

HOUSE BILL No. 1246

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2; IC 9-14-13; IC 9-18.1-3-8.5; IC 9-19-13-1; IC 9-21; IC 9-30-3-14; IC 20-27-10-3.5; IC 27-1-22-29; IC 34-6-2-85; IC 34-28-5-5; IC 36-1-6-3.

Synopsis: Automated traffic enforcement safety devices. Authorizes a county or municipality to adopt and enforce an ordinance that regulates the use of an automated traffic enforcement safety device (device) to detect certain violations. Provides a civil penalty for a violation. Specifies that a civil penalty must first be applied to defray the cost of the installation, operation, and maintenance of the device. Specifies the manner in which the remaining money from the civil penalty must be distributed. Prohibits: (1) reporting a violation on a driving record; (2) using a violation to determine rates for motor vehicle insurance; (3) assessing points under the point system by the bureau of motor vehicles (bureau) for a violation; and (4) reselling data collected by an agent operating a device. Requires notification to the bureau, and the suspension of the registration of a motor vehicle if a violation is not paid. Makes conforming changes.

Effective: July 1, 2023.

Johnson B

January 11, 2023, read first time and referred to Committee on Roads and Transportation.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1246

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, 2023]: **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, 2023]: **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, 2023]: **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, 2023]: 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 9-13-2-128.5 IS ADDED TO THE INDIANA
- 14 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 15 [EFFECTIVE JULY 1, 2023]: **Sec. 128.5. "Postsecondary**
- 16 **educational institution", for purposes of IC 9-21-3.6, has the**
- 17 **meaning set forth in IC 9-21-3.6-5.**
- 18 SECTION 6. IC 9-14-13-7, AS ADDED BY P.L.198-2016,
- 19 SECTION 193, IS AMENDED TO READ AS FOLLOWS
- 20 [EFFECTIVE JULY 1, 2023]: Sec. 7. The bureau may disclose certain
- 21 personal information that is not highly restricted personal information
- 22 if the person requesting the information provides proof of identity and
- 23 represents that the use of the personal information will be strictly
- 24 limited to at least one (1) of the following:
- 25 (1) For use by a government agency, including a court or law
- 26 enforcement agency, in carrying out its functions, or a person
- 27 acting on behalf of a government agency in carrying out its
- 28 functions, **including an agent in carrying out its**
- 29 **responsibilities under IC 9-21-3.6.**
- 30 (2) For use in connection with matters concerning:
- 31 (A) motor vehicle or driver safety and theft;
- 32 (B) motor vehicle emissions;
- 33 (C) motor vehicle product alterations, recalls, or advisories;
- 34 (D) performance monitoring of motor vehicles, motor vehicle
- 35 parts, and dealers;
- 36 (E) motor vehicle market research activities, including survey
- 37 research;
- 38 (F) the removal of nonowner records from the original owner
- 39 records of motor vehicle manufacturers; and
- 40 (G) motor fuel theft under IC 24-4.6-5.
- 41 (3) For use in the normal course of business by a business or its
- 42 agents, employees, or contractors, but only:



- 1 (A) to verify the accuracy of personal information submitted
2 by an individual to the business or its agents, employees, or
3 contractors; and
4 (B) if information submitted to a business is not correct or is
5 no longer correct, to obtain the correct information only for
6 purposes of preventing fraud by pursuing legal remedies
7 against, or recovering on a debt or security interest against, the
8 individual.
- 9 (4) For use in connection with a civil, a criminal, an
10 administrative, or an arbitration proceeding in a court or
11 government agency or before a self-regulatory body, including the
12 service of process, investigation in anticipation of litigation, and
13 the execution or enforcement of judgments and orders, or under
14 an order of a court.
- 15 (5) For use in research activities, and for use in producing
16 statistical reports, as long as the personal information is not
17 published, redisclosed, or used to contact the individuals who are
18 the subject of the personal information.
- 19 (6) For use by an insurer, an insurance support organization, or a
20 self-insured entity, or the agents, employees, or contractors of an
21 insurer, an insurance support organization, or a self-insured entity
22 in connection with claims investigation activities, anti-fraud
23 activities, rating, or underwriting.
- 24 (7) For use in providing notice to the owners of towed or
25 impounded vehicles.
- 26 (8) For use by a licensed private investigative agency or licensed
27 security service for a purpose allowed under this section.
- 28 (9) For use by an employer or its agent or insurer to obtain or
29 verify information relating to a holder of a commercial driver's
30 license that is required under the Commercial Motor Vehicle
31 Safety Act of 1986 (49 U.S.C. 31131 et seq.).
- 32 (10) For use in connection with the operation of private toll
33 transportation facilities.
- 34 (11) For any use in response to requests for individual motor
35 vehicle records when the bureau has obtained the written consent
36 of the person to whom the personal information pertains.
- 37 (12) For bulk distribution for surveys, marketing, or solicitations
38 when the bureau has obtained the written consent of the person to
39 whom the personal information pertains.
- 40 (13) For use by any person, when the person demonstrates, in a
41 form and manner prescribed by the bureau, that written consent
42 has been obtained from the individual who is the subject of the



