

HOUSE BILL No. 1261

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2; IC 9-14; IC 9-17-3-10; IC 9-18.1-3-7; IC 9-21; IC 9-30-3-14; IC 16-18-2-143; IC 16-21-13; IC 27-1-22-29; IC 33-37-7-8; IC 34-6-2-85; IC 34-30-2-28.3; IC 36-1-6-3.

Synopsis: Automated traffic enforcement. Authorizes a county, city, or town to adopt and enforce an ordinance (ordinance) that regulates the placement and use of automated traffic enforcement safety devices (devices) to detect certain traffic offenses (offenses). Authorizes the department of transportation and the Indiana finance authority to use devices and to adopt rules concerning devices to enforce the collection of judgments for violations of highway work zone speed limits. Provides for 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 and deny the transfer of the title of the vehicle when the offenses and violations have not been paid.

Effective: July 1, 2017.

Soliday, Moseley

January 10, 2017, read first time and referred to Committee on Roads and Transportation.



First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1261

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, 2017]: **Sec. 1.8. "Agent":**

4 (1) for purposes of IC 9-21-3.5, refers to an agent of the
5 Indiana finance authority or the Indiana department of
6 transportation, including an operator (as defined in
7 IC 9-21-3.5-4); and

8 (2) for purposes of IC 9-21-3.6, has the meaning set forth in
9 IC 9-21-3.6-1.

10 SECTION 2. IC 9-13-2-6.2 IS ADDED TO THE INDIANA CODE
11 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
12 1, 2017]: **Sec. 6.2. "Automated traffic enforcement safety device"**
13 **means a device that:**

14 (1) is capable of producing a photographically recorded still
15 or video image, or a combination of the photographically
16 recorded still and video images, of the rear of a motor vehicle
17 or of the rear of a vehicle being towed by a motor vehicle;



1 (2) includes an image of the rear license plate of the motor
 2 vehicle but does not include an image of the face of the driver
 3 or a passenger in the motor vehicle;

4 (3) indicates on one (1) or more of the images produced the
 5 date, time, and location of the image; and

6 (4) undergoes an annual calibration check, the results of
 7 which are kept on file with the county, municipality, or school
 8 corporation that uses the automated traffic enforcement
 9 safety device.

10 SECTION 3. IC 9-13-2-94.1 IS ADDED TO THE INDIANA CODE
 11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 12 1, 2017]: **Sec. 94.1. "Local law enforcement agency", for purposes
 13 of IC 9-21-3.6 and IC 9-26-9, has the meaning set forth in
 14 IC 9-26-9-2.**

15 SECTION 4. IC 9-13-2-110.7 IS ADDED TO THE INDIANA
 16 CODE AS A NEW SECTION TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2017]: **Sec. 110.7. "Municipality", for
 18 purposes of IC 9-21-3.6, has the meaning set forth in IC 36-1-2-11.**

19 SECTION 5. IC 9-13-2-121, AS AMENDED BY P.L.198-2016,
 20 SECTION 142, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2017]: **Sec. 121. (a)** Except as otherwise
 22 provided in **subsection (b) and IC 9-31**, "owner" means a person, other
 23 than a lienholder, that:

24 (1) holds the property in or title to, as applicable, a vehicle,
 25 manufactured home, mobile home, off-road vehicle, snowmobile,
 26 or watercraft; or

27 (2) is entitled to the use or possession of, as applicable, a vehicle,
 28 manufactured home, off-road vehicle, snowmobile, or watercraft,
 29 through a lease or other agreement intended to operate as a
 30 security.

31 **(b) "Owner", for purposes of IC 9-21-3.6, has the meaning set
 32 forth in IC 9-21-3.6-2.**

33 SECTION 6. IC 9-13-2-128.5 IS ADDED TO THE INDIANA
 34 CODE AS A NEW SECTION TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2017]: **Sec. 128.5. "Postsecondary
 36 educational institution", for purposes of IC 9-21-3.6, has the
 37 meaning set forth in IC 9-21-3.6-3.**

38 SECTION 7. IC 9-14-12-7, AS ADDED BY P.L.198-2016,
 39 SECTION 192, IS AMENDED TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2017]: **Sec. 7. (a)** The fee for a certified copy
 41 of a record maintained by the bureau under this chapter is as follows:

42 (1) For a record that is generated by the bureau's computer



- 1 systems, including a driving record, four dollars (\$4) for each
 2 certified copy requested.
- 3 (2) For a record that is not generated by the bureau's computer
 4 systems, eight dollars (\$8) for each certified copy requested.
- 5 (b) A fee imposed under this section:
- 6 (1) is instead of the uniform copying fee established under
 7 IC 5-14-3-8; ~~and~~
- 8 (2) shall be deposited in the motor vehicle highway account; **and**
- 9 **(3) does not apply to an agent in carrying out a duty of the**
 10 **agent under IC 9-21-3.5-17 or IC 9-21-3.6.**
- 11 SECTION 8. IC 9-14-13-7, AS ADDED BY P.L.198-2016,
 12 SECTION 193, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2017]: Sec. 7. The bureau may disclose certain
 14 personal information that is not highly restricted personal information
 15 if the person requesting the information provides proof of identity and
 16 represents that the use of the personal information will be strictly
 17 limited to at least one (1) of the following:
- 18 (1) For use by a government agency, including a court or law
 19 enforcement agency, in carrying out its functions, or a person
 20 acting on behalf of a government agency in carrying out its
 21 functions, **including an agent in carrying out a duty of the**
 22 **agent under IC 9-21-3.5-17 or IC 9-21-3.6.**
- 23 (2) For use in connection with matters concerning:
- 24 (A) motor vehicle or driver safety and theft;
- 25 (B) motor vehicle emissions;
- 26 (C) motor vehicle product alterations, recalls, or advisories;
- 27 (D) performance monitoring of motor vehicles, motor vehicle
 28 parts, and dealers;
- 29 (E) motor vehicle market research activities, including survey
 30 research;
- 31 (F) the removal of nonowner records from the original owner
 32 records of motor vehicle manufacturers; and
- 33 (G) motor fuel theft under IC 24-4.6-5.
- 34 (3) For use in the normal course of business by a business or its
 35 agents, employees, or contractors, but only:
- 36 (A) to verify the accuracy of personal information submitted
 37 by an individual to the business or its agents, employees, or
 38 contractors; and
- 39 (B) if information submitted to a business is not correct or is
 40 no longer correct, to obtain the correct information only for
 41 purposes of preventing fraud by pursuing legal remedies
 42 against, or recovering on a debt or security interest against, the



