

# HOUSE BILL No. 1225

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-19-14-4; IC 9-21-8-35; IC 35-52-9.

**Synopsis:** Failure to yield to emergency vehicles. Provides that, in certain instances, a person who: (1) fails to yield to an emergency vehicle; and (2) causes serious bodily injury or death to any person operating, occupying, or affiliated with the authorized emergency vehicle; commits a Level 6 felony.

**Effective:** July 1, 2020.

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## McNamara

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January 13, 2020, read first time and referred to Committee on Courts and Criminal Code.

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Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

## HOUSE BILL No. 1225

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 9-19-14-4, AS AMENDED BY P.L.188-2015,  
2       SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2020]: Sec. 4. (a) The use of signal equipment described in  
4       this chapter imposes upon a driver of another vehicle the duty to yield  
5       right-of-way and stop as prescribed in IC 9-21-8-35.

6       (b) A driver who fails to yield right-of-way to and stop as prescribed  
7       in IC 9-21-8-35 for an emergency vehicle operating in an official  
8       capacity commits a Class C infraction. **However, the offense is a**  
9       **Level 6 felony if the person's failure to comply as described in this**  
10       **subsection results in serious bodily injury or death to any person**  
11       **operating, occupying, or affiliated with an emergency vehicle**  
12       **operating in an official capacity.**

13       SECTION 2. IC 9-21-8-35, AS AMENDED BY P.L.256-2017,  
14       SECTION 160, IS AMENDED TO READ AS FOLLOWS  
15       [EFFECTIVE JULY 1, 2020]: Sec. 35. (a) Upon the immediate  
16       approach of an authorized emergency vehicle, when the person who  
17       drives the authorized emergency vehicle is giving audible signal by



siren or displaying alternately flashing red, red and white, or red and blue lights, a person who drives another vehicle shall do the following unless otherwise directed by a law enforcement officer:

(1) Yield the right-of-way.

(2) Immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the highway clear of any intersection.

(3) Stop and remain in the position until the authorized emergency vehicle has passed.

(b) Upon approaching a stationary authorized emergency vehicle, when the authorized emergency vehicle is giving a signal by displaying alternately flashing red, red and white, or red and blue lights, a person who drives an approaching vehicle shall:

(1) proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

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

A person who violates this subsection commits a Class A infraction. **However, the offense is a Level 6 felony if the person's failure to comply with this subsection results in serious bodily injury or death to any person operating, occupying, or affiliated with an authorized emergency vehicle described in this subsection.**

(c) Upon approaching a stationary recovery vehicle, a stationary utility service vehicle (as defined in IC 8-1-8.3-5), a stationary solid waste hauler, a stationary road, street, or highway maintenance vehicle, or a stationary survey or construction vehicle, when the vehicle is giving a signal by displaying alternately flashing amber lights, a person who drives an approaching vehicle shall:

(1) proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the recovery vehicle, utility service vehicle, solid waste hauler, or road, street, or highway maintenance vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

(2) proceeding with due caution, reduce the speed of the vehicle



1 to a speed at least ten (10) miles per hour less than the posted  
2 speed limit, maintaining a safe speed for road conditions, if  
3 changing lanes would be impossible or unsafe.

4 A person who violates this section commits a Class B infraction.

5 (d) This section does not operate to relieve the person who drives an  
6 authorized emergency vehicle, a recovery vehicle, a utility service  
7 vehicle, solid waste hauler, a road, street, or highway maintenance  
8 vehicle, or a stationary survey or construction vehicle from the duty to  
9 operate the vehicle with due regard for the safety of all persons using  
10 the highway.

11 SECTION 3. IC 35-52-9-11.3 IS ADDED TO THE INDIANA  
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 2020]: **Sec. 11.3. IC 9-19-14-4 defines a crime**  
14 **concerning traffic regulation.**

15 SECTION 4. IC 35-52-9-14.6 IS ADDED TO THE INDIANA  
16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
17 [EFFECTIVE JULY 1, 2020]: **Sec. 14.6. IC 9-21-8-35 defines a crime**  
18 **concerning traffic regulation.**

