

Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1048

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 9-26-1-1.1, AS AMENDED BY P.L.188-2015, SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.1. (a) The operator of a motor vehicle involved in an accident shall do the following:

(1) **Except as provided in section 1.2 of this chapter, the operator shall** immediately stop the operator's motor vehicle:

(A) at the scene of the accident; or

(B) as close to the accident as possible;

in a manner that does not obstruct traffic more than is necessary.

(2) Remain at the scene of the accident until the operator does the following:

(A) Gives the operator's name and address and the registration number of the motor vehicle the operator was driving to any person involved in the accident.

(B) Exhibits the operator's driver's license to any person involved in the accident or occupant of or any person attending to any vehicle involved in the accident.

(3) If the accident results in the injury or death of another person, the operator shall, in addition to the requirements of subdivisions

(1) and (2):

(A) provide reasonable assistance to each person injured in or entrapped by the accident, as directed by a law enforcement

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officer, medical personnel, or a 911 telephone operator; and
 (B) as soon as possible after the accident, immediately give notice of the accident, or ensure that another person gives notice of the accident, by the quickest means of communication to one (1) of the following:

- (i) The local police department, if the accident occurs within a municipality.
- (ii) The office of the county sheriff or the nearest state police post, if the accident occurs outside a municipality.
- (iii) A 911 telephone operator.

(4) If the accident involves a collision with an unattended vehicle or damage to property other than a vehicle, the operator shall, in addition to the requirements of subdivisions (1) and (2):

(A) take reasonable steps to locate and notify the owner or person in charge of the damaged vehicle or property of the damage; and

(B) if after reasonable inquiry the operator cannot find the owner or person in charge of the damaged vehicle or property, the operator must contact a law enforcement officer or agency and provide the information required by this section.

(b) An operator of a motor vehicle who knowingly or intentionally fails to comply with subsection (a) commits leaving the scene of an accident, a Class B misdemeanor. However, the offense is:

(1) a Class A misdemeanor if the accident results in bodily injury to another person;

(2) a Level 6 felony if:

(A) the accident results in serious bodily injury to another person; or

(B) within the five (5) years preceding the commission of the offense, the operator had a previous conviction of any of the offenses listed in IC 9-30-10-4(a);

(3) a Level 5 felony if the accident results in the death of another person; and

(4) a Level 3 felony if the operator knowingly or intentionally fails to stop or comply with subsection (a) during or after the commission of the offense of operating while intoxicated causing serious bodily injury (IC 9-30-5-4) or operating while intoxicated causing death (IC 9-30-5-5).

SECTION 2. IC 9-26-1-1.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 1.2. (a) If, after an operator of a motor vehicle is involved in an accident, the operator's motor vehicle comes to a**



stop in the traveled portion of a highway, the operator shall, as soon as safely possible, move the motor vehicle off the traveled portion of the highway and to a location as close to the accident as possible. However, the operator shall not move the motor vehicle if the accident:

- (1) involves the transportation of hazardous materials; or
- (2) results in injury or death of a person or the entrapment of a person in a vehicle.

A person who violates this subsection commits a Class C infraction.

(b) An operator of a motor vehicle to whom subsection (a) applies, is also subject to section 1.1(a)(2), 1.1(a)(3), and 1.1(a)(4) of this chapter. An operator who knowingly or intentionally fails to comply with section 1.1(a)(2), 1.1(a)(3), or 1.1(a)(4) of this chapter commits leaving the scene of an accident, a Class B misdemeanor, and is subject to the penalties in section 1.1(b) of this chapter.

SECTION 3. IC 35-43-6.5-1, AS ADDED BY P.L.217-2014, SECTION 192, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) A person ~~who~~ **that** sells or offers for sale a vehicle, a vehicle part, or a watercraft knowing that an identification number or certificate of title of the vehicle, vehicle part, or watercraft has been:

- (1) destroyed;
- (2) removed;
- (3) altered;
- (4) covered; or
- (5) defaced;

commits a Class A misdemeanor. **However, the offense is a Level 6 felony if the aggregate fair market value of all vehicles, vehicle parts, and watercraft sold or offered for sale is at least seven hundred fifty dollars (\$750) and less than fifty thousand dollars (\$50,000), and a Level 5 felony if the aggregate fair market value of all vehicles, vehicle parts, and watercraft sold or offered for sale is at least fifty thousand dollars (\$50,000).**

(b) Subsection (c) does not apply to a person that manufactures or installs a plate or label containing an original identification number:

- (1) in a program authorized by a manufacturer of motor vehicles or motor vehicle parts; or
- (2) as authorized by the bureau under IC 9-17-4.

(c) A person that knowingly or intentionally possesses a plate or label that:



(1) contains an identification number; and
 (2) is not attached to the motor vehicle or motor vehicle part to which the identification number was assigned by the manufacturer or governmental entity;
 commits a Class A misdemeanor, except as provided in subsection (d).

(d) The offense described in subsection (c) is a:

(1) Level 6 felony if:

(A) the person possesses more than one (1) plate or label and the plates or labels are not attached to a motor vehicle or motor vehicle part; or

(B) the aggregate fair market value of all plates and labels, and of all motor vehicles and motor vehicle parts to which the plates or labels are wrongfully attached, is at least seven hundred fifty dollars (\$750) and less than fifty thousand dollars (\$50,000); and

(2) Level 5 felony if the aggregate fair market value of all plates or labels, and of all motor vehicles and motor vehicle parts to which the plate or label is wrongfully attached, is at least fifty thousand dollars (\$50,000).

(e) A person that knowingly:

(1) damages;

(2) removes; or

(3) alters;

an original or special identification number commits a Level 6 felony.

~~(b)~~ (f) A person who counterfeits or falsely reproduces a certificate of title for a motor vehicle, semitrailer, or recreational vehicle with intent to:

(1) use the certificate of title; or

(2) permit another person to use the certificate of title;

commits a ~~Class B~~ Class A misdemeanor. However, the offense is a Level 6 felony if the aggregate fair market value of all motor vehicles, semitrailers, and recreational vehicles for which the person counterfeits or falsely reproduces a certificate of title is at least seven hundred fifty dollars (\$750) and less than fifty thousand dollars (\$50,000), and a Level 5 felony if the aggregate fair market value of all motor vehicles, semitrailers, and recreational vehicles for which the person counterfeits or falsely reproduces a certificate of title is at least fifty thousand dollars (\$50,000).

SECTION 4. IC 35-44.1-4-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2016]: **Sec. 1.5. As used in this chapter, "emergency incident" includes:**

- (1) a structure or vehicle that is on fire;**
- (2) a motor vehicle accident;**
- (3) an accident involving hazardous materials;**
- (4) a crime scene;**
- (5) a police investigation; and**
- (6) a location where an individual is being arrested.**

SECTION 5. IC 35-44.1-4-2, AS ADDED BY P.L.126-2012, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 2. As used in this chapter, "emergency incident area" means the area surrounding a structure, vehicle, property, or area that:**

- (1) is:**
 - (~~1~~) (A) defined by police or firefighters with flags, barricades, barrier tape, or other markers; or**
 - (~~2~~) (B) one hundred and fifty (150) feet in all directions from the perimeter of the emergency incident;**

whichever is greater; or

- (2) is a specific distance less than one hundred and fifty (150) feet in all directions from the perimeter of the emergency incident that is articulated by a law enforcement officer.**



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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