use. Prohibits the use of a handheld mobile telephone by all operators of motor vehicles. Prohibits the use of a hands free mobile telephone by a motor vehicle operator who holds a probationary license. Exempts: (1) individuals who use a mobile telephone in an emergency situation; and (2) operators of certain emergency and medical services vehicles. Imposes civil penalties for violations. Provides for deposit of the penalties in the state general fund.

**Effective:** July 1, 2009.

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### Summers

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January 12, 2009, read first time and referred to Committee on Public Policy.

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First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

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## HOUSE BILL No. 1242



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 9-13-2-103.3 IS ADDED TO THE INDIANA
- 2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2009]: **Sec. 103.3. "Mobile telephone", for**
- 4 **purposes of IC 9-21-22, has the meaning set forth in IC 9-21-22-1.**
- 5 SECTION 2. IC 9-13-2-193.1 IS ADDED TO THE INDIANA
- 6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 7 [EFFECTIVE JULY 1, 2009]: **Sec. 193.1. "Use", for purposes of**
- 8 **IC 9-21-22, has the meaning set forth in IC 9-21-22-2.**
- 9 SECTION 3. 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, 2009]: **Sec. 199.1. "Wireless telephone**
- 12 **service", for purposes of IC 9-21-22, has the meaning set forth in**
- 13 **IC 9-21-22-3.**
- 14 SECTION 4. IC 9-21-22 IS ADDED TO THE INDIANA CODE AS
- 15 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 16 1, 2009]:
- 17 **Chapter 22. Use of Mobile Telephones**



1           **Sec. 1. As used in this chapter, "mobile telephone" means a**  
2 **device used by subscribers of a wireless telephone service to access**  
3 **the service.**

4           **Sec. 2. (a) As used in this chapter, "use" means holding a mobile**  
5 **telephone to or in the immediate proximity of an ear of an operator**  
6 **of a motor vehicle. The term does not include holding a mobile**  
7 **telephone to:**

- 8                   (1) activate;
  - 9                   (2) deactivate; or
  - 10                  (3) initiate a function of;
- 11 **the mobile telephone.**

12           **(b) For purposes of this section, a mobile telephone that does not**  
13 **require physical contact with an ear of the user is held in the**  
14 **immediate proximity of a motor vehicle operator's ear if the**  
15 **distance between the mobile telephone and the motor vehicle**  
16 **operator's ear permits the motor vehicle operator to hear the**  
17 **telecommunication transmitted over the mobile telephone.**

18           **Sec. 3. As used in this chapter, "wireless telephone service"**  
19 **means a two-way, real time voice telecommunications service that**  
20 **is:**

- 21                   (1) interconnected to a public switched telephone network;
- 22                   and
- 23                   (2) provided by a commercial mobile radio service (as defined
- 24                   in IC 36-8-16.5-5).

25           **Sec. 4. (a) This section applies to an individual who holds an**  
26 **operator's license other than a probationary license issued under**  
27 **IC 9-24-11-3.**

28           **(b) Except as provided in sections 6 and 7 of this chapter, an**  
29 **individual shall not operate a motor vehicle while using a mobile**  
30 **telephone unless the mobile telephone:**

- 31                   (1) has an internal feature or function; or
  - 32                   (2) is equipped with an attachment or addition;
- 33 **by which the individual engages in a call without the use of either**  
34 **hand.**

35           **Sec. 5. (a) This section applies to an individual who holds a**  
36 **probationary license issued under IC 9-24-11-3.**

37           **(b) Except as provided in sections 6 and 7 of this chapter, an**  
38 **individual shall not operate a motor vehicle while using a mobile**  
39 **telephone, including a mobile telephone that:**

- 40                   (1) has an internal feature or function; or
  - 41                   (2) is equipped with an attachment or addition;
- 42 **by which the individual engages in a call without the use of either**

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**hand.**

**Sec. 6. Sections 4 and 5 of this chapter do not apply to an operator of:**

- (1) an authorized emergency vehicle;**
- (2) a medical services vehicle;**
- (3) a privately owned vehicle if:**
  - (A) the operator or a passenger in the vehicle is a volunteer firefighter en route to the scene of a fire or other emergency in the line of duty; and**
  - (B) a blue light is displayed on the vehicle under IC 36-8-12-11; or**
- (4) a privately owned vehicle if:**
  - (A) the operator or a passenger in the vehicle is a certified:**
    - (i) paramedic;**
    - (ii) emergency medical technician-intermediate;**
    - (iii) emergency medical technician-basic advanced;**
    - (iv) emergency medical technician;**
    - (v) emergency medical service driver; or**
    - (vi) emergency medical service first responder;**
  - en route to the scene of emergency medical service activities in the line of duty; and**
  - (B) a green light is displayed on the vehicle under IC 9-19-14.5-1.**

**Sec. 7. Sections 4 and 5 of this chapter do not apply to an operator of a motor vehicle who uses a mobile telephone in an emergency situation to:**

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

**Sec. 8. An individual who violates section 4 or 5 of this chapter is subject to a civil penalty as follows:**

- (1) Twenty-five dollars (\$25) for the first violation.**
- (2) Fifty dollars (\$50) for the second violation.**
- (3) One hundred dollars (\$100) for the third and each subsequent violation.**

**Penalties collected under this subsection shall be deposited in the state general fund.**

**Sec. 9. The bureau may not assess points under the point system**

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**for a violation of this chapter.**

SECTION 5. IC 9-24-11-3, AS AMENDED BY P.L.184-2007, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) A license issued to an individual less than eighteen (18) years of age is a probationary license.

(b) An individual holds a probationary license subject to the following conditions:

(1) Except as provided in IC 31-37-3, the individual may not operate a motor vehicle during the curfew hours specified in IC 31-37-3-2.

(2) During the ninety (90) days following the issuance of the probationary license, the individual may not operate a motor vehicle in which there are passengers unless another individual who:

(A) is at least twenty-one (21) years of age; and

(B) holds a valid operator's license issued under this article; is present in the front seat of the motor vehicle.

(3) The individual may operate a motor vehicle only if the individual and each occupant of the motor vehicle has a safety belt properly fastened about the occupant's body at all times when the motor vehicle is in motion.

**(4) Except as provided in IC 9-21-22-6 and IC 9-21-22-7, the individual may not operate a motor vehicle while using a mobile telephone.**

(c) An individual who holds a probationary license issued under this section may receive an operator's license, a chauffeur's license, a public passenger chauffeur's license, or a commercial driver's license when the individual is at least eighteen (18) years of age.

(d) Except as provided in subsection (e), a probationary license issued under this section:

(1) expires at midnight of the twenty-first birthday of the holder; and

(2) may not be renewed.

(e) A probationary license issued under this section to an individual who complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(9) expires:

(1) at midnight one (1) year after issuance if there is no expiration date on the authorization granted to the individual to remain in the United States; or

(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization to remain in the

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- 1 United States expires.
- 2 (B) At midnight of the twenty-first birthday of the holder.

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