

HOUSE BILL No. 1340

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2; IC 9-19-13-1; IC 9-21; IC 16-41-42.2-4; IC 33-37; IC 34-28-5-5.

Synopsis: Motor vehicle safety. Defines "critical work zone" as an area within a highway work site that is demarcated by signage and in which: (1) the normal lane path is offset, the road surface is significantly disturbed, or machinery is located; and (2) workers are present. Restricts use of an automated traffic enforcement safety device by certain governmental entities to detection or recording of: (1) violations of reduced speed limits in critical work zones; (2) failure by a driver to pay a required toll at a toll collection facility; and (3) failure to comply with school bus stop arm regulations; and provides that the images captured by the automated traffic enforcement safety device are not public records and must be destroyed after a certain amount of time. Provides that certain entities may enforce reduced speed limits in highway worksites without first conducting an engineering study if: (1) workers are present in the immediate vicinity of the highway worksite; and (2) the highway worksite is demarcated by proper signage. Provides that workers need not be present for purposes of certain traffic offenses in highway work zone areas that are not critical work zones. Amends regulations regarding use of a cell phone or other electronic communication device while driving as follows: (1) Expands the list of devices to which the regulations apply. (2) Prohibits: (A) holding or handling an electronic communications device; or (B) viewing, recording, or broadcasting images or video; while operating a motor vehicle. (3) Adds types and uses of devices that are excepted from the regulations. (4) Adds violation of the regulations to the offenses for which a driver may be a habitual violator. Provides that certain governmental entities may enter into agreements with third parties to
(Continued next page)

Effective: July 1, 2019.

Pressel, Soliday, Schaibley

January 14, 2019, read first time and referred to Committee on Roads and Transportation.



administer camera enforcement of: (1) reduced speed limits in critical work zones; and (2) school bus stop arm regulations; subject to certain conditions. Provides for a rebuttable presumption that the owner of a vehicle is the person operating the vehicle at the time the vehicle is photographed violating a regulation enforced by camera enforcement. Provides: (1) for civil penalties that may be assessed; and (2) that points may not be assessed under the bureau of motor vehicles' point system; for violations of regulations enforced by camera enforcement. Requires: (1) a penalty collected for a violation of a highway worksite speed limit enforced by camera enforcement to be deposited in the spinal cord and brain injury fund; and (2) 25% of the amount of a civil penalty collected for a violation of a school bus stop arm violation that is enforced by camera enforcement to be deposited in the school operations fund of the school corporation in which the violation occurred and used for funding school bus arm signal device cameras. Provides that a school bus driver: (1) may not pick up or drop off a student at a location that requires the student to cross: (A) a state highway; (B) a county arterial highway; or (C) a municipal arterial street; and (2) must pick up and drop off students as close as is practicable to the right-hand curb or edge of any other type of roadway. Provides that a school bus driver who knowingly or intentionally violates these pick up and drop off provisions commits a Class D infraction. Provides that failure by a school bus driver to conduct a required inspection for students or passengers remaining on a school bus at the end of a trip is a Class D infraction.



Introduced

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. 1340

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 9-13-2-6.2 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2019]: **Sec. 6.2. "Automated traffic enforcement safety device",**
4 **for purposes of IC 9-21-3.8, has the meaning set forth in**
5 **IC 9-21-3.8-2.**
- 6 SECTION 2. IC 9-13-2-39.6 IS ADDED TO THE INDIANA CODE
7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 2019]: **Sec. 39.6. "Critical work zone" means an area:**
- 9 (1) **that is located within a worksite;**
10 (2) **in which:**
11 (A) **the normal lane path is offset;**
12 (B) **the road surface is significantly disturbed; or**
13 (C) **road machinery is located;**
14 (3) **in which workers are present; and**
15 (4) **that is designated with signage that identifies the beginning**



- 1 **and end of the area.**
- 2 SECTION 3. IC 9-13-2-49.4 IS ADDED TO THE INDIANA CODE
- 3 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 4 1, 2019]: **Sec. 49.4. (a) Except as provided in subsection (b),**
- 5 **"electronic communications device", for purposes of IC 9-21-8-0.5**
- 6 **and IC 9-21-8-59, means any of the following:**
- 7 **(1) A broadband personal communications device.**
- 8 **(2) A gaming system or device capable of displaying games.**
- 9 **(3) A handheld device, laptop computer, or tablet computer**
- 10 **with mobile data access.**
- 11 **(4) A pager or two-way messaging device.**
- 12 **(5) A personal digital assistant.**
- 13 **(6) A wireless telephone.**
- 14 **(7) The functional equivalent or successor to any device listed**
- 15 **in subdivisions (1) through (6).**
- 16 **(b) The term does not include the following:**
- 17 **(1) Amateur radio equipment that is being operated by a**
- 18 **person licensed as an amateur radio operator by the Federal**
- 19 **Communications Commission under 47 CFR Part 97.**
- 20 **(2) A communications system installed in a commercial motor**
- 21 **vehicle weighing more than ten thousand (10,000) pounds.**
- 22 SECTION 4. IC 9-13-2-142 IS AMENDED TO READ AS
- 23 FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 142. "Public highway",**
- 24 **for purposes of IC 9-21-8-59 and IC 9-25, has the meaning set forth in**
- 25 **IC 9-25-2-4.**
- 26 SECTION 5. IC 9-13-2-173.2 IS ADDED TO THE INDIANA
- 27 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 28 [EFFECTIVE JULY 1, 2019]: **Sec. 173.2. "State highway", for**
- 29 **purposes of IC 9-21-12-12.1, has the meaning set forth in**
- 30 **IC 9-21-12-12.1(a).**
- 31 SECTION 6. IC 9-19-13-1, AS AMENDED BY P.L.1-2005,
- 32 SECTION 101, IS AMENDED TO READ AS FOLLOWS
- 33 [EFFECTIVE JULY 1, 2019]: **Sec. 1. The state school bus committee**
- 34 **established by IC 20-27-3-1 shall adopt and enforce rules under**
- 35 **IC 4-22-2 not inconsistent with this chapter and IC 9-21-23 to govern**
- 36 **the design and operation of all school buses used for the transportation**
- 37 **of school children when owned and operated by a school corporation**
- 38 **or privately owned and operated under contract with an Indiana school**
- 39 **corporation. The rules must by reference be made a part of such a**
- 40 **contract with a school corporation. Each school corporation, officer and**
- 41 **employee of the school corporation, and person employed under**
- 42 **contract by a school district is subject to those rules.**