1 information.

2 (14) For any other use specifically authorized by law that is
3 related to the operation of a motor vehicle or public safety.

4 However, this section does not affect the use of anatomical gift
5 information on a person's driver's license or identification document
6 issued by the bureau, nor does this section affect the administration of
7 anatomical gift initiatives in Indiana.

8 SECTION 7. IC 9-14-13-10, AS ADDED BY P.L.198-2016,
9 SECTION 193, IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2023]: Sec. 10. (a) An authorized recipient of
11 personal information, except a recipient under section 7(11) or 7(12)
12 of this chapter, **and except as provided in subsection (e)**, may resell
13 or redisclose the information for any use allowed under section 7 of this
14 chapter, except for a use under section 7(11) or 7(12) of this chapter.

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

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

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

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

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

27 **(e) An agent who carries out responsibilities under IC 9-21-3.6**
28 **that is a recipient of personal information under section 7(1) of this**
29 **chapter may not resell or redisclose the personal information for**
30 **any purpose.**

31 SECTION 8. IC 9-18.1-3-8.5 IS ADDED TO THE INDIANA
32 CODE AS A NEW SECTION TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2023]: Sec. 8.5. (a) **If the bureau receives a**
34 **referral to suspend the registration of a vehicle under IC 9-21-3.6,**
35 **the bureau shall suspend the registration of the vehicle used in the**
36 **ordinance violation until the owner pays the civil penalty and**
37 **reinstatement fees under IC 9-21-3.6 and subsection (b).**

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

40 SECTION 9. IC 9-19-13-1, AS AMENDED BY P.L.1-2005,
41 SECTION 101, IS AMENDED TO READ AS FOLLOWS
42 [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) The state school bus



1 committee established by IC 20-27-3-1 shall adopt and enforce rules
 2 under IC 4-22-2 not inconsistent with this chapter to govern the design
 3 and operation of all school buses used for the transportation of school
 4 children when owned and operated by a school corporation or privately
 5 owned and operated under contract with an Indiana school corporation.
 6 The rules must by reference be made a part of such a contract with a
 7 school corporation. Each school corporation, officer and employee of
 8 the school corporation, and person employed under contract by a
 9 school district is subject to those rules.

10 **(b) Notwithstanding subsection (a), a school corporation may**
 11 **use an automated traffic enforcement safety device on a school bus**
 12 **under IC 9-21-3.6.**

13 SECTION 10. IC 9-21-3.6 IS ADDED TO THE INDIANA CODE
 14 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2023]:

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

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

- 18 **(1) provides services to a county or municipality;**
 19 **(2) operates, maintains, leases, or licenses automated traffic**
 20 **enforcement safety devices as authorized by a county or**
 21 **municipality; or**
 22 **(3) is authorized to review and assemble a recorded image**
 23 **captured by an automated traffic enforcement safety device**
 24 **for review by a police officer employed by a county or**
 25 **municipality.**

26 **Sec. 2. As used in this chapter, "automated traffic enforcement**
 27 **safety device" means a photographic device, radar device, laser**
 28 **device, or other electrical or mechanical device or devices designed**
 29 **to:**

- 30 **(1) record the speed of a motor vehicle;**
 31 **(2) obtain a clear recorded image of the rear of the motor**
 32 **vehicle and the license plate affixed to the motor vehicle at the**
 33 **time of a violation;**
 34 **(3) indicate on at least one (1) recorded image the date, time,**
 35 **and location of the violation; and**
 36 **(4) undergo an annual calibration check, the results of which**
 37 **are kept on file with the county or municipality that uses the**
 38 **automated traffic enforcement safety device.**

39 **Sec. 3. As used in this chapter, "municipality" means a city or**
 40 **town.**

41 **Sec. 4. As used in this chapter, "owner" means a person in**
 42 **whose name a motor vehicle is registered under any of the**



1 following:

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

6 Sec. 5. As used in this chapter, "postsecondary educational
 7 institution" means a postsecondary school that provides an
 8 organized program of collegiate study directly credible toward a
 9 baccalaureate degree for at least two (2) years.

