

HOUSE BILL No. 1150

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2; IC 9-14-13; IC 9-18.1-3-8.5; IC 9-21; IC 9-30-3-14; IC 27-1-22-29; IC 34-6-2-85; IC 36-1-6-3.

Synopsis: Automated traffic enforcement in school zones. Authorizes a county, city, or town to adopt and enforce an ordinance that regulates the placement and use of automated traffic enforcement safety devices (devices) to detect certain traffic offenses (offenses) in school zones. Provides civil penalties for offenses and violations. Specifies that the civil penalty must be applied first to defray the cost of the installation, operation, and maintenance of the devices, and specifies the manner in which the remaining funds are distributed. Prohibits the: (1) reporting of offenses and violations on a driving record; (2) use of offenses and violations to determine rates for motor vehicle insurance; and (3) assessment of points under the point system by the bureau of motor vehicles (bureau) for offenses and violations. Requires notification to the bureau if offenses and violations have not been paid timely. Requires the bureau to suspend the registration of a vehicle when the offenses and violations have not been paid. Makes other changes and conforming amendments.

Effective: July 1, 2022.

Johnson, Gore

January 6, 2022, read first time and referred to Committee on Roads and Transportation.



Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

HOUSE BILL No. 1150

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 9-13-2-1.8 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2022]: **Sec. 1.8. "Agent", for purposes of IC 9-21-3.6, has the**
4 **meaning set forth in IC 9-21-3.6-1.**

5 SECTION 2. IC 9-13-2-6.2 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2022]: **Sec. 6.2. "Automated traffic enforcement safety device",**
8 **for purposes of IC 9-21-3.6, has the meaning set forth in**
9 **IC 9-21-3.6-2.**

10 SECTION 3. IC 9-13-2-110.7 IS ADDED TO THE INDIANA
11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2022]: **Sec. 110.7. "Municipality", for**
13 **purposes of IC 9-21-3.6, has the meaning set forth in IC 36-1-2-11.**

14 SECTION 4. IC 9-13-2-121, AS AMENDED BY P.L.164-2020,
15 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2022]: Sec. 121. (a) Except as otherwise provided in
17 ~~subsection~~ **subsections (b) and (c)**, "owner" means a person, other than



- 1 a lienholder, that:
- 2 (1) holds the property in or title to, as applicable, a vehicle,
- 3 manufactured home, mobile home, off-road vehicle, snowmobile,
- 4 or watercraft; or
- 5 (2) is entitled to the use or possession of, as applicable, a vehicle,
- 6 manufactured home, off-road vehicle, snowmobile, or watercraft,
- 7 through a lease or other agreement intended to operate as a
- 8 security.
- 9 (b) "Owner" for purposes of IC 9-18.1-14.5, has the meaning set
- 10 forth in 33 CFR 174.3.
- 11 **(c) "Owner", for purposes of IC 9-21-3.6, has the meaning set**
- 12 **forth in IC 9-21-3.6-4.**
- 13 SECTION 5. IC 9-14-13-7, AS ADDED BY P.L.198-2016,
- 14 SECTION 193, IS AMENDED TO READ AS FOLLOWS
- 15 [EFFECTIVE JULY 1, 2022]: Sec. 7. The bureau may disclose certain
- 16 personal information that is not highly restricted personal information
- 17 if the person requesting the information provides proof of identity and
- 18 represents that the use of the personal information will be strictly
- 19 limited to at least one (1) of the following:
- 20 (1) For use by a government agency, including a court or law
- 21 enforcement agency, in carrying out its functions, or a person
- 22 acting on behalf of a government agency in carrying out its
- 23 functions, **including an agent in carrying out the**
- 24 **responsibilities of the agent in IC 9-21-3.6.**
- 25 (2) For use in connection with matters concerning:
- 26 (A) motor vehicle or driver safety and theft;
- 27 (B) motor vehicle emissions;
- 28 (C) motor vehicle product alterations, recalls, or advisories;
- 29 (D) performance monitoring of motor vehicles, motor vehicle
- 30 parts, and dealers;
- 31 (E) motor vehicle market research activities, including survey
- 32 research;
- 33 (F) the removal of nonowner records from the original owner
- 34 records of motor vehicle manufacturers; and
- 35 (G) motor fuel theft under IC 24-4.6-5.
- 36 (3) For use in the normal course of business by a business or its
- 37 agents, employees, or contractors, but only:
- 38 (A) to verify the accuracy of personal information submitted
- 39 by an individual to the business or its agents, employees, or
- 40 contractors; and
- 41 (B) if information submitted to a business is not correct or is
- 42 no longer correct, to obtain the correct information only for