- 1 individual.
- 2 (4) For use in connection with a civil, a criminal, an
3 administrative, or an arbitration proceeding in a court or
4 government agency or before a self-regulatory body, including the
5 service of process, investigation in anticipation of litigation, and
6 the execution or enforcement of judgments and orders, or under
7 an order of a court.
- 8 (5) For use in research activities, and for use in producing
9 statistical reports, as long as the personal information is not
10 published, redisclosed, or used to contact the individuals who are
11 the subject of the personal information.
- 12 (6) For use by an insurer, an insurance support organization, or a
13 self-insured entity, or the agents, employees, or contractors of an
14 insurer, an insurance support organization, or a self-insured entity
15 in connection with claims investigation activities, anti-fraud
16 activities, rating, or underwriting.
- 17 (7) For use in providing notice to the owners of towed or
18 impounded vehicles.
- 19 (8) For use by a licensed private investigative agency or licensed
20 security service for a purpose allowed under this section.
- 21 (9) For use by an employer or its agent or insurer to obtain or
22 verify information relating to a holder of a commercial driver's
23 license that is required under the Commercial Motor Vehicle
24 Safety Act of 1986 (49 U.S.C. 31131 et seq.).
- 25 (10) For use in connection with the operation of private toll
26 transportation facilities.
- 27 (11) For any use in response to requests for individual motor
28 vehicle records when the bureau has obtained the written consent
29 of the person to whom the personal information pertains.
- 30 (12) For bulk distribution for surveys, marketing, or solicitations
31 when the bureau has obtained the written consent of the person to
32 whom the personal information pertains.
- 33 (13) For use by any person, when the person demonstrates, in a
34 form and manner prescribed by the bureau, that written consent
35 has been obtained from the individual who is the subject of the
36 information.
- 37 (14) For any other use specifically authorized by law that is
38 related to the operation of a motor vehicle or public safety.
- 39 However, this section does not affect the use of anatomical gift
40 information on a person's driver's license or identification document
41 issued by the bureau, nor does this section affect the administration of
42 anatomical gift initiatives in Indiana.



1 SECTION 9. IC 9-14-13-10, AS ADDED BY P.L.198-2016,
 2 SECTION 193, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2017]: Sec. 10. (a) An authorized recipient of
 4 personal information, except a recipient under section 7(11) or 7(12)
 5 of this chapter **and except as provided in subsection (e)**, may resell
 6 or redisclose the information for any use allowed under section 7 of this
 7 chapter, except for a use under section 7(11) or 7(12) of this chapter.

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

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

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

- 18 (1) each person that receives the information; and
- 19 (2) the permitted use for which the information was obtained.

20 (e) **An agent, in carrying out a duty of the agent under**
 21 **IC 9-21-3.5-17 or IC 9-21-3.6, that is a recipient of personal**
 22 **information under section 7(1) of this chapter may not resell or**
 23 **redisclose the personal information for any purpose.**

24 SECTION 10. IC 9-17-3-10 IS ADDED TO THE INDIANA CODE
 25 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 26 1, 2017]: Sec. 10. (a) **Upon receiving notice, as set forth in**
 27 **IC 9-21-3.5-17(c), of the failure of the registered owner of a vehicle**
 28 **to pay the judgment for a worksite temporary maximum speed**
 29 **violation infraction assessed under IC 9-21-5-11(d), the bureau**
 30 **may not transfer the certificate of title of the vehicle that was used**
 31 **in the commission of the violation of IC 9-21-5-11(a) until:**

- 32 (1) the registered owner pays the judgment for the infraction
 33 assessed under IC 9-21-5-11(d) and rules adopted under
 34 IC 9-21-3.5-17(a); and
- 35 (2) the bureau is presented with adequate proof of payment.

36 (b) **Upon receiving a referral, as set forth in IC 9-21-3.6-16, of**
 37 **the failure of the registered owner of a vehicle to pay any civil**
 38 **penalty or civil judgment assessed and associated fees under**
 39 **IC 9-21-3.6, the bureau may not transfer the certificate of title of**
 40 **the vehicle that was used in the commission of the ordinance**
 41 **violation under IC 9-21-3.6 until:**

- 42 (1) the registered owner pays the civil penalty or civil



1 **judgment assessed and associated fees under IC 9-21-3.6; and**
 2 **(2) the bureau is presented with adequate proof of payment**
 3 **under IC 9-21-3.6-18.**

4 SECTION 11. IC 9-18.1-3-7, AS ADDED BY P.L.198-2016,
 5 SECTION 326, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2017]: Sec. 7. (a) Upon receiving notice, as
 7 described in IC 9-21-3.5-10(c), of the failure of an owner of a vehicle
 8 to pay a fine, charge, or other assessment for a toll violation
 9 documented under IC 9-21-3.5-12, the bureau shall withhold the annual
 10 registration of the vehicle that was used in the commission of the toll
 11 violation until the owner pays the fine, charge, or other assessment,
 12 plus any applicable fees, to:

- 13 (1) the bureau; or
 14 (2) the appropriate authority under IC 9-21-3.5 that is responsible
 15 for the collection of fines, charges, or other assessments for toll
 16 violations under IC 9-21-3.5.

17 If the owner pays the fine, charge, or assessment, plus any applicable
 18 fees, to the bureau as described in subdivision (1), the bureau shall
 19 remit the appropriate amount to the appropriate authority under
 20 IC 9-21-3.5 that is responsible for the collection of fines, charges,
 21 assessments, or fees for toll violations under IC 9-21-3.5.

22 (b) Upon receiving notice, as described in IC 9-21-3.5-15(d), of the
 23 failure of an owner of a vehicle to pay a fine, charge, or other
 24 assessment for a toll violation documented under IC 9-21-3.5-12 or
 25 IC 9-21-3.5-14, the bureau shall withhold the annual registration of the
 26 vehicle that was used in the commission of the toll violation until the
 27 owner pays the fine, charge, or other assessment, plus any applicable
 28 fees, to:

- 29 (1) the operator of the private toll facility; or
 30 (2) a person designated by the operator of the private toll facility
 31 to collect fines, charges, or other assessments for toll violations
 32 under IC 9-21-3.5;

33 as applicable. The bureau may impose a fee to reinstate an annual
 34 registration that was withheld under this subsection.

35 **(c) Upon receiving notice, as set forth in IC 9-21-3.5-17(c), of the**
 36 **failure of the registered owner of a vehicle to pay the judgment for**
 37 **a worksite temporary maximum speed violation infraction assessed**
 38 **under IC 9-21-5-11(d), the bureau shall suspend the registration of**
 39 **the vehicle that was used in the commission of the violation of the**
 40 **infraction under IC 9-21-5-11(a) until:**

- 41 **(1) the registered owner pays the judgment for the infraction**
 42 **assessed under IC 9-21-5-11(d) and rules adopted under**



1 **IC 9-21-3.5-17(a); and**

2 **(2) the bureau is presented with adequate proof of payment**
3 **under IC 9-21-3.6-18.**

4 **(d) Upon receiving a referral, as set forth in IC 9-21-3.6-16, of**
5 **the failure of the registered owner of a vehicle to pay any civil**
6 **penalty or civil judgment assessed and associated fees under**
7 **IC 9-21-3.6, the bureau shall suspend the registration of the vehicle**
8 **that was used in the commission of the ordinance violation under**
9 **IC 9-21-3.6 until:**

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

12 **(2) the bureau is presented with adequate proof of payment**
13 **under IC 9-21-3.6-18.**

14 **SECTION 12. IC 9-21-3.5-16 IS ADDED TO THE INDIANA**
15 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
16 **[EFFECTIVE JULY 1, 2017]: Sec. 16. The owner of a motor vehicle**
17 **that is driven through a worksite with a temporary maximum**
18 **speed limit as set forth in IC 9-21-5-11 at a speed higher than the**
19 **temporary maximum speed limit established under IC 9-21-5-11(a)**
20 **shall ensure that the judgment for the infraction set forth in**
21 **IC 9-21-5-11(d) is paid.**

