

# HOUSE BILL No. 1174

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-21-8-35.

**Synopsis:** Delivery vehicles. Requires approaching drivers to: (1) proceed with due caution and yield the right-of-way; or (2) proceed with due caution and reduced vehicle speed; when approaching a stationary commercial delivery vehicle, personal vehicle with a delivery sign, or United States Postal Service vehicle displaying flashing amber lights or that is parked. Provides that a person who does not: (1) yield the right-of-way; or (2) proceed with due caution and reduced vehicle speed; when approaching a commercial delivery vehicle, personal vehicle with a delivery sign, or United States Postal Service vehicle displaying flashing amber lights or that is parked commits a Class B infraction. Makes a technical correction. Requires a person who uses a personal vehicle to make commercial deliveries to use a sign to indicate that the vehicle is making deliveries.

**Effective:** July 1, 2019.

---

---

## Mayfield

---

---

January 8, 2019, read first time and referred to Committee on Roads and Transportation.

---

---



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## HOUSE BILL No. 1174

---

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 9-21-8-35, AS AMENDED BY P.L.256-2017,  
2 SECTION 160, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2019]: Sec. 35. (a) Upon the immediate  
4 approach of an authorized emergency vehicle, when the person who  
5 drives the authorized emergency vehicle is giving audible signal by  
6 siren or displaying alternately flashing red, red and white, or red and  
7 blue lights, a person who drives another vehicle shall do the following  
8 unless otherwise directed by a law enforcement officer:  
9 (1) Yield the right-of-way.  
10 (2) Immediately drive to a position parallel to and as close as  
11 possible to the right-hand edge or curb of the highway clear of any  
12 intersection.  
13 (3) Stop and remain in the position until the authorized  
14 emergency vehicle has passed.  
15 (b) Upon approaching a stationary authorized emergency vehicle,  
16 when the authorized emergency vehicle is giving a signal by displaying  
17 alternately flashing red, red and white, or red and blue lights, a person



- 1 who drives an approaching vehicle shall:
- 2 (1) proceeding with due caution, yield the right-of-way by making
- 3 a lane change into a lane not adjacent to that of the authorized
- 4 emergency vehicle, if possible with due regard to safety and
- 5 traffic conditions, if on a highway having at least four (4) lanes
- 6 with not less than two (2) lanes proceeding in the same direction
- 7 as the approaching vehicle; or
- 8 (2) proceeding with due caution, reduce the speed of the vehicle
- 9 to a speed at least ten (10) miles per hour less than the posted
- 10 speed limit, maintaining a safe speed for road conditions, if
- 11 changing lanes would be impossible or unsafe.
- 12 A person who violates this subsection commits a Class A infraction.
- 13 (c) Upon approaching a stationary recovery vehicle, a stationary
- 14 utility service vehicle (as defined in IC 8-1-8.3-5), a stationary solid
- 15 waste hauler, a stationary road, street, or highway maintenance vehicle,
- 16 or a stationary survey or construction vehicle, when the vehicle is
- 17 giving a signal by displaying alternately flashing amber lights, a person
- 18 who drives an approaching vehicle shall:
- 19 (1) proceeding with due caution, yield the right-of-way by making
- 20 a lane change into a lane not adjacent to that of the recovery
- 21 vehicle, utility service vehicle, solid waste hauler, or road, street,
- 22 or highway maintenance vehicle, if possible with due regard to
- 23 safety and traffic conditions, if on a highway having at least four
- 24 (4) lanes with not less than two (2) lanes proceeding in the same
- 25 direction as the approaching vehicle; or
- 26 (2) proceeding with due caution, reduce the speed of the vehicle
- 27 to a speed at least ten (10) miles per hour less than the posted
- 28 speed limit, maintaining a safe speed for road conditions, if
- 29 changing lanes would be impossible or unsafe.
- 30 A person who violates this ~~section~~ **subsection** commits a Class B
- 31 infraction.
- 32 **(d) Upon approaching a stationary commercial delivery vehicle,**
- 33 **personal vehicle displaying a commercial delivery sign under**
- 34 **subsection (f), or United States Postal Service vehicle when the**
- 35 **vehicle is giving a signal by displaying flashing amber lights or is**
- 36 **parked alongside a commercial drop off receptacle, a commercial**
- 37 **location, a mailbox, a residence, a sidewalk, or a United States**
- 38 **Postal Service receptacle, a person who drives an approaching**
- 39 **vehicle shall:**
- 40 **(1) proceeding with due caution, and, if possible with due**
- 41 **regard to safety and traffic conditions, yield the right-of-way**
- 42 **by making a lane change into a lane not adjacent to that of the**



1 commercial delivery vehicle, the personal vehicle displaying  
2 a commercial delivery sign under subsection (f), or the United  
3 States Postal Service vehicle, if on a highway having at least  
4 four (4) lanes with not less than two (2) lanes proceeding in  
5 the same direction as the approaching vehicle; or

6 (2) proceeding with due caution, reduce the speed of the  
7 vehicle to a speed at least ten (10) miles per hour less than the  
8 posted speed limit, maintaining a safe speed for road  
9 conditions, if changing lanes would be impossible or unsafe.

10 **A person who violates this subsection commits a Class B infraction.**

11 ~~(d)~~ (e) This section does not operate to relieve the person who drives  
12 an authorized emergency vehicle, a recovery vehicle, a utility service  
13 vehicle, solid waste hauler, a road, street, or highway maintenance  
14 vehicle, or a stationary survey or construction vehicle, a **commercial**  
15 **delivery vehicle, a personal vehicle displaying a commercial**  
16 **delivery sign under subsection (f), or a United States Postal Service**  
17 **vehicle** from the duty to operate the vehicle with due regard for the  
18 safety of all persons using the highway.

19 (f) **A person who drives a personal vehicle to make commercial**  
20 **deliveries shall use a sign, including a magnetic sign, flag displayed**  
21 **from the driver's side window, or illuminated roof sign, that can be**  
22 **clearly seen from the rear of the vehicle while making deliveries.**