- 1 purposes of preventing fraud by pursuing legal remedies
2 against, or recovering on a debt or security interest against, the
3 individual.
- 4 (4) For use in connection with a civil, a criminal, an
5 administrative, or an arbitration proceeding in a court or
6 government agency or before a self-regulatory body, including the
7 service of process, investigation in anticipation of litigation, and
8 the execution or enforcement of judgments and orders, or under
9 an order of a court.
- 10 (5) For use in research activities, and for use in producing
11 statistical reports, as long as the personal information is not
12 published, redisclosed, or used to contact the individuals who are
13 the subject of the personal information.
- 14 (6) For use by an insurer, an insurance support organization, or a
15 self-insured entity, or the agents, employees, or contractors of an
16 insurer, an insurance support organization, or a self-insured entity
17 in connection with claims investigation activities, anti-fraud
18 activities, rating, or underwriting.
- 19 (7) For use in providing notice to the owners of towed or
20 impounded vehicles.
- 21 (8) For use by a licensed private investigative agency or licensed
22 security service for a purpose allowed under this section.
- 23 (9) For use by an employer or its agent or insurer to obtain or
24 verify information relating to a holder of a commercial driver's
25 license that is required under the Commercial Motor Vehicle
26 Safety Act of 1986 (49 U.S.C. 31131 et seq.).
- 27 (10) For use in connection with the operation of private toll
28 transportation facilities.
- 29 (11) For any use in response to requests for individual motor
30 vehicle records when the bureau has obtained the written consent
31 of the person to whom the personal information pertains.
- 32 (12) For bulk distribution for surveys, marketing, or solicitations
33 when the bureau has obtained the written consent of the person to
34 whom the personal information pertains.
- 35 (13) For use by any person, when the person demonstrates, in a
36 form and manner prescribed by the bureau, that written consent
37 has been obtained from the individual who is the subject of the
38 information.
- 39 (14) For any other use specifically authorized by law that is
40 related to the operation of a motor vehicle or public safety.
- 41 However, this section does not affect the use of anatomical gift
42 information on a person's driver's license or identification document



1 issued by the bureau, nor does this section affect the administration of
2 anatomical gift initiatives in Indiana.

3 SECTION 6. IC 9-14-13-10, AS ADDED BY P.L.198-2016,
4 SECTION 193, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2022]: Sec. 10. (a) An authorized recipient of
6 personal information, except a recipient under section 7(11) or 7(12)
7 of this chapter, **and except as provided in subsection (e)**, may resell
8 or redisclose the information for any use allowed under section 7 of this
9 chapter, except for a use under section 7(11) or 7(12) of this chapter.

10 (b) An authorized recipient of a record under section 7(11) of this
11 chapter may resell or redisclose personal information for any purpose.

12 (c) An authorized recipient of personal information under
13 IC 9-14-12-8 and section 7(12) of this chapter may resell or redisclose
14 the personal information for use only in accordance with section 7(12)
15 of this chapter.

16 (d) Except for a recipient under section 7(11) of this chapter, a
17 recipient who resells or rediscloses personal information is required to
18 maintain and make available for inspection to the bureau, upon request,
19 for at least five (5) years, records concerning:

20 (1) each person that receives the information; and

21 (2) the permitted use for which the information was obtained.

22 **(e) An agent carrying out the responsibilities of the agent set**
23 **forth in IC 9-21-3.6 that is a recipient of personal information**
24 **under section 7(1) of this chapter may not resell or redisclose the**
25 **personal information for any purpose.**

26 SECTION 7. IC 9-18.1-3-8.5 IS ADDED TO THE INDIANA
27 CODE AS A NEW SECTION TO READ AS FOLLOWS
28 [EFFECTIVE JULY 1, 2022]: **Sec. 8.5. (a) Upon receiving a referral,**
29 **as set forth in IC 9-21-3.6-17, of the failure of the registered owner**
30 **of a vehicle to pay any civil penalty or civil judgment assessed and**
31 **associated fees under IC 9-21-3.6, the bureau shall suspend the**
32 **registration of the vehicle that was used in the commission of the**
33 **ordinance violation until:**

34 (1) the registered owner pays the civil penalty or civil
35 judgment assessed and associated fees under IC 9-21-3.6; and

36 (2) the bureau is presented with adequate proof of payment
37 under IC 9-21-3.6.

38 (b) The bureau may impose a fee to reinstate an annual
39 registration that was withheld under this section.

40 SECTION 8. IC 9-21-3.6 IS ADDED TO THE INDIANA CODE
41 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2022]:



1 **Chapter 3.6. Automated Traffic Enforcement Safety Devices**

2 **Sec. 1. As used in this chapter, "agent" means a person that:**

- 3 (1) provides services to a county or municipality;
- 4 (2) operates, maintains, leases, or licenses automated traffic
- 5 enforcement safety devices as authorized by a county or
- 6 municipality;
- 7 (3) is authorized to review and assemble the recorded images
- 8 captured by an automated traffic enforcement safety device
- 9 for review by a law enforcement officer or agency; or
- 10 (4) is any combination of subdivisions (1) through (3).

11 **Sec. 2. As used in this chapter, "automated traffic enforcement**

12 **safety device" means a device that:**

- 13 (1) is capable of producing a photographically recorded still
- 14 or video image, or a combination of the photographically
- 15 recorded still and video images, of the rear of a motor vehicle
- 16 or of the rear of a vehicle being towed by a motor vehicle;
- 17 (2) includes an image of the rear license plate of the vehicle
- 18 but does not include an image of the face of the driver or a
- 19 passenger in the vehicle or motor vehicle;
- 20 (3) indicates on one (1) or more of the images produced the
- 21 date, time, and location of the image; and
- 22 (4) undergoes an annual calibration check, the results of
- 23 which are kept on file with the county or municipality that
- 24 uses the automated traffic enforcement safety device.