22 **SECTION 13. IC 9-21-3.5-17 IS ADDED TO THE INDIANA**
23 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
24 **[EFFECTIVE JULY 1, 2017]: Sec. 17. (a) If the department or the**
25 **authority chooses to establish a traffic enforcement program using**
26 **automatic traffic enforcement safety devices in locations subject to**
27 **the jurisdiction of the department or the authority, the department**
28 **or authority may adopt and enforce rules under IC 4-22-2**
29 **concerning the use of automated traffic enforcement safety devices**
30 **to enforce the collection of judgments for violations of speed limits**
31 **established under IC 9-21-5-11(a).**

32 **(b) The rules must provide that the department, the authority,**
33 **or an agent of the department or the authority shall mail to the**
34 **owner of a motor vehicle driven in violation of a speed limit**
35 **established under IC 9-21-5-11(a) (or a vehicle being towed by a**
36 **motor vehicle driven in violation of a speed limit established under**
37 **IC 9-21-5-11(a)) notice of the violation by first class mail**
38 **postmarked not later than thirty (30) days after obtaining the**
39 **name and address of the owner of the motor vehicle or the vehicle**
40 **being towed by a motor vehicle and not more than sixty (60) days**
41 **after the date of the alleged violation. The notice must include the**
42 **following:**



- 1 **(1) The name and address of the owner of the motor vehicle or**
 2 **the vehicle being towed by a motor vehicle.**
 3 **(2) The license plate number of the motor vehicle or the**
 4 **vehicle being towed by a motor vehicle.**
 5 **(3) The violation charged.**
 6 **(4) The location of the violation.**
 7 **(5) The date and time of the violation.**
 8 **(6) A copy of, and information on how to view through**
 9 **electronic means, the recorded image of the violation.**
 10 **(7) A signed statement or electronically generated affirmation**
 11 **by a police officer who has:**
 12 **(A) reviewed the recorded image; and**
 13 **(B) determined that the motor vehicle or the vehicle being**
 14 **towed by a motor vehicle violated a speed limit established**
 15 **under IC 9-21-5-11(a).**
 16 **(8) The amount of the civil penalty imposed for the violation.**
 17 **(9) The date by which the civil penalty must be paid if the**
 18 **owner of the vehicle:**
 19 **(A) does not desire to contest the violation; and**
 20 **(B) wishes to avoid paying court costs.**
 21 **The civil penalty must be paid not later than thirty (30) days**
 22 **after the issuance date of the violation notice if a defense does**
 23 **not apply, or not later than forty-five (45) days after the**
 24 **issuance date of the violation notice if a defense requires the**
 25 **violation notice to be sent to another person.**
 26 **(10) A statement that the recorded image of the violation is**
 27 **prima facie evidence of a violation.**
 28 **(11) The procedure under which the notice of violation may be**
 29 **contested, and the procedure and conditions under which the**
 30 **responsibility for payment of the civil penalty may be**
 31 **transferred to another individual who was operating the**
 32 **motor vehicle at the time of the violation.**
 33 **(c) The department shall establish a process by which the**
 34 **department, authority, or agent, as applicable, shall notify the**
 35 **bureau of an owner's failure to pay a fine, charge, or other**
 36 **assessment for a worksite temporary maximum speed violation**
 37 **infraction following the expiration of the deadline determined**
 38 **under rules adopted under subsection (b)(9).**
 39 SECTION 14. IC 9-21-3.5-18 IS ADDED TO THE INDIANA
 40 CODE AS A NEW SECTION TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2017]: **Sec. 18. Before enforcing a rule**
 42 **adopted under section 17 of this chapter, the department or the**



1 authority must install a warning sign notifying the traveling public,
 2 at least five hundred (500) feet in advance, as to the location at
 3 which an automated traffic enforcement safety device is located,
 4 along with the signs required by IC 9-21-5-11(a).

5 SECTION 15. IC 9-21-3.5-19 IS ADDED TO THE INDIANA
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2017]: Sec. 19. (a) In the prosecution of a
 8 worksite temporary maximum speed limit violation infraction
 9 under this chapter and IC 9-21-5-11, proof that the motor vehicle
 10 was driven in violation of the worksite temporary maximum speed
 11 may be shown by a video recording, a photograph, an electronic
 12 recording, or other appropriate evidence, including evidence
 13 obtained by an automated traffic enforcement safety device.

14 (b) In the prosecution of a worksite temporary maximum speed
 15 limit violation infraction:

- 16 (1) it is presumed that any notice of nonpayment was received
 17 on the fifth day after the date of mailing; and
 18 (2) a computer record of the department, the authority, or the
 19 operator or the registered owner of the motor vehicle is prima
 20 facie evidence of its contents and that the worksite temporary
 21 maximum speed limit violator was the registered owner of the
 22 motor vehicle at the time of the underlying event of
 23 nonpayment.

24 SECTION 16. IC 9-21-3.6 IS ADDED TO THE INDIANA CODE
 25 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2017]:

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

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

- 29 (1) provides services to a county or municipality;
 30 (2) operates, maintains, leases, or licenses automated traffic
 31 enforcement safety devices as authorized by a county or
 32 municipality;
 33 (3) is authorized to review and assemble the recorded images
 34 captured by an automated traffic enforcement safety device
 35 for review by a law enforcement officer or agency; or
 36 (4) is any combination of subdivisions (1) through (3).

37 **Sec. 2. As used in this chapter, "owner" means a person in**
 38 **whose name a motor vehicle is registered under any of the**
 39 **following:**

- 40 (1) IC 9-18.
 41 (2) The law of another state.
 42 (3) The law of a foreign country.



1 **(4) The International Registration Plan.**

2 **Sec. 3. As used in this chapter, "postsecondary educational**
 3 **institution" means a postsecondary school that provides an**
 4 **organized two (2) year or longer program of collegiate study**
 5 **directly creditable toward a baccalaureate degree.**

6 **Sec. 4. Notwithstanding IC 36-1-3-8(a)(8):**

7 **(1) a county, with respect to highways located in**
 8 **unincorporated areas, including state highways within its**
 9 **jurisdiction; and**

10 **(2) a municipality, with respect to highways located within the**
 11 **respective jurisdiction, including state highways;**

12 **may adopt and enforce an ordinance that complies with this**
 13 **chapter and allows for the use of automated traffic enforcement**
 14 **safety devices to enforce the traffic violations set forth in section 8**
 15 **of this chapter.**

16 **Sec. 5. A municipality or county that uses an automated traffic**
 17 **enforcement safety device may enter into a contract with an agent**
 18 **for the installation, operation, notice processing, and**
 19 **administration and maintenance of the automated traffic**
 20 **enforcement safety device.**

21 **Sec. 6. A municipality or county may act under IC 36-1-7 to**
 22 **carry out this chapter.**

23 **Sec. 7. A municipality or county that uses an automated traffic**
 24 **enforcement safety device for the purposes of traffic enforcement**
 25 **must adopt an ordinance concerning the use of the automated**
 26 **traffic enforcement safety devices and publish notice of the location**
 27 **of the automated traffic enforcement safety devices on the Internet**
 28 **web site of the municipality or county. The ordinance must provide**
 29 **that:**

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

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

37 **(3) an automated traffic enforcement safety device placed in**
 38 **the municipality or county must comply with an international**
 39 **standard for operating the speed monitoring system, if the**
 40 **device is capable of monitoring speed;**