10 Sec. 6. (a) Notwithstanding IC 36-1-3-8(a)(8), a county or
 11 municipality may adopt an ordinance to use an automated traffic
 12 enforcement safety device to enforce a violation of:

- 13 (1) IC 9-21-12-1(a); or
 14 (2) a speed limit established under section 11 of this chapter.

15 (b) An ordinance adopted under subsection (a) must be adopted
 16 as follows:

- 17 (1) In a municipality, by the legislative body of the
 18 municipality.
 19 (2) In a county subject to IC 36-2-3.5 or IC 36-3-1, by the
 20 legislative body of the county.
 21 (3) In any other county, by the executive of the county.

22 (c) An ordinance adopted under subsection (a) is subject to an
 23 interlocal agreement under IC 36-1-7.

24 Sec. 7. A school corporation may enter into an interlocal
 25 agreement under IC 36-1-7 with a county or municipality for the
 26 installation, operation, notice processing, administration,
 27 maintenance, and enforcement of an automated traffic
 28 enforcement safety device on a school bus to enforce a violation
 29 under this chapter.

30 Sec. 8. (a) A municipality, county, or school corporation that
 31 uses an automated traffic enforcement safety device may enter into
 32 a contract with an agent for the installation, operation, notice
 33 processing, administration, and maintenance of an automated
 34 traffic enforcement safety device.

35 (b) An agent is not required to be licensed under IC 25-30-1.

36 (c) The records, documents, and books kept by an agent are not
 37 considered public records (as defined in IC 5-14-3-2(r)).

38 Sec. 9. (a) If a county or municipality adopts an ordinance under
 39 section 6 of this chapter, the ordinance must include the following
 40 regarding the automated traffic enforcement safety device:

- 41 (1) That an automated traffic enforcement safety device must
 42 comply with an international standard for operating an



1 automated traffic enforcement safety device.

2 (2) That the automated traffic enforcement safety device is
3 maintained in accordance with specified self-test performance
4 standards.

5 (3) That an ordinance adopted under this chapter may be
6 challenged pursuant to the requirements of IC 34-13-6.

7 (b) If a county or municipality adopts an ordinance under
8 section 6 of this chapter, the ordinance must include the following
9 regarding a violation:

10 (1) That a police officer employed by the county or
11 municipality:

12 (A) must review and approve an image recorded by the
13 automated traffic enforcement safety device before notice
14 of an ordinance violation may be forwarded to the owner
15 of the motor vehicle; and

16 (B) may not forward notice of an ordinance violation to a
17 owner under clause (A) if, in the opinion of the police
18 officer, it was not possible for the operator of the vehicle to
19 safely avoid committing the ordinance violation due to
20 inclement weather conditions.

21 (2) Except as otherwise provided under this chapter, the
22 owner of a motor vehicle identified through an automated
23 traffic enforcement safety device is liable for the civil penalty
24 for a violation under this chapter.

25 (3) The defenses to a violation under section 14 of this
26 chapter.

27 (4) The civil penalty to be assessed for a violation under
28 section 13 of this chapter.

29 (5) That an owner may pay a civil penalty for a violation by
30 electronic means.

31 (6) That failure to pay the civil penalty for a violation under
32 this chapter will result in the suspension of the registration of
33 the owner's motor vehicle.

34 (7) That a county or municipality may bring an action under
35 IC 36-1-6 to enforce an ordinance or action taken under this
36 chapter.

37 (c) A county or municipality that adopts an ordinance under
38 section 6 this chapter shall publish notice of the location of each
39 automated traffic enforcement safety device on the website of the
40 municipality or county.