25 **Sec. 3. As used in this chapter, "municipality" has the meaning**

26 **set forth in IC 36-1-2-11.**

27 **Sec. 4. As used in this chapter, "owner" means a person in**

28 **whose name a motor vehicle is registered under any of the**

29 **following:**

- 30 (1) IC 9-18.1.
- 31 (2) The law of another state.
- 32 (3) The law of a foreign country.
- 33 (4) The International Registration Plan.

34 **Sec. 5. Notwithstanding IC 36-1-3-8(a)(8):**

- 35 (1) a county, with respect to highways located in
- 36 unincorporated areas, including state highways within its
- 37 jurisdiction; and
- 38 (2) a municipality, with respect to highways located within the
- 39 respective jurisdictions, including state highways;
- 40 may adopt and enforce an ordinance that complies with this
- 41 chapter and allows for the use of automated traffic enforcement
- 42 safety devices to enforce the traffic violations set forth in section 9



1 of this chapter.

2 **Sec. 6. A municipality or county that uses an automated traffic**
 3 **enforcement safety device may enter into a contract with an agent**
 4 **for the installation, operation, notice processing, and**
 5 **administration and maintenance of the automated traffic**
 6 **enforcement safety device.**

7 **Sec. 7. A municipality or county may act under IC 36-1-7 to**
 8 **carry out this chapter.**

9 **Sec. 8. A municipality or county that uses an automated traffic**
 10 **enforcement safety device for the purposes of traffic enforcement**
 11 **must adopt an ordinance concerning the use of the automated**
 12 **traffic enforcement safety devices and publish notice of the location**
 13 **of the automated traffic enforcement safety devices on the Internet**
 14 **web site of the municipality or county. The ordinance must provide**
 15 **that:**

16 (1) a challenge to the implementation of an automated traffic
 17 enforcement safety device or the adoption of an ordinance
 18 under this chapter against a municipality may be brought
 19 only in accordance with IC 34-13-6;

20 (2) an automated traffic enforcement safety device placed in
 21 the municipality or county under the authority of this chapter
 22 may be operated only between the hours of 6 a.m. and 8 p.m.;

23 (3) an automated traffic enforcement safety device placed in
 24 the municipality or county must comply with an international
 25 standard for operating the speed monitoring system, if the
 26 device is capable of monitoring speed;

27 (4) the municipality or county that places an automated traffic
 28 enforcement safety device:

29 (A) that is capable of monitoring speed; and

30 (B) in a school speed zone;

31 must maintain a speed monitoring system in accordance with
 32 specified self-test performance standards;

33 (5) an amount of any money collected for the violation of the
 34 ordinance must be applied to the costs of the installation,
 35 operation, and maintenance of the automated traffic
 36 enforcement safety devices in the municipality or county;

37 (6) a police officer:

38 (A) must review and approve a recorded image before the
 39 recorded image of the ordinance violation may be
 40 forwarded to the registered owner of the motor vehicle or
 41 the vehicle being towed by a motor vehicle; and

42 (B) may not forward notice to the registered owner if, in



1 the opinion of the police officer, it was not possible for the
2 operator of the vehicle to safely avoid committing the
3 violation due to inclement weather conditions; and

4 (7) a notice of the ordinance violation may be contested
5 according to certain procedures that permit the owner that
6 has received the notice of ordinance violation to:

7 (A) request a hearing, within twenty-five (25) days after
8 the mailing of the notice of the ordinance violation, by:

9 (i) mailing a request in writing; or

10 (ii) appearing during regular office hours of the county
11 or municipality, either in person or by an authorized
12 agent of the owner;

13 (B) have the matter scheduled for a hearing before a court
14 or a hearing officer designated by the municipality or
15 county at a date, time, and place of which the owner will be
16 notified in a writing sent by first class mail to the owner;

17 (C) attend an informal hearing on the ordinance violation;
18 and

19 (D) appeal an adverse ruling in a proceeding at which the
20 ordinance violation shall be heard and decided de novo.

21 **Sec. 9. An ordinance adopted under section 5 of this chapter**
22 **may provide for the use of an automated traffic enforcement safety**
23 **device only in the following instances:**

24 (1) A municipality or county, after consultation with the
25 Indiana department of transportation, may establish speed
26 limits by ordinance on state highways upon which an
27 elementary school (as defined in IC 20-18-2-4) or high school
28 (as defined in IC 20-18-2-7) is located, if the detection of
29 violations of this subdivision will be performed by an
30 automated traffic enforcement safety device. However, a
31 speed limit established under this subdivision is valid only if
32 the following conditions exist:

33 (A) The speed limit is not less than twenty (20) miles per
34 hour.