41 **(4) the municipality or county that places an automated traffic**
 42 **enforcement safety device:**



- 1 (A) that is capable of monitoring speed; and
- 2 (B) in a school speed zone or highway work zone;
- 3 must maintain a speed monitoring system in accordance with
- 4 specified self-test performance standards;
- 5 (5) an amount of any money collected for the violation of the
- 6 ordinance must be applied to the costs of the installation,
- 7 operation, and maintenance of the automated traffic
- 8 enforcement safety devices in the municipality;
- 9 (6) a police officer:
 - 10 (A) must review and approve a recorded image before the
 - 11 recorded image of the ordinance violation may be
 - 12 forwarded to the registered owner of the motor vehicle or
 - 13 the vehicle being towed by a motor vehicle; and
 - 14 (B) may not forward notice to the registered owner if, in
 - 15 the opinion of the police officer, it was not possible for the
 - 16 operator of the vehicle to safely avoid committing the
 - 17 violation due to inclement weather conditions; and
- 18 (7) a notice of the ordinance violation may be contested
- 19 according to certain procedures that permit the owner that
- 20 has received the notice of ordinance violation to:
 - 21 (A) request a hearing, within twenty-five (25) days after
 - 22 the mailing of the notice of the ordinance violation, by:
 - 23 (i) mailing a request in writing; or
 - 24 (ii) appearing during regular office hours of the county
 - 25 or municipality, either in person or by an authorized
 - 26 agent of the owner;
 - 27 (B) have the matter scheduled for a hearing before a court
 - 28 or a hearing officer designated by the municipality or
 - 29 county at a date, time, and place of which the owner will be
 - 30 notified in writing sent by first class mail to the owner;
 - 31 (C) attend an informal hearing on the ordinance violation;
 - 32 and
 - 33 (D) appeal an adverse ruling in a proceeding at which the
 - 34 ordinance violation shall be heard and decided de novo.

35 **Sec. 8. An ordinance adopted under section 4 of this chapter**
 36 **may provide for the use of an automated traffic enforcement safety**
 37 **device only in the following instances:**

- 38 (1) A municipality or county, after consultation with the
- 39 Indiana department of transportation, may establish speed
- 40 limits by ordinance on state highways upon which an
- 41 elementary school (as defined in IC 20-18-2-4), high school (as
- 42 defined in IC 20-18-2-7), or a postsecondary educational



1 institution is located, if the detection of violations of this
 2 subdivision will be performed by an automated traffic
 3 enforcement safety device. However, a speed limit established
 4 under this subdivision is valid only if the following conditions
 5 exist:

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

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

11 (C) The speed zone is properly signed. There must be a
 12 sign located where the speed zone begins or as near as
 13 practical to the point where the speed zone begins
 14 indicating the speed limit.

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

17 (E) The Indiana department of transportation has been
 18 notified by certified mail regarding the location and speed
 19 limit of the speed zone.

20 (2) A municipality or county may establish speed limits on a
 21 street or highway upon which an elementary school (as
 22 defined in IC 20-18-2-4), a high school (as defined in
 23 IC 20-18-2-7), or a postsecondary educational institution is
 24 located, if the detection of violations of this subdivision will be
 25 performed by an automated traffic enforcement safety device
 26 on the street or highway under the jurisdiction of the
 27 municipality or county, respectively. However, a speed limit
 28 established under this subdivision is valid only if the following
 29 conditions exist:

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

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

36 (C) The speed zone is properly signed. There must be a
 37 sign located where the speed zone begins or as near as
 38 practical to the point where the speed zone begins
 39 indicating the speed limit and if the school operates on a
 40 twelve (12) month schedule, there must be a sign indicating
 41 that the school is an all year school.

42 (D) The automated traffic enforcement safety device may



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

(3) In accordance with IC 9-21-5-11, a municipality or a county may establish temporary maximum speed limits in their respective jurisdictions and in the vicinity of a worksite without conducting an engineering study and investigation required under IC 9-21-5. The municipality or county must post signs notifying the traveling public of the temporary maximum speed limits established under this subdivision. Worksite speed limits set under this subdivision must be at least ten (10) miles per hour below the maximum established speed limit and may be enforced by an automated traffic enforcement safety device only if:

- (A) workers are present in the immediate vicinity of the worksite; or
- (B) workers are not present in the immediate vicinity of the worksite, and the municipality or county determines that the safety of the traveling public requires enforcement of the worksite speed limit.

Sec. 9. (a) An ordinance adopted under section 4 of this chapter must specify the following:

- (1) That, except as provided in subdivision (2), the owner of a motor vehicle commits a violation of the ordinance when the automated traffic enforcement safety device produces a recorded image of the motor vehicle or the vehicle being towed by a motor vehicle proceeding at a speed in violation of a speed limit established under section 8 of this chapter.
- (2) That, if the owner of a motor vehicle establishes a defense under section 12 or 13 of this chapter, the person:
 - (A) identified as having the care, custody, or control of the motor vehicle under section 12 of this chapter; or
 - (B) identified as the person driving the motor vehicle under section 13 of this chapter;
 at the time of the violation commits the violation of the ordinance if the automated traffic enforcement safety device produces a recorded image of the motor vehicle or the vehicle being towed by a motor vehicle proceeding at a speed in violation of a speed limit established under section 8 of this chapter.
- (3) That payment of a civil penalty for the violation of the ordinance adopted under section 4 of this chapter may be made by electronic means.
- (4) That the failure to pay timely a violation of an ordinance



1 adopted under section 4 of this chapter will result in the
2 suspension of the person's motor vehicle registration and the
3 inability of the person to transfer the title to the motor vehicle
4 that was used to commit the ordinance violation.

5 (b) The county, municipality, or the agent shall mail the owner
6 of a motor vehicle or a vehicle being towed by a motor vehicle
7 committing a violation of an ordinance adopted under section 4 of
8 this chapter notice of the ordinance violation by first class mail
9 postmarked not later than thirty (30) days after obtaining the
10 name and address of the owner of the motor vehicle or the vehicle
11 being towed by a motor vehicle and not more than sixty (60) days
12 after the date of the alleged violation. The notice must include the
13 following:

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

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

18 (3) The violation charged.

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

20 (5) The date and time of the ordinance violation.

21 (6) A copy of, and information on how to view through
22 electronic means, the recorded image of the ordinance
23 violation.

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

26 (A) reviewed the recorded image; and

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

29 (8) The amount of the civil penalty imposed for the ordinance
30 violation.

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

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

34 (B) wishes to avoid paying court costs.

35 The civil penalty must be paid not later than thirty (30) days
36 after the issuance date of the violation notice if a hearing has
37 not been requested under the procedures described in section
38 7(7) of this chapter or a defense described in section 12, 13, or
39 14 of this chapter does not apply, or not later than forty-five
40 (45) days after the issuance date of the violation notice if a
41 defense described in section 12, 13, or 14 of this chapter
42 requires the violation notice to be sent to another person.



1 (10) A statement that the recorded image of the violation of
 2 the ordinance is prima facie evidence of a violation of the
 3 ordinance.

4 (11) The procedure under which the notice of violation may be
 5 contested, and the procedure and conditions under which the
 6 responsibility for payment of the civil penalty may be
 7 transferred to another individual who was operating the
 8 motor vehicle at the time of the ordinance violation.