1 SECTION 7. IC 9-21-3.5-9, AS AMENDED BY P.L.163-2011,
 2 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2019]: Sec. 9. (a) The owner of a motor vehicle, other than an
 4 authorized emergency vehicle, that is driven or towed through a toll
 5 collection facility on a toll road, tollway, or qualifying project shall pay
 6 the proper toll or user fee.

7 (b) A person who violates subsection (a) commits a moving
 8 violation, a Class C infraction.

9 **(c) A violation of subsection (a) may be enforced by means of an
 10 automated traffic enforcement safety device under IC 9-21-3.8.**

11 SECTION 8. IC 9-21-3.8 IS ADDED TO THE INDIANA CODE
 12 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2019]:

14 **Chapter 3.8. Automated Traffic Enforcement Safety Devices**

15 **Sec. 1. As used in this chapter, "authority" means the Indiana
 16 finance authority established by IC 5-1.2-3-1.**

17 **Sec. 2. As used in this chapter, "automated traffic enforcement
 18 safety device" means a device that photographically records a still
 19 image, video image, or combination of still images and video
 20 images:**

21 **(1) of a vehicle that is driven or towed past the device;**

22 **(2) one (1) or more of which captures:**

23 **(A) an image of the driver of the vehicle that is driven past
 24 the device; and**

25 **(B) an image in which the rear license plate number of the
 26 vehicle can be discerned;**

27 **(3) one (1) or more of which displays the:**

28 **(A) date on which;**

29 **(B) time at which; and**

30 **(C) location at which;**

31 **the image was recorded; and**

32 **(4) that are:**

33 **(A) kept on file; or**

34 **(B) otherwise accessible;**

35 **by the authority, a county, the department, a municipality, or
 36 a school corporation.**

37 **Sec. 3. As used in this chapter, "department" means the Indiana
 38 department of transportation established by IC 8-23-2-1.**

39 **Sec. 4. As used in this chapter, "municipality" has the meaning
 40 set forth in IC 36-1-2-11.**

41 **Sec. 5. The authority, a county, the department, a municipality,
 42 and a school corporation may use an automated traffic**



1 **enforcement safety device only to detect or record a violation of:**
 2 **(1) a worksite speed limit in a critical work zone under**
 3 **IC 9-21-5-11(g);**
 4 **(2) IC 9-21-3.5-9 (driving or being towed through a toll**
 5 **collection facility without paying the proper toll or user fee);**
 6 **or**
 7 **(3) IC 9-21-12-1 (proceeding past a school bus when the arm**
 8 **signal device is extended).**

9 **Sec. 6. A still image or video image captured by an automated**
 10 **traffic enforcement safety device under this chapter:**

- 11 **(1) is not a public record; and**
 12 **(2) must be destroyed not later than thirty (30) days after:**
 13 **(A) the conclusion of a proceeding that is initiated not later**
 14 **than thirty (30) days after the image is captured for a**
 15 **violation that is alleged based on the image; or**
 16 **(B) the date the image is captured, if a proceeding is not**
 17 **initiated as described in clause (A).**

18 SECTION 9. IC 9-21-4-20, AS ADDED BY P.L.40-2007,
 19 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2019]: Sec. 20. (a) For purposes of this section:

- 21 **(1) "critical work zone" has the meaning set forth in**
 22 **IC 9-13-2-39.6; and**
 23 **(2) "highway work zone" has the meaning set forth in**
 24 **IC 8-23-2-15.**

25 (b) The Indiana department of transportation shall design and
 26 manufacture or have manufactured signs that inform vehicle operators
 27 of the **following:**

- 28 **(1) Offenses and penalties under:**
 29 **(+) (A) IC 9-21-5-11; and**
 30 **(-) (B) IC 9-21-8-56.**
 31 **(2) The use of camera enforcement to enforce violations of**
 32 **IC 9-21-5-11 in a critical work zone, including applicable**
 33 **penalties under IC 9-21-23-12.**

34 (c) A sign described in subsection ~~(b)~~ **(b)(1)** shall be posted at a
 35 reasonable distance before a highway work zone by:

- 36 **(1) the Indiana department of transportation;**
 37 **(2) a political subdivision; or**
 38 **(3) a contractor of the:**
 39 **(A) Indiana department of transportation; or**
 40 **(B) political subdivision;**
 41 **that is working at the highway work zone.**

42 A sign that is posted before a highway work zone must be posted in



1 accordance with the Indiana Manual on Uniform Traffic Control
2 Devices or the Indiana Work Site Traffic Control Manual.