35 (B) The speed zone does not exceed two thousand five
36 hundred (2,500) feet from the perimeter of the school or
37 institution.

38 (C) The speed zone is properly signed. There must be a
39 sign located where the speed zone begins or as near as
40 practical to the point where the speed zone begins
41 indicating the speed limit.

42 (D) The automated traffic enforcement safety device may



1 not be used after 8 p.m. and before 6 a.m.

2 (E) The Indiana department of transportation has been
3 notified by certified mail regarding the location and speed
4 limit of the speed zone.

5 (2) A municipality or county may establish speed limits on a
6 street or highway upon which an elementary school (as
7 defined in IC 20-18-2-4) or a high school (as defined in
8 IC 20-18-2-7) is located, if the detection of violations of this
9 subdivision will be performed by an automated traffic
10 enforcement safety device on the street or highway under the
11 jurisdiction of the municipality or county, respectively.
12 However, a speed limit established under this subdivision is
13 valid only if the following conditions exist:

14 (A) The speed limit is not less than twenty (20) miles per
15 hour within an urban district and not less than thirty (30)
16 miles per hour outside an urban district.

17 (B) The speed zone does not exceed two thousand five
18 hundred (2,500) feet from the perimeter of the school or
19 institution.

20 (C) The speed zone is properly signed. There must be a
21 sign located where the speed zone begins or as near as
22 practical to the point where the speed zone begins
23 indicating the speed limit and if the school operates on a
24 twelve (12) month schedule, there must be a sign indicating
25 that the school is an all year school.

26 (D) The automated traffic enforcement safety device may
27 not be used after 8 p.m. and before 6 a.m.

28 **Sec. 10. (a) An ordinance adopted under section 5 of this chapter
29 must specify the following:**

30 (1) That, except as provided in subdivision (2), the owner of a
31 motor vehicle commits a violation of the ordinance when the
32 automated traffic enforcement safety device produces a
33 recorded image of the motor vehicle or the vehicle being
34 towed by a motor vehicle proceeding at a speed in violation of
35 a speed limit established under section 9 of this chapter.

36 (2) That, if the owner of a motor vehicle establishes a defense
37 under section 13 or 14 of this chapter, the person:

38 (A) identified as having the care, custody, or control of the
39 motor vehicle under section 13 of this chapter; or

40 (B) identified as the person driving the motor vehicle under
41 section 14 of this chapter;

42 at the time of the violation commits the violation of the



1 ordinance if the automated traffic enforcement safety device
 2 produces a recorded image of the motor vehicle or the vehicle
 3 being towed by a motor vehicle proceeding at a speed in
 4 violation of a speed limit established under section 9 of this
 5 chapter.

6 (3) That payment of a civil penalty for the violation of the
 7 ordinance adopted under section 5 of this chapter may be
 8 made by electronic means.

9 (4) That the failure to pay timely a violation of an ordinance
 10 adopted under section 5 of this chapter will result in the
 11 suspension of the person's motor vehicle registration.

12 (b) The county, municipality, or agent shall mail the owner of a
 13 motor vehicle or a vehicle being towed by a motor vehicle
 14 committing a violation of an ordinance adopted under section 5 of
 15 this chapter notice of the ordinance violation by first class mail
 16 postmarked not later than thirty (30) days after obtaining the
 17 name and address of the owner of the motor vehicle or the vehicle
 18 being towed by a motor vehicle and not more than sixty (60) days
 19 after the date of the alleged violation. The notice must include the
 20 following:

21 (1) The name and address of the owner of the motor vehicle or
 22 the vehicle being towed by a motor vehicle.

23 (2) The license plate number of the motor vehicle or the
 24 vehicle being towed by a motor vehicle.

25 (3) The violation charged.

26 (4) The location of the violation of the ordinance.

27 (5) The date and time of the violation.

28 (6) A copy of, and information on how to view through
 29 electronic means, the recorded image of the ordinance
 30 violation.

31 (7) A signed statement or electronically generated affirmation
 32 by a local police officer who has:

33 (A) reviewed the recorded image; and

34 (B) determined that the motor vehicle or the vehicle being
 35 towed by a motor vehicle violated the ordinance.

36 (8) The amount of the civil penalty imposed for the violation.

37 (9) The date by which the civil penalty must be paid if the
 38 owner of the vehicle:

39 (A) does not desire to contest the violation; and

40 (B) wishes to avoid paying court costs.

41 The civil penalty must be paid not later than thirty (30) days
 42 after the issuance date of the violation notice if a hearing has



1 not been requested under the procedures described in section
 2 8(7) of this chapter or a defense described in section 13, 14, or
 3 15 of this chapter does not apply, or not later than forty-five
 4 (45) days after the issuance date of the violation notice if a
 5 defense described in section 13, 14, or 15 of this chapter
 6 requires the violation notice to be sent to another person.

7 (10) A statement that the recorded image of the violation of
 8 the ordinance is prima facie evidence of a violation of the
 9 ordinance.

10 (11) The procedure under which the notice of violation may be
 11 contested, and the procedure and conditions under which the
 12 responsibility for payment of the civil penalty may be
 13 transferred to another individual who was operating the
 14 motor vehicle at the time of the ordinance violation.