9 **Sec. 10. Before enforcing an ordinance adopted under section 4**
 10 **of this chapter, the municipality or county that uses an automated**
 11 **traffic enforcement safety device for purposes of detecting a**
 12 **violation of this chapter must install a warning sign at least five**
 13 **hundred (500) feet in advance of the location at which an**
 14 **automated traffic enforcement safety device is located. An advance**
 15 **warning sign must:**

16 (1) notify the operators of vehicles of the existence of the
 17 automated traffic enforcement safety device; and

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

21 **Sec. 11. An ordinance adopted under section 4 of this chapter:**

22 (1) notwithstanding IC 36-1-3-8(a)(10)(B), must impose a civil
 23 penalty:

24 (A) of not more than two hundred fifty dollars (\$250) for
 25 a violation of speed limits established under section 8(1) or
 26 8(2) of this chapter; and

27 (B) for a violation of a temporary maximum speed limit
 28 established under section 8(3) of this chapter, the
 29 following:

30 (i) If the person has not previously committed a violation
 31 of a speed limit established under section 8(3) of this
 32 chapter in the municipality, a civil penalty of at least
 33 three hundred dollars (\$300).

34 (ii) If the person has committed one (1) violation of a
 35 speed limit established under section 8(3) of this chapter
 36 in the municipality in the previous three (3) years, a civil
 37 penalty of at least five hundred dollars (\$500);

38 (2) may impose a fee associated with the electronic processing
 39 of the payment of the civil penalty imposed for a violation of
 40 the ordinance; and

41 (3) must require that a part of the civil penalty imposed for a
 42 violation of the ordinance shall be applied to defray the cost



1 of the installation, operation, and maintenance of the
 2 automatic traffic enforcement safety device first and the
 3 remaining funds from the civil penalty be distributed in the
 4 following manner:

5 (A) For a violation of section 8(1) or 8(2) of this chapter,
 6 the following distributions:

7 (i) Forty percent (40%) shall be transferred to the
 8 general fund of the local authority.

9 (ii) Thirty percent (30%) shall be transferred to the
 10 trauma care hospital fund established by IC 16-21-13-2.

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

14 (iv) Ten percent (10%) shall be transferred to the local
 15 law enforcement continuing education program
 16 established under IC 5-2-8-2(b), if the local authority in
 17 which the citation was issued has a local law enforcement
 18 continuing education program. If the local authority in
 19 which the citation was issued does not have a local law
 20 enforcement continuing education program, ten percent
 21 (10%) shall be transferred to the county law
 22 enforcement continuing education program established
 23 by IC 5-2-8-1(b).

24 (v) Ten percent (10%) shall be transferred to the
 25 regional public safety training fund established by
 26 IC 10-15-3-12.

27 (B) For a violation of section 8(3) of this chapter, the
 28 following distributions:

29 (i) Forty percent (40%) shall be transferred to the
 30 general fund of the local authority.

31 (ii) Twenty percent (20%) shall be transferred to the
 32 trauma care hospital fund established by IC 16-21-13-2.

33 (iii) Twenty percent (20%) shall be transferred to the
 34 motor vehicle highway account established under
 35 IC 8-14-1.

36 (iv) Ten percent (10%) shall be transferred for deposit
 37 as a highway work zone fee under IC 33-37-7-8(d)(3).

38 (v) Ten percent (10%) shall be transferred to the Indiana
 39 department of transportation to pay the costs of hiring
 40 off duty police officers to perform the duties described in
 41 IC 8-23-2-15(b).

42 Sec. 12. (a) It is a defense in a proceeding to enforce this chapter



1 if the owner provides to the ordinance violations bureau, court,
2 agent for the municipality or county, or local law enforcement
3 agency an affidavit signed under the penalties of perjury stating:

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

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

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

17 (b) It is a defense in a proceeding to enforce this chapter if the
18 owner provides to the ordinance violations bureau, court, agent for
19 the municipality or county, or local law enforcement agency an
20 affidavit signed under the penalties of perjury stating that, at the
21 time of the alleged violation, the dealer plates that the vehicle bore
22 were issued to a person licensed under IC 9-32-11, and:

23 (1) that, at the time of the alleged violation, the vehicle was in
24 the care, custody, or control of a person (other than the owner
25 or an employee of the owner of the motor vehicle or the
26 vehicle being towed by a motor vehicle) using dealer license
27 plates as authorized under IC 9-32-6-7 or IC 9-32-6-8; and

28 (2) the name and address of the person who was using the
29 motor vehicle or the vehicle being towed by a motor vehicle at
30 the time of the alleged violation.

31 (c) If the owner of a motor vehicle or a vehicle being towed by
32 a motor vehicle meets the requirements of subsection (a) or (b), the
33 ordinance violations bureau, court, agent for the municipality or
34 county, or local law enforcement agency shall mail or electronically
35 transfer a notice of the ordinance violation citation or a summons
36 and complaint to the person having the care, custody, or control of
37 the motor vehicle or the vehicle being towed by a motor vehicle at
38 the time of the violation. The proof required under subsection (a)
39 or (b) creates a rebuttable presumption that the person having the
40 care, custody, or control of the motor vehicle or the vehicle being
41 towed by a motor vehicle at the time of the violation was the
42 operator of the motor vehicle at the time of the violation. The



1 notice required under this subsection must contain the following:
2 (1) The information described in section 9(b) of this chapter.
3 (2) A statement that the person receiving the notice was
4 identified by the owner of the motor vehicle or the vehicle
5 being towed by a motor vehicle as the person having the care,
6 custody, or control of the motor vehicle at the time of the
7 violation.
8 (3) A statement that a person may offer a defense as described
9 in this section and sections 13 and 14 of this chapter.

10 Sec. 13. (a) It is a defense to a proceeding to enforce this chapter
11 if the owner provides to the ordinance violations bureau, court,
12 agent for the local authority, or local law enforcement agency an
13 affidavit signed under the penalties of perjury stating:
14 (1) that the owner was not operating the motor vehicle or the
15 motor vehicle towing a vehicle at the time of the alleged
16 violation and the name and address of the person operating
17 the motor vehicle or the vehicle being towed by a motor
18 vehicle at the time of the alleged violation; or
19 (2) that:
20 (A) the motor vehicle; or
21 (B) the license plate of the motor vehicle or the vehicle
22 being towed by the motor vehicle;
23 had been stolen before the alleged violation occurred and was
24 not under the control or possession of the owner at the time of
25 the alleged violation. In addition to the affidavit described in
26 this subsection, the owner must submit proof that a police
27 report was filed concerning the stolen motor vehicle or stolen
28 license plate.

29 (b) If the owner of a motor vehicle or a vehicle being towed by
30 a motor vehicle submits the evidence required under subsection
31 (a)(1), the ordinance violations bureau, court, agent for the local
32 authority, or local law enforcement agency shall mail a notice of
33 the ordinance violation or an information to the person identified
34 as the person operating the motor vehicle at the time of the
35 violation. The proof required under subsection (a)(1) creates a
36 rebuttable presumption that the person identified in the affidavit
37 required under subsection (a) was the operator of the motor
38 vehicle at the time of the violation. The notice required under this
39 subsection must contain the following:
40 (1) The information described in section 9(b) of this chapter.
41 (2) A statement that the person receiving the notice was
42 identified by the owner of the motor vehicle as the person



1 operating the motor vehicle at the time of the violation.