3 **(d) A sign described in subsection (b)(2) shall be posted at a**
4 **reasonable distance before a critical work zone by:**

- 5 **(1) the Indiana department of transportation;**
6 **(2) a political subdivision; or**
7 **(3) a contractor of the:**

- 8 **(A) Indiana department of transportation; or**
9 **(B) political subdivision;**

10 **that is working at the critical work zone.**

11 **A sign that is posted before a critical work zone must be posted in**
12 **accordance with the Indiana Manual on Uniform Traffic Control**
13 **Devices or the Indiana Work Site Traffic Control Manual.**

14 SECTION 10. IC 9-21-5-11, AS AMENDED BY P.L.41-2016,
15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2019]: Sec. 11. (a) Subject to subsection (b), the Indiana
17 department of transportation, the Indiana finance authority, or a local
18 authority may establish temporary maximum speed limits in their
19 respective jurisdictions and in the vicinity of a worksite without
20 conducting an engineering study and investigation required under this
21 article. The establishing authority shall post signs notifying the
22 traveling public of the temporary maximum speed limits established
23 under this section.

24 (b) Worksite speed limits set under this section must be at least ten
25 (10) miles per hour below the maximum established speed limit.

26 (c) A worksite speed limit set under this section may be enforced
27 only if:

- 28 (1) workers are present in the immediate vicinity of the worksite;
29 **or and**
30 (2) ~~if workers are not present in the immediate vicinity of the~~
31 ~~worksite, the establishing authority determines that the safety of~~
32 ~~the traveling public requires enforcement of the worksite speed~~
33 ~~limit. the worksite is designated with signage as described in~~
34 **IC 8-23-2-15(a)(2).**

35 (d) Notwithstanding IC 34-28-5-4(b), a judgment for the infraction
36 of violating a speed limit set under this section must be entered as
37 follows:

- 38 (1) If the person has not previously committed the infraction of
39 violating a speed limit set under this section, a judgment for a
40 Class B infraction and a fine of at least three hundred dollars
41 (\$300) shall be imposed.
42 (2) If the person has committed one (1) infraction of violating a



1 speed limit set under this section in the previous three (3) years,
 2 a judgment for a Class B infraction and a fine of at least five
 3 hundred dollars (\$500) shall be imposed.

4 (3) If the person has committed two (2) or more infractions of
 5 violating a speed limit set under this section in the previous three
 6 (3) years, a judgment for a Class B infraction and a fine of one
 7 thousand dollars (\$1,000) shall be imposed.

8 (e) Notwithstanding IC 34-28-5-5(c), the funds collected as
 9 judgments for the infraction of violating a speed limit set under this
 10 section shall be transferred to the Indiana department of transportation
 11 to pay the costs of hiring off duty police officers to perform the duties
 12 described in IC 8-23-2-15(b).

13 (f) If judgment has been imposed for committing two (2) infractions
 14 under this section within one (1) year, an additional penalty of the
 15 suspension of the driving privileges of the person who committed the
 16 infractions may be imposed by the court imposing the sentence for the
 17 second violation. If the court suspends a person's driving privileges
 18 under this subsection, the court shall issue an order to the bureau:

- 19 (1) stating that judgment against the person has been entered for
 20 committing the infraction of exceeding a worksite speed limit
 21 under this section for the second time in one (1) year; and
 22 (2) ordering the suspension of the person's driving privileges by
 23 the bureau under IC 9-30-13-9.

24 The suspension of a person's driving privileges under this section is in
 25 addition to any other penalties imposed under this section and any fee
 26 imposed under IC 33-37-5-14.

27 **(g) A worksite speed limit set under this section may be enforced**
 28 **in a critical work zone by camera enforcement under IC 9-21-23.**

29 SECTION 11. IC 9-21-8-0.5, AS AMENDED BY P.L.185-2018,
 30 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2019]: Sec. 0.5. The following definitions apply throughout
 32 this chapter:

- 33 (1) "Solid waste hauler" means a vehicle in which solid waste or
 34 recyclable materials are transported to a:
 35 (A) transfer station for further transport to a final disposal
 36 facility;
 37 (B) final disposal facility; or
 38 (C) materials recovery facility.
 39 (2) "Text message" means a communication in the form of
 40 electronic text sent from a ~~telecommunications~~ **an electronic**
 41 **communications** device.
 42 (3) "Vehicle platoon" means a group of motor vehicles that are



1 traveling in a unified manner under electronic coordination at
 2 speeds and following distances that are faster and closer than
 3 would be reasonable and prudent without electronic coordination.

4 SECTION 12. IC 9-21-8-52, AS AMENDED BY P.L.198-2016,
 5 SECTION 364, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2019]: Sec. 52. (a) A person who operates a
 7 vehicle and who recklessly:

- 8 (1) drives at such an unreasonably high rate of speed or at such an
 9 unreasonably low rate of speed under the circumstances as to:
- 10 (A) endanger the safety or the property of others; or
 - 11 (B) block the proper flow of traffic;
- 12 (2) passes another vehicle from the rear while on a slope or on a
 13 curve where vision is obstructed for a distance of less than five
 14 hundred (500) feet ahead;
- 15 (3) drives in and out of a line of traffic, except as otherwise
 16 permitted; or
- 17 (4) speeds up or refuses to give one-half (1/2) of the roadway to
 18 a driver overtaking and desiring to pass;

19 commits a Class C misdemeanor. However, the offense is a Class A
 20 misdemeanor if it causes bodily injury to a person.

21 (b) A person who operates a vehicle and who recklessly passes a
 22 school bus stopped on a roadway when the arm signal device specified
 23 in IC 9-21-12-13 is in the device's extended position commits a Class
 24 B misdemeanor. However, the offense is a Class A misdemeanor if it
 25 causes bodily injury to a person. **A recorded image (as defined in**
 26 **IC 9-21-23-5) may be used as evidence in a criminal proceeding**
 27 **under this subsection.**

28 (c) If an offense under subsection (a) or (b) results in damage to the
 29 property of another person, it is a Class B misdemeanor and the court
 30 may recommend the suspension of the current driving license of the
 31 person convicted of the offense described in this subsection for a fixed
 32 period of not more than one (1) year.