41 Sec. 10. (a) A county or municipality that uses an automated
42 traffic enforcement safety device to detect a violation under this



1 chapter must install a sign at least five hundred (500) feet before
2 the placement of the automated traffic enforcement safety device.

3 (b) A sign installed under subsection (a) must:

4 (1) notify a driver of the existence of the automated traffic
5 enforcement safety device to enforce a violation under this
6 chapter; and

7 (2) conform to the Indiana Manual on Uniform Traffic
8 Control Devices for Streets and Highways adopted under
9 IC 9-21-2-1.

10 Sec. 11. A county or municipality may adopt an ordinance to
11 establish a speed limit that is enforced by an automated traffic
12 enforcement safety device under this chapter if the following
13 conditions are met:

14 (1) The county or municipality, in consultation with the
15 Indiana department of transportation, may establish a speed
16 limit by ordinance on a state highway upon which an
17 elementary school (as defined in IC 20-18-2-4), a high school
18 (as defined in IC 20-18-2-7), or a postsecondary educational
19 institution is located. However, a speed limit adopted by an
20 ordinance under this subdivision is valid only if the following
21 conditions exist:

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

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

27 (C) The speed zone is properly signed. There must be a
28 sign located where the speed zone begins or as near as
29 practical to the point where the speed zone begins
30 indicating the speed limit.

31 (D) The Indiana department of transportation has been
32 notified by certified mail regarding the location and speed
33 limit of the speed zone.

34 (2) A county or municipality may establish a speed limit on a
35 street or highway upon which an elementary school (as
36 defined in IC 20-18-2-4), a high school (as defined in
37 IC 20-18-2-7), or a postsecondary educational institution is
38 located, if the street or highway is under the jurisdiction of
39 the municipality or county, respectively. However, a speed
40 limit adopted by an ordinance under this subdivision is valid
41 only if the following conditions exist:

42 (A) The speed limit is not less than twenty (20) miles per



- 1 hour within an urban district and not less than thirty (30)
 2 miles per hour outside an urban district.
 3 (B) The speed zone does not exceed two thousand five
 4 hundred (2,500) feet from the perimeter of the school or
 5 institution.
 6 (C) The speed zone is properly signed. There must be a
 7 sign located where the speed zone begins or as near as
 8 practical to the point where the speed zone begins
 9 indicating the speed limit. If the school operates on a
 10 twelve (12) month schedule, there must be a sign indicating
 11 that the school is an all year school.

12 **Sec. 12. (a)** A school corporation that uses an automated traffic
 13 enforcement safety device to enforce an ordinance adopted under
 14 this chapter must forward a recorded image produced by an
 15 automated traffic enforcement safety device to the law
 16 enforcement agency of the county or municipality in which the
 17 school corporation is located for review and approval by a police
 18 officer employed by the law enforcement agency before notice of
 19 the ordinance violation may be sent to the owner of the motor
 20 vehicle.

21 (b) A police officer described in subsection (a) may not send
 22 notice of the ordinance violation to the owner of the motor vehicle
 23 if, in the opinion of the police officer, the operator of the motor
 24 vehicle could not have safely avoided committing the ordinance
 25 violation due to inclement weather conditions.

26 **Sec. 13. (a)** Notwithstanding IC 36-1-3-8(a)(10)(B), a county or
 27 municipality may impose a civil penalty for an ordinance violation
 28 under this chapter in an amount not to exceed two hundred fifty
 29 dollars (\$250).

30 (b) A county or municipality may impose a fee associated with
 31 the electronic processing of the civil penalty imposed under
 32 subsection (a).

33 (c) A county or municipality must apply at least fifty percent
 34 (50%) of the amount of the civil penalty imposed under subsection
 35 (a) to defray the cost to install, operate, and maintain an automated
 36 traffic enforcement safety device.

37 (d) The remaining money from the civil penalty imposed under
 38 subsection (a) must be transferred to the general fund of the county
 39 or municipality to be used for public safety and infrastructure.