2 **Sec. 14. It is a defense to a proceeding to enforce an ordinance**
 3 **adopted under section 4 of this chapter that any of the following**
 4 **apply:**

5 **(1) IC 9-21-1-8(b)(3) (a person driving an authorized**
 6 **emergency vehicle may exceed the maximum speed limits if**
 7 **the person who drives the vehicle does not endanger life or**
 8 **property).**

9 **(2) IC 9-21-8-1 (complying with a lawful order or direction of**
 10 **a law enforcement officer).**

11 **(3) IC 9-21-8-35(a) (yielding right-of-way to authorized**
 12 **emergency vehicles).**

13 **(4) IC 9-21-13-1 (funeral procession).**

14 **(5) A traffic citation was issued to the operator of the motor**
 15 **vehicle for the violation by a police officer.**

16 **Sec. 15. If it appears from the records of the municipality,**
 17 **county, or local law enforcement agency that a person has failed to**
 18 **pay a violation before the deadlines established by this chapter**
 19 **without notification of an intent to contest the violation, the**
 20 **municipality, county, or local law enforcement agency shall send**
 21 **a notice to the person who is the registered owner of the motor**
 22 **vehicle or the vehicle being towed by a motor vehicle. The notice**
 23 **must inform the registered owner of the following:**

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

27 **(2) That the referral will result in the suspension of the**
 28 **registration of the motor vehicle or the vehicle being towed by**
 29 **a motor vehicle and the certificate of title of the motor vehicle**
 30 **or vehicle being towed by a motor vehicle may not be**
 31 **transferred if the violation is not paid.**

32 **Sec. 16. A municipality, county, agent, or local law enforcement**
 33 **agency shall send a referral to the bureau not later than thirty (30)**
 34 **days after the notice referenced in section 15 of this chapter was**
 35 **mailed if a violation of this chapter has not been contested and has**
 36 **not been paid. The referral to the bureau must include the**
 37 **following:**

38 **(1) Any information known or available to the municipality,**
 39 **county, or local law enforcement agency concerning the**
 40 **license plate number and year of registration and the name of**
 41 **the owner of the motor vehicle or the vehicle being towed by**
 42 **a motor vehicle.**



- 1 (2) The date on which the violation occurred.
- 2 (3) The date when the notice required under section 15 of this
- 3 chapter was mailed.
- 4 (4) The seal of the local authority.

5 **Sec. 17.** If the bureau receives a referral under section 16 of this
6 chapter, the bureau shall suspend the registration of the motor
7 vehicle or the vehicle being towed by a motor vehicle and shall
8 place a notice in the records of the bureau that the certificate of
9 title for the motor vehicle or the vehicle being towed by a motor
10 vehicle may not be transferred. The bureau or agent shall mail a
11 notice to the person in whose name the motor vehicle or the vehicle
12 being towed by a motor vehicle is registered within thirty (30) days
13 that:

- 14 (1) informs the person that the registration of the motor
15 vehicle or vehicle has been suspended, that the certificate of
16 title for the motor vehicle or vehicle being towed by a motor
17 vehicle may not be transferred, and that the reason for these
18 actions was the failure to pay an ordinance violation adopted
19 under section 4 of this chapter; and
- 20 (2) explains what the person must do to have the registration
21 reinstated and the records of the bureau amended.

22 **Sec. 18.** The bureau shall reinstate the registration of a motor
23 vehicle or the vehicle being towed by a motor vehicle that is
24 suspended and shall allow the certificate of title for the motor
25 vehicle or vehicle being towed by a motor vehicle to be transferred
26 if the following occur:

- 27 (1) Any person presents the bureau with adequate proof that
28 the violation notice has been paid.
- 29 (2) A reinstatement fee under IC 9-18.1-5 has been paid, if
30 applicable.

31 **Sec. 19.** (a) The county, municipality, agent, or local law
32 enforcement agency shall destroy the recorded images produced by
33 an automated traffic enforcement safety device that do not identify
34 a violation of this chapter not more than thirty (30) days after the
35 image was recorded, unless otherwise ordered by a court with
36 jurisdiction.

37 (b) The county, municipality, agent, or local law enforcement
38 agency shall destroy the recorded images produced by an
39 automated traffic enforcement safety device that show an alleged
40 violation of this chapter not more than ninety (90) days after the
41 final disposition of payment in full of the civil penalty or civil
42 judgment or final disposition of a court proceeding to which the



1 recorded image pertains, including any appeals, unless otherwise
2 ordered by a court with jurisdiction.

3 **Sec. 20. (a) The acts of an agent performing the duties of an**
4 **agent do not require the agent to be licensed under IC 25-30-1.**

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

7 **Sec. 21. (a) The bureau may not assess points under the point**
8 **system for a violation of an ordinance adopted under section 4 of**
9 **this chapter.**

10 **(b) A violation of an ordinance adopted under section 4 of this**
11 **chapter is not considered to be a traffic offense or violation for**
12 **purposes of IC 9-14-12-3(a)(1)(A), IC 9-24-18-9, or IC 9-30-3-14.**

13 **(c) Information concerning a violation of an ordinance adopted**
14 **under section 4 of this chapter may not be included on a driving**
15 **record established and maintained by the bureau.**

16 **(d) A violation of an ordinance adopted under section 4 of this**
17 **chapter shall not be used to determine rates for motor vehicle**
18 **insurance.**

19 **Sec. 22. An employee of an agent, a local police officer, or an**
20 **employee of the county or municipality is not liable for any loss**
21 **while acting within the scope of the person's employment under**
22 **this chapter or of an ordinance adopted under section 4 of this**
23 **chapter.**

24 SECTION 17. IC 9-21-5-6, AS AMENDED BY P.L.188-2015,
25 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2017]: Sec. 6. (a) Except as provided in subsections (e) and
27 (f), whenever a local authority in the authority's jurisdiction determines
28 that the maximum speed permitted under this chapter is greater or less
29 than reasonable and safe under the conditions found to exist on a
30 highway or part of a highway, the local authority may determine and
31 declare a reasonable and safe maximum limit on the highway. The
32 maximum limit declared under this section may do any of the
33 following:

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

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

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

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



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

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

8 (b) Except as provided in subsection (f), a local authority in the
9 authority's jurisdiction shall determine by an engineering and traffic
10 investigation the proper maximum speed for all local streets and shall
11 declare a reasonable and safe maximum speed permitted under this
12 chapter for an urban district. However, an engineering and traffic study
13 is not required to be performed for the local streets in an urban district
14 under this subsection if the local authority determines that the proper
15 maximum speed in the urban district is not less than twenty-five (25)
16 miles per hour.

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

21 (d) Except as provided in this subsection **and, notwithstanding**
22 **IC 36-1-3-8(a), in IC 9-21-3.6**, a local authority may not alter a speed
23 limit on a highway or extension of a highway in the state highway
24 system. A city or town may establish speed limits on state highways
25 upon which a school is located. A person who violates the speed limit
26 in a reduced speed zone commits a Class B infraction. However, a
27 speed limit established under this subsection is valid only if the
28 following conditions exist:

- 29 (1) The limit is not less than twenty (20) miles per hour.
30 (2) The limit is imposed only in the immediate vicinity of the
31 school.
32 (3) Children are present.
33 (4) The speed zone is properly signed. There must be:
34 (A) a sign located:
35 (i) where the reduced speed zone begins; or
36 (ii) as near as practical to the point where the reduced speed
37 zone begins;
38 indicating the reduced speed limit; and
39 (B) a sign located at the end of the reduced speed zone
40 indicating:
41 (i) the speed limit for the section of highway that follows; or
42 (ii) the end of the reduced speed zone.