33 (d) If an offense under subsection (a) or (b) causes bodily injury to
 34 a person, the court may recommend the suspension of the driving
 35 privileges of the person convicted of the offense described in this
 36 subsection for a fixed period of not more than one (1) year.

37 SECTION 13. IC 9-21-8-56, AS AMENDED BY P.L.217-2014,
 38 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2019]: Sec. 56. (a) For purposes of this section, "highway
 40 work zone" has the meaning set forth in IC 8-23-2-15.

41 (b) Except as provided in subsections (f) through (h), a person who
 42 recklessly operates a vehicle in ~~the immediate vicinity~~ of a highway



1 work zone ~~when workers are present~~ commits a Class A misdemeanor.

2 (c) Except as provided in subsections (f) through (h), a person who
3 knowingly or intentionally operates a motor vehicle in ~~the immediate~~
4 ~~vicinity of~~ a highway work zone ~~when workers are present~~ with the
5 intent to:

6 (1) damage traffic control devices; or

7 (2) inflict bodily injury on a worker;

8 commits a Class A misdemeanor.

9 (d) Except as provided in subsections (f) through (h), a person who
10 knowingly, intentionally, or recklessly engages in:

11 (1) aggressive driving, as defined in section 55 of this chapter; or

12 (2) a speed contest, as prohibited under IC 9-21-6-1;

13 in ~~the immediate vicinity of~~ a highway work zone ~~when workers are~~
14 ~~present~~ commits a Class A misdemeanor.

15 (e) Except as provided in subsections (f) through (h), a person who
16 recklessly fails to obey a traffic control device or flagman, as
17 prohibited under section 41 of this chapter, in ~~the immediate vicinity~~
18 ~~of~~ a highway work zone ~~when workers are present~~ commits a Class A
19 misdemeanor.

20 (f) An offense under subsection (b), (c), (d), or (e) is a Level 6
21 felony if the person who commits the offense:

22 (1) has a prior unrelated conviction under this section in the
23 previous five (5) years; or

24 (2) is operating the vehicle in violation of IC 9-30-5-1 or
25 IC 9-30-5-2.

26 (g) An offense under subsection (b), (c), (d), or (e) is a Level 6
27 felony if the offense results in bodily injury to a worker in the worksite.

28 (h) An offense under subsection (b), (c), (d), or (e) is a Level 5
29 felony if the offense results in the death of a worker in the worksite.

30 (i) A person who knowingly, intentionally, or recklessly engages in
31 an act described in section 55(b)(1), 55(b)(2), 55(b)(3), 55(b)(4),
32 55(b)(5), or 55(b)(6) of this chapter in ~~the immediate vicinity of~~ a
33 highway work zone ~~when workers are present~~ commits a Class B
34 infraction. Notwithstanding IC 34-28-5-5(c), the funds collected as
35 judgments for an infraction under this subsection shall be transferred
36 to the Indiana department of transportation to pay the costs of hiring off
37 duty police officers to perform the duties described in IC 8-23-2-15(b).

38 SECTION 14. IC 9-21-8-59, AS AMENDED BY P.L.191-2014,
39 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2019]: Sec. 59. (a) **Except as provided in subsection (b)**, a
41 person may not: ~~use a telecommunications device to:~~

42 (†) type a text message or an electronic mail message;



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

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

3 (1) hold or handle an electronic communications device; or

4 (2) view, record, or broadcast images or video;

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

8 (b) Subsection (a) does not apply to the following:

9 (1) A law enforcement officer who is operating within the
10 scope of the officer's employment, including while the law
11 enforcement officer is:

12 (A) working in a plainclothes capacity;

13 (B) working in an undercover capacity; or

14 (C) responding to an emergency.

15 (2) A driver using an electronic communications device for the
16 sole purpose of communicating with emergency personnel or
17 law enforcement regarding an emergency.

18 (3) A driver using an electronic communications device by
19 means of hands free or voice operated technology, including
20 by:

21 (A) use of a headset or earpiece to conduct a voice
22 communication;

23 (B) use of a device that is:

24 (i) designed to be worn on the wrist; and

25 (ii) capable of being used to conduct hands free voice
26 communication;

27 to conduct a voice communication; or

28 (C) use of technology that uses voice recognition to convert
29 a voice communication into text for purposes of
30 transmission as a text message, electronic mail message, or
31 other electronic data;

32 if the device requires the driver to press not more than one (1)
33 button to initiate or terminate a voice communication or
34 transmission described in this subdivision.

35 (4) A driver using an electronic communications device while
36 parked on the shoulder of a public highway.

37 (5) A driver using an electronic communications device when:

38 (A) the vehicle is not in motion; and

39 (B) the vehicle's transmission is in "park".

