HOUSE BILL No. 1070

DIGEST OF HB 1070 (Updated January 22, 2020 11:13 am - DI 135)

Citations Affected: IC 9-13; IC 9-21.

Synopsis: Distracted driving. Provides that a person may not hold or use a telecommunications device in the driver's seat of a motor vehicle while the motor vehicle is in motion unless the device is used in conjunction with hands free or voice operated technology or used to call 911 to report a bona fide emergency. Removes prohibitions on typing, transmitting, or reading a text message or an electronic mail message while operating a moving motor vehicle. Makes conforming changes.

Effective: July 1, 2020.

Sullivan, Pressel, Karickhoff

January 23, 2020, reported — Do Pass.
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:

SECTION 1. IC 9-13-2-177.4 IS REPEALED [EFFECTIVE JULY 1, 2020]. Sec. 177.4. "Text message", for purposes of IC 9-21-8, has the meaning set forth in IC 9-21-8-0.5.

SECTION 2. IC 9-21-8-0.5, AS AMENDED BY P.L.185-2018, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 0.5. The following definitions apply throughout this chapter:

(1) "Solid waste hauler" means a vehicle in which solid waste or recyclable materials are transported to a:

(A) transfer station for further transport to a final disposal facility;

(B) final disposal facility; or

(C) materials recovery facility.

(2) "Text message" means a communication in the form of electronic text sent from a telecommunications device.

(3) (2) "Vehicle platoon" means a group of motor vehicles that are traveling in a unified manner under electronic coordination 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) 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 in the driver's seat of a motor vehicle while
the motor vehicle is in motion 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 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.
COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1070, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1070 as introduced.)

SULLIVAN

Committee Vote: Yeas 13, Nays 0