40 **Sec. 14. (a)** It is a defense under this chapter if any of the
 41 following apply:

42 (1) The owner provides an affidavit signed under the penalty



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- of perjury stating:
 - (A) the owner of the motor vehicle was engaged in the business of renting or leasing vehicles under written agreements;
 - (B) the motor vehicle was in the care, custody, or control of an individual other than the owner or an employee of the owner under a written agreement for the rental or lease of the motor vehicle for a period of not more than sixty (60) days; and
 - (C) the name and address of the individual who was renting or leasing the motor vehicle;
 at the time of the alleged violation.
- (2) The owner provides an affidavit signed under the penalty of perjury stating:
 - (A) the dealer license plate displayed by the motor vehicle was issued to a person licensed under IC 9-32-6;
 - (B) the motor vehicle was in the care, custody, or control of an individual other than the owner or an employee of the owner of the motor vehicle using the dealer license plate as authorized under IC 9-32-6-2 or IC 9-32-6-7; and
 - (C) the name and address of the individual who was using the motor vehicle;
 at the time of the alleged violation.
- (3) If the owner provides an affidavit signed under the penalty of perjury stating the owner was not operating the motor vehicle at the time of the alleged ordinance violation and the name and address of the individual operating the motor vehicle at the time of the alleged violation.
- (4) If the owner provides an affidavit signed under the penalty of perjury stating that:
 - (A) the motor vehicle; or
 - (B) the license plate of the motor vehicle;
 was stolen before the alleged ordinance violation occurred and was not under the control or possession of the owner at the time of the alleged violation.
- (5) The owner was driving an authorized emergency vehicle and did not endanger life or property.
- (6) The owner was complying with a lawful order or direction of a police officer.
- (7) The owner yielded the right-of-way to an authorized emergency vehicle.
- (8) The owner was part of a funeral procession.



- 1 **(9) A traffic citation was issued to the operator of the motor**
 2 **vehicle, who was not the owner of the motor vehicle, for the**
 3 **ordinance violation by a police officer.**
- 4 **(b) If the owner of a motor vehicle submits the evidence**
 5 **required under subsection (a)(1) through (a)(3), the court shall**
 6 **send by first class mail notice of the ordinance violation to the**
 7 **individual identified as operator of the motor vehicle at the time of**
 8 **the violation.**
- 9 **(c) Proof provided under subsection (a)(1) through (a)(3) creates**
 10 **a rebuttable presumption that the individual identified by the**
 11 **owner as the operator of the motor vehicle at the time of the**
 12 **violation was the individual operating the motor vehicle at the time**
 13 **of the violation.**
- 14 **(d) In addition to an affidavit described in subsection (a)(4), the**
 15 **owner must submit proof that a police report was filed concerning**
 16 **the stolen motor vehicle or stolen license plate.**
- 17 **Sec. 15. (a) Subject to the requirements under IC 36-1-6, a**
 18 **county or municipality shall send by first class mail a notice to the**
 19 **owner of the motor vehicle that the owner failed to contest the**
 20 **violation or pay the civil penalty under this chapter.**
- 21 **(b) A notice under subsection (a) must inform an owner of the**
 22 **following:**
- 23 **(1) That a referral to suspend the registration of the motor**
 24 **vehicle under section 16 of this chapter will be sent to the**
 25 **bureau not later than thirty (30) days after the notice under**
 26 **subsection (a) is mailed if the violation is not paid.**
- 27 **(2) That a referral under section 16 of this chapter will result**
 28 **in the suspension of the registration of the motor vehicle.**
- 29 **Sec. 16. (a) A county or municipality shall give a written referral**
 30 **to suspend the registration of the motor vehicle to the bureau not**
 31 **later than thirty (30) days after the notice under section 15 of this**
 32 **chapter is mailed to the owner of the motor vehicle if the owner has**
 33 **not:**
- 34 **(1) contested the ordinance violation; or**
 35 **(2) paid the civil penalty.**
- 36 **(b) A referral under subsection (a) must include:**
- 37 **(1) Information regarding the name of the owner of the motor**
 38 **vehicle, the license plate number, and registration year.**
 39 **(2) The date, time, and location of the violation.**
 40 **(3) The date when the notice required under section 15 of this**
 41 **chapter was mailed.**
 42 **(4) The seal of the local authority.**



1 **Sec. 17. (a) If the bureau receives a referral under section 16 of**
 2 **this chapter, the bureau shall immediately suspend the registration**
 3 **of the motor vehicle.**

4 **(b) The bureau shall send by first class mail a written notice to**
 5 **the owner not later than thirty (30) days after receiving a referral**
 6 **under section 16 of this chapter that informs the owner of the**
 7 **motor vehicle of:**