40 (6) A driver using:

41 (A) a navigation or global positioning feature of an
42 electronic communications device; or



- 1 **(B) a fixed device that is designed to continuously record or**
- 2 **broadcast video from within or outside a motor vehicle;**
- 3 **without holding or handling the device.**
- 4 **(7) A driver using a manufacturer installed system that is**
- 5 **embedded or integrated into the vehicle.**
- 6 **(c) A person who knowingly or intentionally violates subsection**
- 7 **(a) commits unlawful use of an electronic communications device,**
- 8 **a Class C infraction.**
- 9 ~~(b)~~ **(d)** A police officer may not, without the consent of the person:
 - 10 (1) confiscate a ~~telecommunications~~ **an electronic**
 - 11 **communications** device for the purpose of determining
 - 12 compliance with this section;
 - 13 (2) confiscate a ~~telecommunications~~ **an electronic**
 - 14 **communications** device and retain it as evidence pending trial for
 - 15 a violation of this section; or
 - 16 (3) extract or otherwise download information from a
 - 17 ~~telecommunications~~ **an electronic communications** device for a
 - 18 violation of this section unless:
 - 19 (A) the police officer has probable cause to believe that the
 - 20 ~~telecommunications~~ **electronic communications** device has
 - 21 been used in the commission of a crime;
 - 22 (B) the information is extracted or otherwise downloaded
 - 23 under a valid search warrant; or
 - 24 (C) otherwise authorized by law.
- 25 SECTION 15. IC 9-21-12-1, AS AMENDED BY P.L.217-2014,
- 26 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 27 JULY 1, 2019]: Sec. 1. (a) A person who drives a vehicle that:
 - 28 (1) meets or overtakes from any direction a school bus stopped on
 - 29 a roadway and is not stopped before reaching the school bus when
 - 30 the arm signal device specified in IC 9-21-12-13 is in the device's
 - 31 extended position; or
 - 32 (2) proceeds before the arm signal device is no longer extended;
 - 33 commits a Class A infraction.
 - 34 (b) This section is applicable only if the school bus is in substantial
 - 35 compliance with the markings required by the state school bus
 - 36 committee.
 - 37 (c) There is a rebuttable presumption that the owner of the vehicle
 - 38 involved in the violation of this section committed the violation. This
 - 39 presumption does not apply to the owner of a vehicle involved in the
 - 40 violation of this section if the owner routinely engages in the business
 - 41 of renting the vehicle for periods of thirty (30) days or less.
 - 42 **(d) A violation of subsection (a) may be enforced by camera**



1 **enforcement under IC 9-21-23.**

2 SECTION 16. IC 9-21-12-12.1 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2019]: **Sec. 12.1. (a) As used in this section,**
5 **"state highway" means the following parts of the highway and**
6 **street system of Indiana under IC 8-23-4-1:**

7 (1) **The state highway system.**

8 (2) **The county arterial highway system in each county.**

9 (3) **The municipal arterial street system in each municipality.**

10 (b) **When a school bus is operated on a street or highway, the**
11 **driver shall drop off and pick up a student as close to the**
12 **right-hand curb or edge of the roadway as practicable.**

13 (c) **When a school bus is operated on a state highway, the driver**
14 **may not pick up or drop off a student at a location that requires**
15 **the student to cross the state highway.**

16 (d) **A school bus driver who knowingly or intentionally violates**
17 **this section commits a Class D infraction.**

18 SECTION 17. IC 9-21-12-19, AS ADDED BY P.L.39-2009,
19 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2019]: **Sec. 19. (a) A person who operates a school bus or a**
21 **special purpose bus shall visually inspect each seat within the interior**
22 **of the school bus or special purpose bus at the end of a trip during**
23 **which students or passengers are transported to determine that no**
24 **student or passenger has remained on the school bus or special purpose**
25 **bus.**

26 (b) **The visual inspection required under subsection (a) must be**
27 **conducted:**

28 (1) **at the conclusion of each trip during which students or**
29 **passengers are transported; and**

30 (2) **before the operator exits the school bus or special purpose bus.**

31 (c) **A student or passenger is considered to have been left on a**
32 **school bus or special purpose bus if:**

33 (1) **the operator has reached the end of a trip during which**
34 **students or passengers are transported and exited the school bus**
35 **or special purpose bus; and**

36 (2) **the student or passenger remains inside the school bus or**
37 **special purpose bus.**

38 (d) **A school bus or special purpose bus owner shall report all**
39 **instances of a student or passenger being left on the school bus or**
40 **special purpose bus to the superintendent or the superintendent's**
41 **designee immediately after the incident occurred.**

42 (e) **The superintendent or the superintendent's designee shall report**



1 all instances of a student or passenger being left on the school bus or
 2 special purpose bus to the department of education not later than five
 3 (5) working days after the incident occurred.

4 **(f) A person who violates subsection (a) commits a Class D**
 5 **infraction.**

6 SECTION 18. IC 9-21-23 IS ADDED TO THE INDIANA CODE
 7 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2019]:

9 **Chapter 23. Camera Enforcement of Traffic Regulations**

10 **Sec. 1. As used in this chapter, "camera enforcement" means**
 11 **the enforcement of a specified traffic regulation through an**
 12 **enforcement agreement.**

13 **Sec. 2. As used in this chapter, "enforcement agreement" means**
 14 **an agreement entered into under section 8 of this chapter.**

15 **Sec. 3. As used in this chapter, "local authority" has the**
 16 **meaning set forth in IC 9-13-2-94(b).**

17 **Sec. 4. As used in this chapter, "nonpublic school" has the**
 18 **meaning set forth in IC 20-18-2-12.**

19 **Sec. 5. As used in this chapter, "recorded image" means a**
 20 **digital image that:**

21 **(1) is captured by a camera that is:**

22 **(A) mounted on a school bus; or**

23 **(B) installed at a critical work zone;**

24 **under an enforcement agreement; and**

25 **(2) displays the date and time the image was captured.**

26 **Sec. 6. As used in this chapter, "school corporation" has the**
 27 **meaning set forth in IC 20-18-2-16(a).**

28 **Sec. 7. As used in this chapter, "specified traffic regulation"**
 29 **means:**