- 1 (5) The Indiana department of transportation has been notified of
 2 the limit imposed by certified mail.
- 3 (e) A local authority may decrease a limit on a street to not less than
 4 fifteen (15) miles per hour if the following conditions exist:
- 5 (1) The street is located within a park or playground established
 6 under IC 36-10.
- 7 (2) The:
- 8 (A) board established under IC 36-10-3;
 9 (B) board established under IC 36-10-4; or
 10 (C) park authority established under IC 36-10-5;
 11 requests the local authority to decrease the limit.
- 12 (3) The speed zone is properly signed.
- 13 (f) A city, town, or county may establish speed limits on a street or
 14 highway upon which a school is located if the street or highway is
 15 under the jurisdiction of the city, town, or county, respectively.
 16 However, a speed limit established under this subsection is valid only
 17 if the following conditions exist:
- 18 (1) The limit is not less than twenty (20) miles per hour.
 19 (2) The limit is imposed only in the immediate vicinity of the
 20 school.
- 21 (3) Children are present.
- 22 (4) The speed zone is properly signed. There must be:
- 23 (A) a sign located where the reduced speed zone begins or as
 24 near as practical to the point where the reduced speed zone
 25 begins indicating the reduced speed limit and a sign located at
 26 the end of the reduced speed zone indicating the end of the
 27 reduced speed zone; and
- 28 (B) if the school operates on a twelve (12) month schedule, a
 29 sign indicating that the school is an all year school.
- 30 **Notwithstanding IC 36-1-3-8(a), a city, town, or county may**
 31 **establish speed limits on a street or highway upon which a school**
 32 **is located if the street or highway is under the jurisdiction of the**
 33 **city, town, or county, respectively, under IC 9-21-3.6.**
- 34 SECTION 18. IC 9-30-3-14, AS AMENDED BY P.L.85-2013,
 35 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2017]: Sec. 14. (a) **This section does not apply to a violation**
 37 **of an ordinance adopted under IC 9-21-3.6-4.**
- 38 (b) If a court convicts a person for a moving traffic offense and the
 39 person is known or believed by the court not to be the owner of the
 40 motor vehicle, the court shall, within seven (7) days after entering the
 41 conviction, deposit with the United States Postal Service, first class
 42 postage prepaid, notice addressed to the owner of the motor vehicle



1 giving the owner the following information:

- 2 (1) The name and address of the person convicted.
 3 (2) The name and address of the owner of the motor vehicle.
 4 (3) The offense upon which the conviction was made.
 5 (4) The date of arrest of the person convicted and the location of
 6 the place of the offense.
 7 (5) The license plate number of the motor vehicle.
 8 (6) The operator's or chauffeur's license number of the person
 9 convicted.
 10 (7) The date of the conviction and the name of the court making
 11 the conviction.

12 SECTION 19. IC 16-18-2-143, AS AMENDED BY P.L.1-2010,
 13 SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2017]: Sec. 143. (a) **"Fund", for purposes of IC 16-21-13,**
 15 **has the meaning set forth in IC 16-21-13-1.**

16 ~~(a)~~ (b) "Fund", for purposes of IC 16-26-2, has the meaning set forth
 17 in IC 16-26-2-2.

18 ~~(b)~~ (c) "Fund", for purposes of IC 16-31-8.5, has the meaning set
 19 forth in IC 16-31-8.5-2.

20 ~~(c)~~ (d) "Fund", for purposes of IC 16-41-39.4, refers to the
 21 childhood lead poisoning prevention fund established by
 22 IC 16-41-39.4-3.1.

23 ~~(d)~~ (e) "Fund", for purposes of IC 16-41-39.8, refers to the lead trust
 24 fund established by IC 16-41-39.8-7.

25 ~~(e)~~ (f) "Fund", for purposes of IC 16-46-5, has the meaning set forth
 26 in IC 16-46-5-3.

27 ~~(f)~~ (g) "Fund", for purposes of IC 16-46-12, has the meaning set
 28 forth in IC 16-46-12-1.

29 ~~(g)~~ (h) "Fund", for purposes of IC 16-41-42.2, has the meaning set
 30 forth in IC 16-41-42.2-2.

31 ~~(h)~~ (i) "Fund", for purposes of IC 16-35-8, has the meaning set forth
 32 in IC 16-35-8-2.

33 SECTION 20. IC 16-21-13 IS ADDED TO THE INDIANA CODE
 34 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2017]:

36 **Chapter 13. Trauma Care Hospital Fund**

37 **Sec. 1. As used in this chapter, "fund" refers to the trauma care**
 38 **hospital fund established by section 2 of this chapter.**

39 **Sec. 2. (a) The trauma care hospital fund is established to assist**
 40 **in funding a trauma care system to prevent injuries, save lives, and**
 41 **improve the care and outcome of individuals injured in Indiana.**

42 **(b) The fund shall be administered by the state department.**



- 1 (c) The fund consists of:
 2 (1) appropriations;
 3 (2) gifts and bequests;
 4 (3) fees deposited in the fund under IC 9-21-3.6; and
 5 (4) grants received from the federal government or private
 6 sources.
 7 (d) The expenses of administering the fund shall be paid from
 8 money in the fund.
 9 (e) The treasurer of state shall invest the money in the fund not
 10 currently needed to meet the obligations of the fund in the same
 11 manner as other public money may be invested.
 12 (f) Money in the fund at the end of the state fiscal year does not
 13 revert to the state general fund.
 14 (g) The money in the fund is continuously appropriated for the
 15 purposes of the fund.
 16 Sec. 3. The fund must be used to establish and maintain an
 17 appropriate level of trauma care access in Indiana.
 18 Sec. 4. (a) The state department shall make quarterly payments
 19 from the fund to a hospital with a Level 1 or a Level 2 trauma care
 20 center. The state department shall determine the amount to be paid
 21 to a trauma care center hospital described in this section, factoring
 22 in the following:
 23 (1) Whether the hospital is designated as a Level 1 or a Level
 24 2 trauma care center.
 25 (2) The number of trauma care patients provided care by the
 26 trauma care center in the previous quarter.
 27 (b) The state department may determine whether to make a
 28 payment from the fund to a hospital that is attempting to obtain a
 29 Level 1 or Level 2 trauma care center designation based on
 30 whether there is an unmet trauma care need in the area of Indiana
 31 where the hospital is located.
 32 Sec. 5. The state department shall adopt rules under IC 4-22-2
 33 to implement this chapter.
 34 SECTION 21. IC 27-1-22-29 IS ADDED TO THE INDIANA
 35 CODE AS A NEW SECTION TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2017]: Sec. 29. (a) As used in this section,
 37 "motor vehicle insurance" means any type of insurance described
 38 in IC 27-1-5-1, Class 2(f).
 39 (b) As used in this chapter, "rating plan" means the rating
 40 schedule or rating plan of an insurer concerning premium rates for
 41 motor vehicle insurance that has been filed with the commissioner
 42 and is in effect under section 4 of this chapter.