8 **(1) the suspension of the registration of the motor vehicle;**

9 **(2) the reason for the suspension; and**

10 **(3) the process by which to have the registration of the motor**
 11 **vehicle reinstated.**

12 **Sec. 18. The bureau shall reinstate the registration of a motor**
 13 **vehicle that is suspended under this chapter if the owner presents**
 14 **the bureau with proof that:**

15 **(1) the civil penalty; and**

16 **(2) the reinstatement fee under IC 9-18.1-3-8.5(b);**

17 **is paid.**

18 **Sec. 19. (a) A recorded image produced by an automated traffic**
 19 **enforcement safety device that does not show an alleged violation**
 20 **must be destroyed not later than thirty (30) days after the image is**
 21 **recorded, unless otherwise determined by a court order.**

22 **(b) A recorded image produced by an automated traffic**
 23 **enforcement safety device that shows an alleged violation must be**
 24 **destroyed not more than ninety (90) days after the final disposition**
 25 **of the proceeding or payment of the civil penalty, unless otherwise**
 26 **determined by a court order.**

27 **Sec. 20. (a) The bureau may not assess points under the point**
 28 **system for a violation of this chapter.**

29 **(b) A violation under this chapter is not considered to be a**
 30 **traffic offense (as defined in IC 9-13-2-183).**

31 **(c) Information concerning a violation under this chapter may**
 32 **not be included on a driving record established and maintained by**
 33 **the bureau.**

34 **(d) A violation under this chapter may not be used to determine**
 35 **rates for motor vehicle insurance.**

36 SECTION 11. IC 9-21-5-6, AS AMENDED BY P.L.164-2018,
 37 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2023]: Sec. 6. (a) Except as provided in subsections (e) and
 39 (f), whenever a local authority in the authority's jurisdiction determines
 40 that the maximum speed permitted under this chapter is greater or less
 41 than reasonable and safe under the conditions found to exist on a
 42 highway or part of a highway, the local authority may determine and



1 declare a reasonable and safe maximum limit on the highway. The
 2 maximum limit declared under this section may do any of the
 3 following:

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

6 (2) Increase the limit within an urban district, but not to more than
 7 fifty-five (55) miles per hour during daytime and fifty (50) miles
 8 per hour during nighttime.

9 (3) Decrease the limit outside an urban district, but not to less
 10 than thirty (30) miles per hour.

11 (4) Decrease the limit in an alley, but to not less than five (5)
 12 miles per hour.

13 (5) Increase the limit in an alley, but to not more than thirty (30)
 14 miles per hour.

15 The local authority must perform an engineering and traffic
 16 investigation before a determination may be made to change a speed
 17 limit under subdivision (2), (3), (4), or (5) or before the speed limit
 18 within an urban district may be decreased to less than twenty-five (25)
 19 miles per hour under subdivision (1).

20 (b) Except as provided in subsection (f), a local authority in the
 21 authority's jurisdiction shall determine by an engineering and traffic
 22 investigation the proper maximum speed for all local streets and shall
 23 declare a reasonable and safe maximum speed permitted under this
 24 chapter for an urban district. However, an engineering and traffic study
 25 is not required to be performed for the local streets in an urban district
 26 under this subsection if the local authority determines that the proper
 27 maximum speed in the urban district is not less than twenty-five (25)
 28 miles per hour.

29 (c) An altered limit established under this section is effective at all
 30 times or during hours of darkness or at other times as may be
 31 determined when appropriate signs giving notice of the altered limit are
 32 erected on the street or highway.

33 (d) Except as provided in this subsection **and notwithstanding**
 34 **IC 9-21-3.6 or IC 36-1-3-8(a)**, a local authority may not alter a speed
 35 limit on a highway or extension of a highway in the state highway
 36 system. A city or town may establish speed limits on state highways
 37 upon which a school is located. However, a speed limit established
 38 under this subsection is valid only if the following conditions exist:

39 (1) The limit is not less than twenty (20) miles per hour.

40 (2) The limit is imposed only in the immediate vicinity of the
 41 school.

42 (3) Children are present.



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



1 **city, town, or county, respectively, under IC 9-21-3.6.**

2 (g) Except as provided in subsection (h), a person who exceeds a
3 speed limit established by a local authority under this section commits
4 a Class C infraction.

