

MEMORANDUM

To: Superintendents, Principals, and Directors of Transportation

From: Michael A. LaRocco, Director of School Transportation

Date: May 22, 2020

Re: House Enrolled Act (HEA) 1070 – Distracted Driving

Background:

House Enrolled Act 1070 (2020) provides that, except in certain circumstances, a person may not hold or use a telecommunications device while operating a moving motor vehicle. This bill was signed into law on March 18, 2020, and will take effect on July 1, 2020.

Guidance:

HEA 1070 establishes that no person may hold or use a telecommunications device while operating a moving motor vehicle. It should be noted, this law does not specifically apply just to school bus drivers. Beginning July 1, 2020, it will be illegal for anyone to hold or use a telecommunications device while operating a motor vehicle, with certain specific exceptions. Texting while driving has been illegal for a number of years in Indiana. Additionally, federal regulations have disallowed a school bus driver, as a commercial motor vehicle driver, to use a handheld telecommunications device (except for a two-way radio or similar communications device). HEA 1070 now makes it illegal for anyone to hold or use a telecommunications device in Indiana while operating a motor vehicle.

The exceptions to this law include:

- 1) A telecommunications device may be used in conjunction with hands free or voice operated technology; and
- 2) a telecommunications device may be used or held to call 911 to report a bona fide emergency.

For further clarification, a “telecommunications device”, for purposes of [IC 9-21-8](#), [IC 9-25-4-7](#), [IC 9-24-11-3.3](#) (before its repeal), and [IC 9-24-11-3.7](#), means an electronic or digital telecommunications device. The term includes a:

- 1) wireless telephone;
- 2) personal digital assistant;
- 3) pager; or
- 4) text messaging device.

The term does not include:

- 1) amateur radio equipment that is being operated by a person licensed as an amateur radio operator by the Federal Communications Commission under 47 CFR Part 97; or
- 2) a communications system installed in a commercial motor vehicle weighing more than ten thousand (10,000) pounds.

Please make sure all employees, school bus drivers, and students are aware of this change in the law about cell phone use while driving. You will also need to address this in your policy for the use of all school-owned or contracted vehicles.

If you have any questions, please contact Mike LaRocco, Director of School Transportation, at mlarocco@doe.in.gov, or by phone at 317-232-0891.

This bill was authored by Representative Holli Sullivan. The full bill text can be found [here](#). Information regarding how to contact your legislators can be found [here](#).