
HOUSE BILL No. 1070

AM107003 has been incorporated into January 24, 2020 printing.

Synopsis: Distracted driving.

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HB 1070—LS 6405/DI 92



January 24, 2020

Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1070

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 IC 9-13-2-177.4 IS REPEALED [EFFECTIVE JULY
2 1, 2020]. ~~Sec. 177.4: "Text message", for purposes of IC 9-21-8, has the~~
3 ~~meaning set forth in IC 9-21-8-0.5.~~
4 SECTION 2. IC 9-21-8-0.5, AS AMENDED BY P.L.185-2018,
5 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2020]: Sec. 0.5. The following definitions apply throughout
7 this chapter:
8 (1) "Solid waste hauler" means a vehicle in which solid waste or
9 recyclable materials are transported to a:
10 (A) transfer station for further transport to a final disposal
11 facility;
12 (B) final disposal facility; or
13 (C) materials recovery facility.
14 (2) ~~"Text message" means a communication in the form of~~
15 ~~electronic text sent from a telecommunications device.~~
16 (2) "Vehicle platoon" means a group of motor vehicles that
17 are traveling in a unified manner under electronic coordination

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at speeds and following distances that are faster and closer than would be reasonable and prudent without electronic coordination.

SECTION 3. IC 9-21-8-59, AS AMENDED BY P.L.191-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 59. (a) **Except as provided in subsections (b) and (c),** a person may not **hold or** use a telecommunications device to:

(1) ~~type a text message or an electronic mail message;~~

(2) ~~transmit a text message or an electronic mail message; or~~

(3) ~~read a text message or an electronic mail message;~~

while operating a moving motor vehicle. ~~unless the device is used in conjunction with hands free or voice operated technology, or unless the device is used to call 911 to report a bona fide emergency.~~

(b) A telecommunications device may be used in conjunction with hands free or voice operated technology.

(c) A telecommunications device may be used or held to call 911 to report a bona fide emergency.

~~(b)~~ **(d)** A police officer may not, without the consent of the person:

(1) confiscate a telecommunications device for the purpose of determining compliance with this section;

(2) confiscate a telecommunications device and retain it as evidence pending trial for a violation of this section; or

(3) extract or otherwise download information from a telecommunications device for a violation of this section unless:

(A) the police officer has probable cause to believe that the telecommunications device has been used in the commission of a crime;

(B) the information is extracted or otherwise downloaded under a valid search warrant; or

(C) otherwise authorized by law.

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