1 **(c) An insurer may not set the premium rate for a policy of**
 2 **motor vehicle insurance for an individual who has committed a**
 3 **violation of an ordinance adopted under IC 9-21-3.6-4 at an**
 4 **amount higher than the applicable rate set forth in the rating plan**
 5 **due to the fact that the individual has committed a violation of an**
 6 **ordinance adopted under IC 9-21-3.6-4.**

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

9 SECTION 22. IC 33-37-7-8, AS AMENDED BY P.L.213-2015,
 10 SECTION 260, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2017]: Sec. 8. (a) The clerk of a city or town
 12 court shall distribute semiannually to the auditor of state as the state
 13 share for deposit in the homeowner protection unit account established
 14 by IC 4-6-12-9 one hundred percent (100%) of the automated record
 15 keeping fees collected under IC 33-37-5-21 with respect to actions
 16 resulting in the accused person entering into a pretrial diversion
 17 program agreement under IC 33-39-1-8 or a deferral program
 18 agreement under IC 34-28-5-1 and for deposit in the state general fund
 19 fifty-five percent (55%) of the amount of fees collected under the
 20 following:

- 21 (1) IC 33-37-4-1(a) (criminal costs fees).
- 22 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 23 (3) IC 33-37-4-4(a) (civil costs fees).
- 24 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 25 (5) IC 33-37-5-17 (deferred prosecution fees).

26 (b) The city or town fiscal officer shall distribute monthly to the
 27 county auditor as the county share twenty percent (20%) of the amount
 28 of fees collected under the following:

- 29 (1) IC 33-37-4-1(a) (criminal costs fees).
- 30 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 31 (3) IC 33-37-4-4(a) (civil costs fees).
- 32 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 33 (5) IC 33-37-5-17 (deferred prosecution fees).

34 (c) The city or town fiscal officer shall retain twenty-five percent
 35 (25%) as the city or town share of the fees collected under the
 36 following:

- 37 (1) IC 33-37-4-1(a) (criminal costs fees).
- 38 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 39 (3) IC 33-37-4-4(a) (civil costs fees).
- 40 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 41 (5) IC 33-37-5-17 (deferred prosecution fees).

42 (d) The clerk of a city or town court shall distribute semiannually to



1 the auditor of state for deposit in the state user fee fund established in
2 IC 33-37-9 the following:

3 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
4 interdiction, and correction fees collected under
5 IC 33-37-4-1(b)(5).

6 (2) Twenty-five percent (25%) of the alcohol and drug
7 countermeasures fees collected under IC 33-37-4-1(b)(6),
8 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

9 (3) One hundred percent (100%) of the highway work zone fees
10 collected under **IC 9-21-3.6-11(3)(B)(iv)**, IC 33-37-4-1(b)(9) and
11 IC 33-37-4-2(b)(5).

12 (4) One hundred percent (100%) of the safe schools fee collected
13 under IC 33-37-5-18.

14 (5) One hundred percent (100%) of the automated record keeping
15 fee collected under IC 33-37-5-21 not distributed under
16 subsection (a).

17 (e) The clerk of a city or town court shall distribute monthly to the
18 county auditor the following:

19 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
20 interdiction, and corrections fees collected under
21 IC 33-37-4-1(b)(5).

22 (2) Seventy-five percent (75%) of the alcohol and drug
23 countermeasures fees collected under IC 33-37-4-1(b)(6),
24 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

25 The county auditor shall deposit fees distributed by a clerk under this
26 subsection into the county drug free community fund established under
27 IC 5-2-11.

28 (f) The clerk of a city or town court shall distribute monthly to the
29 city or town fiscal officer (as defined in IC 36-1-2-7) one hundred
30 percent (100%) of the following:

31 (1) The late payment fees collected under IC 33-37-5-22.

32 (2) The small claims service fee collected under
33 IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).

34 (3) The small claims garnishee service fee collected under
35 IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3).

36 The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit
37 fees distributed by a clerk under this subsection in the city or town
38 general fund.

39 (g) The clerk of a city or town court shall semiannually distribute to
40 the auditor of state for deposit in the state general fund one hundred
41 percent (100%) of the following:

42 (1) The public defense administration fee collected under



- 1 IC 33-37-5-21.2.
 2 (2) The DNA sample processing fees collected under
 3 IC 33-37-5-26.2.
 4 (3) The court administration fees collected under IC 33-37-5-27.
 5 (h) The clerk of a city or town court shall semiannually distribute to
 6 the auditor of state for deposit in the judicial branch insurance
 7 adjustment account established by IC 33-38-5-8.2 one hundred percent
 8 (100%) of the judicial insurance adjustment fee collected under
 9 IC 33-37-5-25.
 10 (i) The clerk of a city or town court shall semiannually distribute to
 11 the auditor of state for deposit in the state general fund seventy-five
 12 percent (75%) of the judicial salaries fee collected under
 13 IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five
 14 percent (25%) of the judicial salaries fee collected under
 15 IC 33-37-5-26. The funds retained by the city or town shall be
 16 prioritized to fund city or town court operations.
 17 (j) The clerk of a city or town court shall distribute semiannually to
 18 the auditor of state one hundred percent (100%) of the pro bono legal
 19 services fees collected before July 1, 2017, under IC 33-37-5-31. The
 20 auditor of state shall transfer semiannually the pro bono legal services
 21 fees to the Indiana Bar Foundation (or a successor entity) as the entity
 22 designated to organize and administer the interest on lawyers trust
 23 accounts (IOLTA) program under Rule 1.15 of the Rules of
 24 Professional Conduct of the Indiana supreme court. The Indiana Bar
 25 Foundation shall:
 26 (1) deposit in an appropriate account and otherwise manage the
 27 fees the Indiana Bar Foundation receives under this subsection in
 28 the same manner the Indiana Bar Foundation deposits and
 29 manages the net earnings the Indiana Bar Foundation receives
 30 from IOLTA accounts; and
 31 (2) use the fees the Indiana Bar Foundation receives under this
 32 subsection to assist or establish approved pro bono legal services
 33 programs.
 34 The handling and expenditure of the pro bono legal services fees
 35 received under this section by the Indiana Bar Foundation (or its
 36 successor entity) are subject to audit by the state board of accounts. The
 37 amounts necessary to make the transfers required by this subsection are
 38 appropriated from the state general fund.
 39 SECTION 23. IC 34-6-2-85 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2017]: 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 9-21-3.6-4;**

3 that applies when a motor vehicle is in motion.

4 SECTION 24. IC 34-30-2-28.3 IS ADDED TO THE INDIANA
 5 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 6 [EFFECTIVE JULY 1, 2017]: **Sec. 28.3. IC 9-21-3.6-22 (Concerning**
 7 **persons reviewing recorded images for the enforcement of a traffic**
 8 **violation detected by means of automated traffic enforcement**
 9 **safety devices).**

10 SECTION 25. IC 36-1-6-3 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. (a) Certain
 12 ordinances may be enforced by a municipal corporation without
 13 proceeding in court through:

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

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

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

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

23 (d) **An ordinance adopted under IC 9-21-3.6-4 may be enforced**
 24 **under IC 33-36 or IC 34-28-5.**