15 **Sec. 11. Before enforcing an ordinance adopted under section 5**
 16 **of this chapter, the municipality or county that uses an automated**
 17 **traffic enforcement safety device for purposes of detecting a**
 18 **violation of this chapter must install a warning sign at least five**
 19 **hundred (500) feet in advance of the location at which an**
 20 **automated traffic enforcement safety device is located. An advance**
 21 **warning sign must:**

22 (1) notify the operators of vehicles of the existence of the
 23 automated traffic enforcement safety devices; and

24 (2) be in conformance with the Indiana Manual on Uniform
 25 Traffic Control Devices for Streets and Highways adopted
 26 under IC 9-21-2-1.

27 **Sec. 12. (a) An ordinance adopted under section 5 of this**
 28 **chapter:**

29 (1) notwithstanding IC 36-1-3-8(a)(10)(B), must impose a civil
 30 penalty of not more than two hundred fifty dollars (\$250) for
 31 a violation of speed limits established under section 9(1) or
 32 9(2) of this chapter;

33 (2) may impose a fee associated with the electronic processing
 34 of the payment of the civil penalty imposed for a violation of
 35 the ordinance; and

36 (3) must require that a part of the civil penalty imposed for a
 37 violation of the ordinance shall be applied to defray the cost
 38 of the installation, operation, and maintenance of the
 39 automatic traffic enforcement safety device first and the
 40 remaining funds from the civil penalty be distributed in the
 41 following manner:

42 (A) For a violation of section 9(1) or 9(2) of this chapter,



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the following distributions:

(i) Sixty percent (60%) shall be transferred to the general fund of the local authority.

(ii) Ten percent (10%) shall be transferred to the county law enforcement continuing education program established by IC 5-2-8-1(b).

(iii) Fifteen percent (15%) shall be transferred to the local law enforcement continuing education program established under IC 5-2-8-2(b), if the local authority in which the citation was issued has a local law enforcement continuing education program. If the local authority in which the citation was issued does not have a local law enforcement continuing education program, fifteen percent (15%) shall be transferred to the county law enforcement continuing education program established by IC 5-2-8-1(b).

(iv) Fifteen percent (15%) shall be transferred to the regional public safety training fund established by IC 10-15-3-12.

Sec. 13. (a) It is a defense in a proceeding to enforce this chapter if the owner provides to the ordinance violations bureau, court, agent for the municipality or county, or local law enforcement agency an affidavit signed under the penalties of perjury stating:

(1) that, at the time of the alleged violation, the owner was engaged in the business of renting or leasing vehicles under written agreements;

(2) that, at the time of the alleged violation, the vehicle was in the care, custody, or control of a person (other than the owner or an employee of the owner of the motor vehicle or the vehicle being towed by a motor vehicle) under a written agreement for the rental or lease of the motor vehicle or the vehicle being towed by a motor vehicle for a period of not more than sixty (60) days; and

(3) the name and address of the person who was renting or leasing the motor vehicle or the vehicle being towed by a motor vehicle at the time of the alleged violation.

(b) It is a defense in a proceeding to enforce this chapter if the owner provides to the ordinance violations bureau, court, agent for the municipality or county, or local law enforcement agency an affidavit signed under the penalties of perjury stating that, at the time of the alleged violation, the dealer plates that the vehicle bore were issued to a person licensed under IC 9-32-6, and:



1 (1) that, at the time of the alleged violation, the vehicle was in
 2 the care, custody, or control of a person (other than the owner
 3 or an employee of the owner of the motor vehicle or the
 4 vehicle being towed by a motor vehicle) using dealer license
 5 plates as authorized under IC 9-32-6-2 or IC 9-32-6-7; and
 6 (2) the name and address of the person who was using the
 7 motor vehicle or the vehicle being towed by a motor vehicle at
 8 the time of the alleged violation.

9 (c) If the owner of a motor vehicle or a vehicle being towed by
 10 a motor vehicle meets the requirements of subsection (a) or (b), the
 11 ordinance violations bureau, court, agent for the municipality or
 12 county, or local law enforcement agency shall mail or electronically
 13 transfer a notice of the ordinance violation citation or a summons
 14 and complaint to the person having the care, custody, or control of
 15 the motor vehicle or the vehicle being towed by a motor vehicle at
 16 the time of the violation. The proof required under subsection (a)
 17 or (b) creates a rebuttable presumption that the person having the
 18 care, custody, or control of the motor vehicle or the vehicle being
 19 towed by a motor vehicle at the time of the violation was the
 20 operator of the motor vehicle at the time of the violation. The
 21 notice required under this subsection must contain the following:

22 (1) The information described in section 10(b) of this chapter.

23 (2) A statement that the person receiving the notice was
 24 identified by the owner of the motor vehicle or the vehicle
 25 being towed by a motor vehicle as the person having the care,
 26 custody, or control of the motor vehicle at the time of the
 27 violation.

