

# COMMITTEE REPORT

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## MADAM PRESIDENT:

The Senate Committee on Public Policy, to which was referred Senate Bill No. 18, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, line 3, after "177.3" insert **(a)**.
- 2 Page 1, line 4, delete "IC 9-21-22," and insert "**IC 9-21-8 and**".
- 3 Page 1, line 4, delete "and this chapter,".
- 4 Page 1, line 4, strike "has the meaning set"
- 5 Page 1, line 5, strike "forth in IC 9-24-11-0.5." and insert: **means an**
- 6 **electronic or digital telecommunications device. The term includes**
- 7 **a:**
- 8 **(1) wireless telephone;**
- 9 **(2) personal digital assistant;**
- 10 **(3) pager; or**
- 11 **(4) text messaging device.**
- 12 **(b) The term does not include:**
- 13 **(1) amateur radio equipment that is being operated by a**
- 14 **person licensed as an amateur radio operator by the Federal**
- 15 **Communications Commission under 47 CFR Part 97; or**
- 16 **(2) a communications system installed in a commercial vehicle**
- 17 **weighing more than ten thousand (10,000) pounds."**
- 18 Page 1, delete lines 6 through 17, begin a new paragraph and insert:
- 19 "SECTION 2. IC 9-13-2-177.4 IS ADDED TO THE INDIANA
- 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 21 [EFFECTIVE JULY 1, 2011]: **Sec. 177.4. "Text message", for**

1 **purposes of IC 9-21-8, has the meaning set forth in IC 9-21-8-0.5.**

2 SECTION 3. IC 9-21-8-0.5 IS ADDED TO THE INDIANA CODE  
3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
4 1, 2011]: **Sec. 0.5. As used in this chapter, "text message" means a**  
5 **communication in the form of electronic text sent from a**  
6 **telecommunications device.**

7 SECTION 4. IC 9-21-8-59 IS ADDED TO THE INDIANA CODE  
8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
9 1, 2011]: **Sec. 59. (a) A person may not use a telecommunications**  
10 **device to:**

- 11 (1) type a text message or an electronic mail message;  
12 (2) transmit a text message or an electronic mail message; or  
13 (3) read a text message or an electronic mail message;

14 **while operating a moving motor vehicle unless the device is used in**  
15 **conjunction with hands free or voice operated technology.**

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

- 17 (1) a medical services vehicle;  
18 (2) a privately owned vehicle if:  
19 (A) the operator or a passenger in the vehicle is a volunteer  
20 firefighter en route to the scene of a fire or other  
21 emergency in the line of duty; and  
22 (B) a blue light is displayed on the vehicle in accordance  
23 with IC 36-8-12-11; or

- 24 (3) a privately owned vehicle if:  
25 (A) the operator or a passenger in the vehicle is a certified:  
26 (i) paramedic;  
27 (ii) emergency medical technician-intermediate;  
28 (iii) emergency medical technician-basic advanced;  
29 (iv) emergency medical technician;  
30 (v) emergency medical service driver; or  
31 (vi) emergency medical service first responder;  
32 en route to the scene of emergency medical service  
33 activities in the line of duty; and  
34 (B) a green light is displayed on the vehicle in accordance  
35 with IC 9-19-14.5-1.

36 **(c) A police officer may not:**

- 37 (1) confiscate a telecommunications device for the purpose of  
38 determining compliance with subsection (a); or  
39 (2) confiscate a telecommunications device and retain it as  
40 evidence pending trial for a violation of this section.

1 SECTION 5. IC 9-24-11-0.5 IS REPEALED [EFFECTIVE JULY  
2 1, 2011]."  
3 Delete pages 2 through 3.  
(Reference is to SB 18 as introduced.)

**and when so amended that said bill do pass .**

Committee Vote: Yeas 5, Nays 2.

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**Senator Alting, Chairperson**