
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



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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 IC 9-13-2-177.4 IS REPEALED [EFFECTIVE JULY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 (3) (2) "Vehicle platoon" means a group of motor vehicles that
17 are traveling in a unified manner under electronic coordination

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

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

8 (1) type a text message or an electronic mail message;
9 (2) transmit a text message or an electronic mail message; or
10 (3) read a text message or an electronic mail message;
11 while operating a moving motor vehicle, unless the device is used in
12 conjunction with hands free or voice operated technology, or unless the
13 device is used to call 911 to report a bona fide emergency.

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

16 (c) A telecommunications device may be used or held to call
17 911 to report a bona fide emergency.

18 (d) A police officer may not, without the consent of the person:
19 (1) confiscate a telecommunications device for the purpose of
20 determining compliance with this section;

21 (2) confiscate a telecommunications device and retain it as
22 evidence pending trial for a violation of this section; or
23 (3) extract or otherwise download information from a
24 telecommunications device for a violation of this section unless:

25 (A) the police officer has probable cause to believe that the
26 telecommunications device has been used in the
27 commission of a crime;
28 (B) the information is extracted or otherwise downloaded
29 under a valid search warrant; or
30 (C) otherwise authorized by law.