28 (3) A statement that a person may offer a defense as described
 29 in this section and sections 14 and 15 of this chapter.

30 Sec. 14. (a) It is a defense to a proceeding to enforce this chapter
 31 if the owner provides to the ordinance violations bureau, court,
 32 agent for the local authority, or local law enforcement agency an
 33 affidavit signed under the penalties of perjury stating:

34 (1) that the owner was not operating the motor vehicle or the
 35 motor vehicle towing a vehicle at the time of the alleged
 36 violation and the name and address of the person operating
 37 the motor vehicle or the vehicle being towed by a motor
 38 vehicle at the time of the alleged violation; or

39 (2) that:

40 (A) the motor vehicle; or

41 (B) the license plate of the motor vehicle or the vehicle
 42 being towed by the motor vehicle;



1 had been stolen before the alleged violation occurred and was
 2 not under the control or possession of the owner at the time of
 3 the alleged violation. In addition to the affidavit described in
 4 this subsection, the owner must submit proof that a police
 5 report was filed concerning the stolen motor vehicle or stolen
 6 license plate.

7 (b) If the owner of a motor vehicle or a vehicle being towed by
 8 a motor vehicle submits the evidence required under subsection
 9 (a)(1), the ordinance violations bureau, court, agent for the local
 10 authority, or local law enforcement agency shall mail a notice of
 11 the ordinance violation or an information to the person identified
 12 as the person operating the motor vehicle at the time of the
 13 violation. The proof required under subsection (a)(1) creates a
 14 rebuttable presumption that the person identified in the affidavit
 15 required under subsection (a) was the operator of the motor
 16 vehicle at the time of the violation. The notice required under this
 17 subsection must contain the following:

- 18 (1) The information described in section 10(b) of this chapter.
- 19 (2) A statement that the person receiving the notice was
 20 identified by the owner of the motor vehicle as the person
 21 operating the motor vehicle at the time of the violation.

22 Sec. 15. It is a defense to a proceeding to enforce an ordinance
 23 adopted under section 5 of this chapter that any of the following
 24 apply:

- 25 (1) IC 9-21-1-8(b)(3) (a person driving an authorized
 26 emergency vehicle may exceed the maximum speed limits if
 27 the person who drives the vehicle does not endanger life or
 28 property).
- 29 (2) IC 9-21-8-1 (complying with a lawful order or direction of
 30 a law enforcement officer).
- 31 (3) IC 9-21-8-35(a) (yielding right-of-way to authorized
 32 emergency vehicles).
- 33 (4) IC 9-21-13-1 (funeral procession).
- 34 (5) A traffic citation was issued to the operator of the motor
 35 vehicle for the violation by a police officer.

36 Sec. 16. If it appears from the records of the municipality,
 37 county, or local law enforcement agency that a person has failed to
 38 pay a violation before the deadlines established by this chapter
 39 without notification of an intent to contest the violation, the
 40 municipality, county, or local law enforcement agency shall send
 41 a notice to the person who is the registered owner of the motor
 42 vehicle or the vehicle being towed by a motor vehicle. The notice



1 must inform the registered owner of the following:

2 (1) That the municipality or county will send a referral to the
3 bureau if the violation is not paid within thirty (30) days after
4 the notice was mailed.

5 (2) That the referral will result in the suspension of the
6 registration of the motor vehicle or the vehicle and the
7 certificate of title of the motor vehicle or vehicle may not be
8 transferred if the violation is not paid.

9 Sec. 17. A municipality, county, agent, or local law enforcement
10 agency shall send a referral to the bureau not later than thirty (30)
11 days after the notice referenced in section 16 of this chapter was
12 mailed if a violation of this chapter has not been contested and has
13 not been paid. The referral to the bureau must include the
14 following:

15 (1) Any information known or available to the municipality,
16 county, or local law enforcement agency concerning the
17 license plate number and year of registration and the name of
18 the owner of the motor vehicle or the vehicle being towed by
19 a motor vehicle.

20 (2) The date on which the violation occurred.

21 (3) The date when the notice required under section 16 of this
22 chapter was mailed.

23 (4) The seal of the local authority.

24 Sec. 18. If the bureau receives a referral under section 17 of this
25 chapter, the bureau shall suspend the registration of the motor
26 vehicle or the vehicle being towed by a motor vehicle and shall
27 place a notice in the records of the bureau that the certificate of
28 title for the motor vehicle or vehicle may not be transferred. The
29 bureau or agent shall mail a notice to the person in whose name the
30 motor vehicle or vehicle is registered within thirty (30) days that:

31 (1) informs the person that the registration of the motor
32 vehicle or vehicle has been suspended, and that the reason for
33 these actions was the failure to pay an ordinance violation
34 adopted under section 5 of this chapter; and

35 (2) explains what the person must do to have the registration
36 reinstated and the records of the bureau amended.

37 Sec. 19. The bureau shall reinstate the registration of a motor
38 vehicle or vehicle that is suspended if the following occur:

39 (1) Any person presents the bureau with adequate proof that
40 the violation notice has been paid.

41 (2) A reinstatement fee under IC 9-18.1-3-8.5(b) has been
42 paid, if applicable.