30 **(1) IC 9-21-5-11, as applied in a critical work zone; and**

31 **(2) IC 9-21-12-1.**

32 **Sec. 8. The following may enter into an enforcement agreement**
 33 **with a contractor to use recorded images to enforce a specified**
 34 **traffic regulation:**

35 **(1) The Indiana department of transportation.**

36 **(2) A local authority.**

37 **(3) The Indiana finance authority.**

38 **(4) A school corporation.**

39 **(5) A nonpublic school.**

40 **Sec. 9. An enforcement agreement must include the following:**

41 **(1) The names and addresses of all law enforcement agencies:**

42 **(A) that are authorized to enforce the specified traffic**



- 1 regulations; and
 2 (B) to which recorded images will be provided for
 3 enforcement or evidentiary purposes.
 4 (2) The specified traffic regulations that may be enforced
 5 under the agreement.
 6 (3) The specified traffic regulations or other offenses for
 7 which a recorded image may be used for evidentiary
 8 purposes.
 9 (4) A requirement that a complaint and summons for a
 10 violation of IC 9-21-12-1 may not be issued to the owner of a
 11 vehicle based on a recorded image captured under this
 12 chapter unless the issuing law enforcement agency possesses
 13 a written report from the operator of the school bus that was
 14 passed by the vehicle and that is the subject of the complaint
 15 and summons. The written report must:
 16 (A) document the alleged violation; and
 17 (B) have been made contemporaneously with the
 18 employment shift of the operator of the school bus when
 19 the alleged violation occurred.
 20 (5) For an enforcement agreement entered into by a school
 21 corporation or a nonpublic school, a requirement that each
 22 recorded image of an alleged violation of IC 9-21-12-1 must
 23 contain electronic verification that the school bus's arm signal
 24 device specified in IC 9-21-12-13 was in the device's extended
 25 position when the image was recorded.
 26 (6) A requirement that a law enforcement agency described in
 27 subdivision (1) shall send the following to the owner of a
 28 vehicle that is the subject of a recorded image documenting an
 29 alleged violation of a specified traffic regulation:
 30 (A) A complaint and summons for the alleged violation on
 31 a form that complies with IC 9-30-3-6.
 32 (B) A recorded image showing the vehicle at the time of the
 33 alleged violation.
 34 (C) A verified statement by a law enforcement officer
 35 authorized to enforce specified traffic regulations under
 36 this chapter stating that:
 37 (i) based on inspection of the recorded image, the
 38 operator of the vehicle committed a violation of a
 39 specified traffic regulation; and
 40 (ii) the violation was not otherwise authorized by law.
 41 (D) Information regarding how the owner of the vehicle
 42 that is the subject of the recorded image may provide the



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name and address of an individual that the owner alleges to have been operating the vehicle at the time of the alleged violation.

(E) Any other information usually transmitted to individuals alleged to have committed a violation of a specified traffic regulation.

All documents and other information required to be sent under this subdivision must be sent by regular mail addressed to the owner of the vehicle and postmarked not later than ten (10) days after the date of the alleged violation.

(7) A provision that a recorded image is not a public record, and must be destroyed not later than thirty (30) days after:

(A) a judgment is entered in a proceeding initiated not later than thirty (30) days after the recorded image is captured for a violation of a specified traffic regulation that is alleged based on the recorded image; or

(B) the date the recorded image is captured, if a proceeding is not initiated as described in clause (A).

(8) A regular inspection schedule for all hardware, including cameras, installed under the terms of the enforcement agreement.

(9) A requirement that, subject to the deduction of court costs under IC 34-28-5-5(g), civil penalties collected under this chapter must be deposited as follows:

(A) A percentage, not to exceed twenty-five percent (25%), must be deposited in the general fund of the entity described in section 8(1) through 8(5) of this chapter that is a party to the enforcement agreement, for purposes of paying the costs of the enforcement agreement, including:
(i) payments to the contractor under the terms of the enforcement agreement; and
(ii) other administrative and enforcement costs identified in the enforcement agreement.

(B) The remainder as follows:

(i) For a civil penalty imposed for a judgment for committing a violation of a specified traffic regulation described in section 7(1) of this chapter, the remainder must be deposited in the spinal cord and brain injury fund established by IC 16-41-42.2-3.

(ii) For a civil penalty imposed for a judgment for committing a violation of a specified traffic regulation described in section 7(2) of this chapter, fifty percent



1 (50%) of the remainder must be deposited in the general
 2 fund of the school corporation or nonpublic school that
 3 is a party to the enforcement agreement and fifty percent
 4 (50%) of the remainder must be deposited in the spinal
 5 cord and brain injury fund established by
 6 IC 16-41-42.2-3.

7 (10) Any other provisions that the parties to the enforcement
 8 agreement consider necessary.

9 Sec. 10. There is a rebuttable presumption that the owner of a
 10 vehicle that is the subject of a recorded image was operating the
 11 vehicle when the image was captured. The presumption does not
 12 apply to the owner of a vehicle that is the subject of a recorded
 13 image if the owner routinely engages in the business of renting the
 14 vehicle for periods of thirty (30) days or less.

15 Sec. 11. The bureau may not assess points under the point
 16 system for a violation of a specified traffic regulation that is
 17 enforced through camera enforcement.

18 Sec. 12. (a) An individual against whom a judgment is entered
 19 for committing a violation of a specified traffic regulation that was
 20 detected and enforced through camera enforcement is liable for a
 21 civil penalty as follows:

22 (1) If the individual does not have a prior adjudication based
 23 on a violation of the same specified traffic regulation within
 24 the previous five (5) years, three hundred dollars (\$300).