5 (h) A person who exceeds a speed limit that is established under
6 subsection (d) or (f) commits a Class B infraction.

7 SECTION 12. IC 9-21-12-1, AS AMENDED BY P.L.144-2019,
8 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2023]: Sec. 1. (a) A person who drives a vehicle that:

10 (1) meets or overtakes from any direction a school bus stopped on
11 a roadway or a private road and is not stopped before reaching the
12 school bus when the arm signal device specified in IC 9-21-12-13
13 is in the device's extended position; or

14 (2) proceeds before the arm signal device is no longer extended;
15 commits a Class A infraction.

16 (b) In addition to any other penalty imposed under this section, the
17 court may suspend the person's driving privileges:

18 (1) for ninety (90) days; or

19 (2) if the person has committed at least one (1) previous offense
20 under this section or IC 9-21-8-52(b), for one (1) year.

21 (c) This section is applicable only if the school bus is in substantial
22 compliance with the markings required by the state school bus
23 committee.

24 (d) There is a rebuttable presumption that the owner of the vehicle
25 involved in the violation of this section committed the violation. This
26 presumption does not apply to the owner of a vehicle involved in the
27 violation of this section if the owner routinely engages in the business
28 of renting the vehicle for periods of thirty (30) days or less.

29 **(e) A violation of subsection (a) may be enforced under**
30 **IC 9-21-3.6.**

31 SECTION 13. IC 9-30-3-14, AS AMENDED BY P.L.111-2021,
32 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2023]: Sec. 14. **This section does not apply to a violation of**
34 **an ordinance adopted under IC 9-21-3.6.** If a court convicts a person
35 for a moving traffic offense and the person is known or believed by the
36 court not to be the owner of the motor vehicle, the court shall, within
37 seven (7) days after entering the conviction, deposit with the United
38 States Postal Service, first class postage prepaid, notice addressed to
39 the owner of the motor vehicle giving the owner the following
40 information:

41 (1) The name and address of the person convicted.

42 (2) The name and address of the owner of the motor vehicle.



- 1 (3) The offense upon which the conviction was made.
- 2 (4) The date of arrest of the person convicted and the location of
- 3 the place of the offense.
- 4 (5) The license plate number of the motor vehicle.
- 5 (6) The driver's or chauffeur's license number of the person
- 6 convicted.
- 7 (7) The date of the conviction and the name of the court making
- 8 the conviction.
- 9 SECTION 14. IC 20-27-10-3.5 IS ADDED TO THE INDIANA
- 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 11 [EFFECTIVE JULY 1, 2023]: **Sec. 3.5. A school corporation may use**
- 12 **an automated traffic enforcement safety device on a school bus in**
- 13 **accordance with IC 9-21-3.6.**
- 14 SECTION 15. IC 27-1-22-29 IS ADDED TO THE INDIANA
- 15 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 16 [EFFECTIVE JULY 1, 2023]: **Sec. 29. (a) As used in this section,**
- 17 **"motor vehicle insurance" means any type of insurance described**
- 18 **in IC 27-1-5-1, Class 2(f).**
- 19 **(b) As used in this section, "rating plan" means the rating**
- 20 **schedule or rating plan of an insurer concerning premium rates for**
- 21 **motor vehicle insurance that has been filed with the commissioner**
- 22 **and is in effect under section 4 of this chapter.**
- 23 **(c) An insurer may not set the premium rate for a policy of**
- 24 **motor vehicle insurance for an individual who has committed a**
- 25 **violation under:**
- 26 **(1) IC 9-21-3.6-7; or**
- 27 **(2) IC 9-21-12-1(a) enforced under IC 9-21-3.6;**
- 28 **at an amount higher than the applicable rate set forth in the rating**
- 29 **plan due to the fact that the individual has committed a violation**
- 30 **of an ordinance adopted under IC 9-21-3.6, or of IC 9-21-12-1(a)**
- 31 **enforced under IC 9-21-3.6.**
- 32 **(d) A violation of this section is an unfair and deceptive act or**
- 33 **practice in the business of insurance under IC 27-4-1-4.**
- 34 SECTION 16. IC 34-6-2-85 IS AMENDED TO READ AS
- 35 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 85. "Moving traffic
- 36 violation", for purposes of IC 34-28-5, means a violation of:
- 37 (1) a statute defining an infraction; or
- 38 (2) an ordinance, **other than a violation under IC 9-21-3.6;**
- 39 that applies when a motor vehicle is in motion.
- 40 SECTION 17. IC 34-28-5-5, AS AMENDED BY P.L.146-2016,
- 41 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 42 JULY 1, 2023]: Sec. 5. (a) **Except as provided in subsection (g), a**