1 **Sec. 20. (a) The county, municipality, agent, or local law**
 2 **enforcement agency shall destroy the recorded images produced by**
 3 **an automated traffic enforcement safety device that do not identify**
 4 **a violation of this chapter not more than thirty (30) days after the**
 5 **image was recorded, unless otherwise ordered by a court with**
 6 **jurisdiction.**

7 **(b) The county, municipality, agent, or local law enforcement**
 8 **agency shall destroy the recorded images produced by an**
 9 **automated traffic enforcement safety device that show an alleged**
 10 **violation of this chapter not more than ninety (90) days after the**
 11 **final disposition of payment in full of the civil penalty or civil**
 12 **judgment or final disposition of a court proceeding to which the**
 13 **recorded image pertains, including any appeals, unless otherwise**
 14 **ordered by a court with jurisdiction.**

15 **Sec. 21. (a) The acts of an agent performing the duties of an**
 16 **agent do not require the agent to be licensed under IC 25-30-1.**

17 **(b) The records, documents, and books kept by an agent are not**
 18 **considered to be public records as defined in IC 5-14-3-2(r).**

19 **Sec. 22. (a) The bureau may not assess points under the point**
 20 **system for a violation of an ordinance adopted under section 5 of**
 21 **this chapter.**

22 **(b) A violation of an ordinance adopted under section 5 of this**
 23 **chapter is not considered to be a traffic offense or violation for**
 24 **purposes of IC 9-14-12-3, IC 9-24-18-9, or IC 9-30-3-14.**

25 **(c) Information concerning a violation of an ordinance adopted**
 26 **under section 5 of this chapter may not be included on a driving**
 27 **record established and maintained by the bureau.**

28 **(d) A violation of an ordinance adopted under section 5 of this**
 29 **chapter shall not be used to determine rates for motor vehicle**
 30 **insurance.**

31 SECTION 9. IC 9-21-5-6, AS AMENDED BY P.L.164-2018,
 32 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2022]: Sec. 6. (a) Except as provided in subsections (e) and
 34 (f), whenever a local authority in the authority's jurisdiction determines
 35 that the maximum speed permitted under this chapter is greater or less
 36 than reasonable and safe under the conditions found to exist on a
 37 highway or part of a highway, the local authority may determine and
 38 declare a reasonable and safe maximum limit on the highway. The
 39 maximum limit declared under this section may do any of the
 40 following:

41 (1) Decrease the limit within urban districts, but not to less than
 42 twenty (20) miles per hour.



- 1 (2) Increase the limit within an urban district, but not to more than
 2 fifty-five (55) miles per hour during daytime and fifty (50) miles
 3 per hour during nighttime.
- 4 (3) Decrease the limit outside an urban district, but not to less
 5 than thirty (30) miles per hour.
- 6 (4) Decrease the limit in an alley, but to not less than five (5)
 7 miles per hour.
- 8 (5) Increase the limit in an alley, but to not more than thirty (30)
 9 miles per hour.
- 10 The local authority must perform an engineering and traffic
 11 investigation before a determination may be made to change a speed
 12 limit under subdivision (2), (3), (4), or (5) or before the speed limit
 13 within an urban district may be decreased to less than twenty-five (25)
 14 miles per hour under subdivision (1).
- 15 (b) Except as provided in subsection (f), a local authority in the
 16 authority's jurisdiction shall determine by an engineering and traffic
 17 investigation the proper maximum speed for all local streets and shall
 18 declare a reasonable and safe maximum speed permitted under this
 19 chapter for an urban district. However, an engineering and traffic study
 20 is not required to be performed for the local streets in an urban district
 21 under this subsection if the local authority determines that the proper
 22 maximum speed in the urban district is not less than twenty-five (25)
 23 miles per hour.
- 24 (c) An altered limit established under this section is effective at all
 25 times or during hours of darkness or at other times as may be
 26 determined when appropriate signs giving notice of the altered limit are
 27 erected on the street or highway.
- 28 (d) Except as provided in this subsection **and, notwithstanding**
 29 **IC 36-1-3-8(a) or IC 9-21-3.6**, a local authority may not alter a speed
 30 limit on a highway or extension of a highway in the state highway
 31 system. A city or town may establish speed limits on state highways
 32 upon which a school is located. However, a speed limit established
 33 under this subsection is valid only if the following conditions exist:
- 34 (1) The limit is not less than twenty (20) miles per hour.
- 35 (2) The limit is imposed only in the immediate vicinity of the
 36 school.
- 37 (3) Children are present.
- 38 (4) The speed zone is properly signed. There must be:
- 39 (A) a sign located:
- 40 (i) where the reduced speed zone begins; or
- 41 (ii) as near as practical to the point where the reduced speed
 42 zone begins;