25 (2) If the individual has one (1) prior adjudication based on a
 26 violation of the same specified traffic regulation within the
 27 previous five (5) years, seven hundred fifty dollars (\$750).

28 (3) If the individual has more than one (1) prior adjudication
 29 based on a violation of the same specified traffic regulation
 30 within the previous five (5) years, one thousand dollars
 31 (\$1,000).

32 (b) A civil penalty imposed under this section must be deposited
 33 under the terms of the enforcement agreement under which the
 34 civil penalty was imposed.

35 (c) A civil penalty imposed under this section is the only penalty
 36 that may be imposed under this chapter for a violation of a
 37 specified traffic regulation. Notwithstanding IC 34-28-5-4, an
 38 individual against whom a judgment is entered for a violation that
 39 is enforced by camera enforcement is not liable for the amount
 40 prescribed in IC 34-28-5-4(a) or for additional court costs.
 41 However, a court may deduct costs from the civil penalty imposed
 42 under subsection (a) as long as the amount imposed on the



1 **individual does not exceed the applicable amount set forth in this**
 2 **section.**

3 SECTION 19. IC 16-41-42.2-4, AS AMENDED BY P.L.200-2015,
 4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2019]: Sec. 4. The fund is to be used for the following
 6 purposes:

7 (1) Establishing and maintaining a state medical surveillance
 8 registry for traumatic spinal cord and brain injuries.

9 (2) Fulfilling the duties of the board established by section 5 of
 10 this chapter.

11 (3) Funding research related to the treatment and cure of spinal
 12 cord and brain injuries, including acute management, medical
 13 complications, rehabilitative techniques, and neuronal recovery.
 14 Research must be conducted in compliance with all state and
 15 federal laws.

16 (4) Concerning spinal cord injuries, funding of at least ten percent
 17 (10%) and not more than fifteen percent (15%) of money in the
 18 fund for:

19 (A) post acute extended treatment and services for an
 20 individual with a spinal cord injury; or

21 (B) facilities that offer long term activity based therapy
 22 services at affordable rates to an individual with a spinal cord
 23 injury that requires extended post acute care.

24 (5) Concerning brain injuries, funding of at least ten percent
 25 (10%) and not more than fifteen percent (15%) of money in the
 26 fund for:

27 (A) post acute extended treatment and services for an
 28 individual with a brain injury; or

29 (B) facilities that offer long term activity based therapy
 30 services at affordable rates to an individual with a brain injury
 31 that requires extended post acute care.

32 (6) ~~Develop~~ **Developing** a statewide trauma system, ~~However,~~
 33 **subject to the following:**

34 (A) **Subject to clause (B)**, not more than fifty percent (50%)
 35 of money in the fund may be used for purposes of developing
 36 a statewide trauma system.

37 (B) **One hundred percent (100%) of money deposited in the**
 38 **fund under IC 9-21-23-12(b) must be used for purposes of**
 39 **developing a statewide trauma system.**

40 SECTION 20. IC 33-37-4-2, AS AMENDED BY P.L.85-2017,
 41 SECTION 109, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) Except as provided in



1 subsections (d) and (e), for each action that results in a judgment:

2 (1) for a violation constituting an infraction; or

3 (2) for a violation of an ordinance of a municipal corporation (as
4 defined in IC 36-1-2-10);

5 the clerk shall collect from the defendant an infraction or ordinance
6 violation costs fee of seventy dollars (\$70).

7 (b) In addition to the infraction or ordinance violation costs fee
8 collected under this section, the clerk shall collect from the defendant
9 the following fees, if they are required under IC 33-37-5:

10 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
11 IC 33-37-5-4).

12 (2) An alcohol and drug services program fee (IC 33-37-5-8(b)).

13 (3) A law enforcement continuing education program fee
14 (IC 33-37-5-8(c)).

15 (4) An alcohol and drug countermeasures fee (IC 33-37-5-10).

16 (5) A highway worksite zone fee (IC 33-37-5-14).

17 (6) A deferred prosecution fee (IC 33-37-5-17).

18 (7) A jury fee (IC 33-37-5-19).

19 (8) A document storage fee (IC 33-37-5-20).

20 (9) An automated record keeping fee (IC 33-37-5-21).

21 (10) A late payment fee (IC 33-37-5-22).

22 (11) A public defense administration fee (IC 33-37-5-21.2).

23 (12) A judicial insurance adjustment fee (IC 33-37-5-25).

24 (13) A judicial salaries fee (IC 33-37-5-26).

25 (14) A court administration fee (IC 33-37-5-27).

26 (15) A DNA sample processing fee (IC 33-37-5-26.2).

27 (c) The clerk shall transfer to the county auditor or fiscal officer of
28 the municipal corporation the following fees, not later than thirty (30)
29 days after the fees are collected:

30 (1) The alcohol and drug services program fee (IC 33-37-5-8(b)).

31 (2) The law enforcement continuing education program fee
32 (IC 33-37-5-8(c)).

33 (3) The deferral program fee (subsection (e)).

34 The auditor or fiscal officer shall deposit the fees in the user fee fund
35 established under IC 33-37-8.

36 (d) The defendant is not liable for any ordinance violation costs fee
37 in an action if all the following apply:

38 (1) The defendant was charged with an ordinance violation
39 subject to IC 33-36.

40 (2) The defendant denied the violation under IC 33-36-3.

41 (3) Proceedings in court against the defendant were initiated
42 under IC 34-28-5 (or IC 34-4-32 before its repeal).



