

# HOUSE BILL No. 1060

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-13-2-195.7; IC 9-21-22; IC 9-24-11.

**Synopsis:** Use of telecommunications devices while driving. Prohibits the use of a handheld personal communications device by a motor vehicle operator who is at least 18 years of age and holds an operator's license, including a probationary license. Exempts individuals in emergency situations. Imposes civil penalties for violations. Provides for the deposit of the penalties in the state general fund. Make conforming amendments.

**Effective:** July 1, 2010.

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### Summers

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January 5, 2010, read first time and referred to Committee on Public Policy.

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Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

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**HOUSE BILL No. 1060**



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 9-13-2-195.7 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2010]: **Sec. 195.7. "Using a**  
4 **telecommunications device" has the meaning set forth in**  
5 **IC 9-21-22-1.**

6 SECTION 2. IC 9-21-22 IS ADDED TO THE INDIANA CODE AS  
7 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
8 1, 2010]:

9 **Chapter 22. Use of Telecommunications Devices**

10 **Sec. 1. As used in this chapter, "using a telecommunications**  
11 **device" includes using a telecommunications device to**  
12 **communicate orally or in writing or text.**

13 **Sec. 2. (a) This section applies to an individual who:**  
14 **(1) is at least eighteen (18) years of age; and**  
15 **(2) holds an operator's license, including a probationary**  
16 **license issued under IC 9-24-11-3 or IC 9-24-11-3.3.**  
17 **(b) Except as provided in sections 3 and 4 of this chapter, an**



1 individual shall not operate a motor vehicle while using a  
2 telecommunications device unless:

- 3 (1) the individual uses the telecommunications device only for
- 4 oral communication; and
- 5 (2) the telecommunications device:
  - 6 (A) has an internal feature or function; or
  - 7 (B) is equipped with an attachment or addition;
- 8 by which the individual engages in the oral communication
- 9 without the use of either hand. However, the individual may
- 10 use the individual's hand or hands to initiate or terminate the
- 11 oral communication.

12 **Sec. 3. Section 2 of this chapter 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 service
    - 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 **Sec. 4. Section 2 of this chapter does not apply to an operator of**  
34 **a motor vehicle who uses a telecommunications device in an**  
35 **emergency situation to:**

- 36 (1) transmit an emergency call (as defined in IC 35-45-2-3(c))
- 37 or other emergency communication;
- 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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established under IC 36-8-2-3.

**Sec. 5. An individual who violates section 2 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. 6. The bureau may not assess points under the point system for a violation of this chapter.**

SECTION 3. IC 9-24-11-0.5, AS ADDED BY P.L.101-2009, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 0.5. As used in this chapter, "telecommunications device" means an electronic or digital telecommunications device. **The term includes any device used to access a wireless telecommunications service.**

SECTION 4. IC 9-24-11-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8. (a) Except as provided in subsections (b), ~~and~~ (c), **and (e)**, a person who violates this chapter commits a Class C infraction.

- (b) A person who:
  - (1) has been issued a permit or license on which there is a printed or stamped restriction as provided under section 7 of this chapter; and
  - (2) operates a motor vehicle in violation of the restriction; commits a Class C misdemeanor. The license of a person who violates this subsection may be suspended in the manner provided for the suspension or revocation of an operator's license.
- (c) A person who causes serious bodily injury to or the death of another person when operating a motor vehicle after knowingly or intentionally failing to take prescribed medication, the taking of which was a condition of the issuance of the operator's restricted license under section 7 of this chapter, commits a Class A misdemeanor. However, the offense is a Class D felony if, within the five (5) years preceding the commission of the offense, the person had a prior unrelated conviction under this subsection.
- (d) A person who violates subsection (c) commits a separate offense for each person whose serious bodily injury or death is caused by the violation of subsection (c).
- (e) A person who violates section 3.3(b)(4) of this chapter is subject to a civil penalty as follows:**

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- 1           **(1) Twenty-five dollars (\$25) for the first violation.**
- 2           **(2) Fifty dollars (\$50) for the second violation.**
- 3           **(3) One hundred dollars (\$100) for the third and each**
- 4           **subsequent violation.**
- 5           **Penalties collected under this subsection shall be deposited in the**
- 6           **state general fund. The bureau may not assess points under the**
- 7           **point system for a violation described in this subsection.**

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