1 defendant against whom a judgment is entered is liable for costs. Costs
 2 are part of the judgment and may not be suspended except under
 3 IC 9-30-3-12. Whenever a judgment is entered against a person for the
 4 commission of two (2) or more civil violations (infractions or
 5 ordinance violations), the court may waive the person's liability for
 6 costs for all but one (1) of the violations. This subsection does not
 7 apply to judgments entered for violations constituting:

8 (1) Class D infractions; or

9 (2) Class C infractions for unlawfully parking in a space reserved
 10 for a person with a physical disability under IC 5-16-9-5 or
 11 IC 5-16-9-8.

12 (b) If a judgment is entered:

13 (1) for a violation constituting:

14 (A) a Class D infraction; or

15 (B) a Class C infraction for unlawfully parking in a space
 16 reserved for a person with a physical disability under
 17 IC 5-16-9-5 or IC 5-16-9-8; or

18 (2) in favor of the defendant in any case;

19 the defendant is not liable for costs.

20 (c) Except for costs, and except as provided in subsections (e), ~~and~~
 21 (f), **and (g)** and IC 9-21-5-11(e), the funds collected as judgments for
 22 violations of statutes defining infractions shall be deposited in the state
 23 general fund.

24 (d) A judgment may be entered against a defendant under this
 25 section or section 4 of this chapter upon a finding by the court that the
 26 defendant:

27 (1) violated:

28 (A) a statute defining an infraction; or

29 (B) an ordinance; or

30 (2) consents to entry of judgment for the plaintiff upon a pleading
 31 of nolo contendere for a moving traffic violation.

32 (e) The funds collected for an infraction judgment described in
 33 section 4(h) of this chapter shall be transferred to a dedicated county
 34 fund. The money in the dedicated county fund does not revert to the
 35 county general fund or state general fund and may be used, after
 36 appropriation by the county fiscal body, only for the following
 37 purposes:

38 (1) To pay compensation of commissioners appointed under
 39 IC 33-33-49.

40 (2) To pay costs of the county's guardian ad litem program.

41 (f) The funds collected for an infraction judgment described in
 42 section 4(i) of this chapter shall be transferred to a dedicated toll



1 revenue fund created as part of a project under IC 8-15.5-1-2(b)(4).
 2 The money in the fund does not revert to the county general fund or
 3 state general fund and may be used only to pay the cost of operating,
 4 maintaining, and repairing the tolling system for a project under
 5 IC 8-15.5-1-2(b)(4), including major repairs, replacements, and
 6 improvements.

7 **(g) This subsection applies only to a violation of IC 9-21-12-1**
 8 **that is enforced through IC 9-21-3.6. Notwithstanding subsection**
 9 **(c), a civil penalty collected for a violation of IC 9-21-12-1 as a**
 10 **judgment against a person to whom this subsection applies shall be**
 11 **transferred in accordance with IC 9-21-3.6. To the extent a person**
 12 **to whom this subsection applies is liable for costs for a violation of**
 13 **IC 9-21-12-1, the costs may be deducted only from the judgment**
 14 **and may not cause the person to be liable for an amount greater**
 15 **than the civil penalty under IC 9-21-3.6.**

16 SECTION 18. IC 36-1-6-3 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. (a) Certain
 18 ordinances may be enforced by a municipal corporation without
 19 proceeding in court through:

20 (1) an admission of violation before the violations clerk under
 21 IC 33-36; or

22 (2) administrative enforcement under section 9 of this chapter.

23 (b) Except as provided in subsection (a), a proceeding to enforce an
 24 ordinance must be brought in accordance with IC 34-28-5, section 4 of
 25 this chapter, or both.

26 (c) An ordinance defining a moving traffic violation may not be
 27 enforced under IC 33-36 and must be enforced in accordance with
 28 IC 34-28-5.

29 **(d) An ordinance adopted under IC 9-21-3.6 may be enforced**
 30 **under IC 33-36 or IC 34-28-5.**