- 1 (4) The defendant was tried and the court entered judgment for
 2 the defendant for the violation.
- 3 (e) Instead of the infraction or ordinance violation costs fee
 4 prescribed by subsection (a), except for the automated record keeping
 5 fee (IC 33-37-5-21), the clerk shall collect a deferral program fee if an
 6 agreement between a prosecuting attorney or an attorney for a
 7 municipal corporation and the person charged with a violation entered
 8 into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires
 9 payment of those fees by the person charged with the violation. The
 10 deferral program fee is:
- 11 (1) an initial user's fee not to exceed fifty-two dollars (\$52); and
 12 (2) a monthly user's fee not to exceed ten dollars (\$10) for each
 13 month the person remains in the deferral program.
- 14 (f) The fees prescribed by this section are costs for purposes of
 15 IC 34-28-5-5 and may be collected from a defendant against whom
 16 judgment is entered. **Except as provided in IC 9-21-23-12 and**
 17 **IC 34-28-5-5(g)**, any penalty assessed is in addition to costs.
- 18 SECTION 21. IC 33-37-5-14, AS AMENDED BY P.L.85-2013,
 19 SECTION 114, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2019]: Sec. 14. (a) This section applies to
 21 criminal, infraction, and ordinance violation actions that are traffic
 22 offenses (as defined in IC 9-13-2-183).
- 23 (b) The clerk shall collect a highway worksite zone fee of fifty cents
 24 (\$0.50). However, the clerk shall collect a highway worksite zone fee
 25 of twenty-five dollars and fifty cents (\$25.50) if:
- 26 (1) the criminal action, infraction, or ordinance violation is:
 27 (A) exceeding a worksite speed limit (~~as provided in~~
 28 ~~IC 9-21-5-2 and authorized by IC 9-21-5-3~~); **established**
 29 **under IC 9-21-5-11**; or
 30 (B) failure to merge (as provided in IC 9-21-8-7.5); and
 31 (2) the judge orders the clerk to collect the fee for exceeding a
 32 worksite speed limit or failure to merge.
- 33 SECTION 22. IC 34-28-5-5, AS AMENDED BY P.L.146-2016,
 34 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2019]: Sec. 5. (a) **Except as provided in subsection (g)**, a
 36 defendant against whom a judgment is entered is liable for costs. Costs
 37 are part of the judgment and may not be suspended except under
 38 IC 9-30-3-12. Whenever a judgment is entered against a person for the
 39 commission of two (2) or more civil violations (infractions or
 40 ordinance violations), the court may waive the person's liability for
 41 costs for all but one (1) of the violations. This subsection does not
 42 apply to judgments entered for violations constituting:



- 1 (1) Class D infractions; or
 2 (2) Class C infractions for unlawfully parking in a space reserved
 3 for a person with a physical disability under IC 5-16-9-5 or
 4 IC 5-16-9-8.
 5 (b) If a judgment is entered:
 6 (1) for a violation constituting:
 7 (A) a Class D infraction; or
 8 (B) a Class C infraction for unlawfully parking in a space
 9 reserved for a person with a physical disability under
 10 IC 5-16-9-5 or IC 5-16-9-8; or
 11 (2) in favor of the defendant in any case;
 12 the defendant is not liable for costs.
 13 (c) Except for costs, and except as provided in subsections (e), **and**
 14 (f), **and** (g) and IC 9-21-5-11(e), the funds collected as judgments for
 15 violations of statutes defining infractions shall be deposited in the state
 16 general fund.
 17 (d) A judgment may be entered against a defendant under this
 18 section or section 4 of this chapter upon a finding by the court that the
 19 defendant:
 20 (1) violated:
 21 (A) a statute defining an infraction; or
 22 (B) an ordinance; or
 23 (2) consents to entry of judgment for the plaintiff upon a pleading
 24 of nolo contendere for a moving traffic violation.
 25 (e) The funds collected for an infraction judgment described in
 26 section 4(h) of this chapter shall be transferred to a dedicated county
 27 fund. The money in the dedicated county fund does not revert to the
 28 county general fund or state general fund and may be used, after
 29 appropriation by the county fiscal body, only for the following
 30 purposes:
 31 (1) To pay compensation of commissioners appointed under
 32 IC 33-33-49.
 33 (2) To pay costs of the county's guardian ad litem program.
 34 (f) The funds collected for an infraction judgment described in
 35 section 4(i) of this chapter shall be transferred to a dedicated toll
 36 revenue fund created as part of a project under IC 8-15.5-1-2(b)(4).
 37 The money in the fund does not revert to the county general fund or
 38 state general fund and may be used only to pay the cost of operating,
 39 maintaining, and repairing the tolling system for a project under
 40 IC 8-15.5-1-2(b)(4), including major repairs, replacements, and
 41 improvements.
 42 (g) **Notwithstanding subsection (c), a civil penalty collected as a**



1 judgment under IC 9-21-23-12 shall be deposited as follows:
2 (1) A civil penalty collected for a violation of IC 9-21-5-11 that
3 is enforced by camera enforcement under IC 9-21-23 shall be
4 deposited in the spinal cord and brain injury fund established
5 by IC 16-41-42.2-3, to be used solely to develop a statewide
6 trauma system.
7 (2) Twenty-five percent (25%) of the amount of a civil penalty
8 collected for a violation of IC 9-21-12-1 that is enforced by
9 camera enforcement under IC 9-21-23 shall be deposited in
10 the school operations fund established under IC 20-46-8 for
11 the school corporation in which the violation occurred and
12 used for funding school bus arm signal device cameras.
13 To the extent an individual is liable for costs for a traffic violation
14 described in subdivision (1) or (2), the costs may be deducted from
15 the judgment and may not cause the individual to be liable for an
16 amount greater than the civil penalty set forth in IC 9-21-23-12(a).