- 1 indicating the reduced speed limit; and
 2 (B) a sign located at the end of the reduced speed zone
 3 indicating:
 4 (i) the speed limit for the section of highway that follows; or
 5 (ii) the end of the reduced speed zone.
 6 (5) The Indiana department of transportation has been notified of
 7 the limit imposed by certified mail.
 8 (e) A local authority may decrease a limit on a street to not less than
 9 fifteen (15) miles per hour if the following conditions exist:
 10 (1) The street is located within a park or playground established
 11 under IC 36-10.
 12 (2) The:
 13 (A) board established under IC 36-10-3;
 14 (B) board established under IC 36-10-4; or
 15 (C) park authority established under IC 36-10-5;
 16 requests the local authority to decrease the limit.
 17 (3) The speed zone is properly signed.
 18 (f) A city, town, or county may establish speed limits on a street or
 19 highway upon which a school is located if the street or highway is
 20 under the jurisdiction of the city, town, or county, respectively.
 21 However, a speed limit established under this subsection is valid only
 22 if the following conditions exist:
 23 (1) The limit is not less than twenty (20) miles per hour.
 24 (2) The limit is imposed only in the immediate vicinity of the
 25 school.
 26 (3) Children are present.
 27 (4) The speed zone is properly signed. There must be:
 28 (A) a sign located where the reduced speed zone begins or as
 29 near as practical to the point where the reduced speed zone
 30 begins indicating the reduced speed limit and a sign located at
 31 the end of the reduced speed zone indicating the end of the
 32 reduced speed zone; and
 33 (B) if the school operates on a twelve (12) month schedule, a
 34 sign indicating that the school is an all year school.
 35 **Notwithstanding IC 36-1-3-8(a), a city, town, or county may**
 36 **establish speed limits on a street or highway upon which a school**
 37 **is located if the street or highway is under the jurisdiction of the**
 38 **city, town, or county, respectively, under IC 9-21-3.6.**
 39 (g) Except as provided in subsection (h), a person who exceeds a
 40 speed limit established by a local authority under this section commits
 41 a Class C infraction.
 42 (h) A person who exceeds a speed limit that is established under



1 subsection (d) or (f) commits a Class B infraction.

2 SECTION 10. IC 9-30-3-14, AS AMENDED BY P.L.111-2021,
3 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2022]: Sec. 14. **This section does not apply to a violation of
5 an ordinance adopted under IC 9-21-3.6-5.** If a court convicts a
6 person for a moving traffic offense and the person is known or believed
7 by the court not to be the owner of the motor vehicle, the court shall,
8 within seven (7) days after entering the conviction, deposit with the
9 United States Postal Service, first class postage prepaid, notice
10 addressed to the owner of the motor vehicle giving the owner the
11 following information:

- 12 (1) The name and address of the person convicted.
- 13 (2) The name and address of the owner of the motor vehicle.
- 14 (3) The offense upon which the conviction was made.
- 15 (4) The date of arrest of the person convicted and the location of
16 the place of the offense.
- 17 (5) The license plate number of the motor vehicle.
- 18 (6) The driver's or chauffeur's license number of the person
19 convicted.
- 20 (7) The date of the conviction and the name of the court making
21 the conviction.

22 SECTION 11. IC 27-1-22-29 IS ADDED TO THE INDIANA
23 CODE AS A NEW SECTION TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2022]: Sec. 29. (a) **As used in this section,
25 "motor vehicle insurance" means any type of insurance described
26 in IC 27-1-5-1, Class 2(f).**

27 (b) **As used in this chapter, "rating plan" means the rating
28 schedule or rating plan of an insurer concerning premium rates for
29 motor vehicle insurance that has been filed with the commissioner
30 and is in effect under section 4 of this chapter.**

31 (c) **An insurer may not set the premium rate for a policy of
32 motor vehicle insurance for an individual who has committed a
33 violation of an ordinance adopted under IC 9-21-3.6-5 at an
34 amount higher than the applicable rate set forth in the rating plan
35 due to the fact that the individual has committed a violation of an
36 ordinance adopted under IC 9-21-3.6-5.**

37 (d) **The violation of this section is an unfair and deceptive act or
38 practice in the business of insurance under IC 27-4-1-4.**

39 SECTION 12. IC 34-6-2-85 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 85. "Moving traffic
41 violation", for purposes of IC 34-28-5, means a violation of:

- 42 (1) a statute defining an infraction; or



1 (2) an ordinance, **other than a violation of an ordinance**
2 **adopted under IC 9-21-3.6;**
3 that applies when a motor vehicle is in motion.
4 SECTION 13. IC 36-1-6-3 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) Certain
6 ordinances may be enforced by a municipal corporation without
7 proceeding in court through:
8 (1) an admission of violation before the violations clerk under
9 IC 33-36; or
10 (2) administrative enforcement under section 9 of this chapter.
11 (b) Except as provided in subsection (a), a proceeding to enforce an
12 ordinance must be brought in accordance with IC 34-28-5, section 4 of
13 this chapter, or both.
14 (c) An ordinance defining a moving traffic violation may not be
15 enforced under IC 33-36 and must be enforced in accordance with
16 IC 34-28-5.
17 **(d) An ordinance adopted under IC 9-21-3.6-5 may be enforced**
18 **under IC 33-36 or IC 34-28-5.**

