

HOUSE BILL No. 1379

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-23; IC 9-21; IC 33-37.

Synopsis: Worksite speed control pilot program. Requires the Indiana department of transportation (department) to establish the worksite speed control pilot program (pilot program) for the purpose of enforcing worksite speed limits. Requires that the department: (1) work with the state police department to administer the pilot program; and (2) enter into an agreement with the state police department to share information regarding the pilot program. Permits the department to contract with a third party vendor to assist in implementing the pilot program. Provides that an individual who is recorded by a worksite speed control system may not be assessed a civil penalty unless the violation is at least 11 miles per hour above the established worksite speed limit. Replaces the term "work zone" with "worksite" throughout the relevant statutes.

Effective: July 1, 2023.

Moseley

January 17, 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. 1379



A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-23-2-15, AS AMENDED BY P.L.217-2014,
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 15. (a) As used in this section, "highway ~~work~~
4 ~~zone~~ **worksite**" means an area where:
5 (1) highway construction, reconstruction, or maintenance is
6 actually occurring; and
7 (2) notice is posted indicating that the highway ~~work zone~~
8 **worksite** is a specific area designated with signage on the
9 highway.
10 (b) The department may contract with the state police department
11 or local law enforcement agencies to hire off duty police officers to
12 patrol highway ~~work zones~~ **worksites**. The duties of a police officer
13 who is hired under this section:
14 (1) are limited to those duties that the police officer normally
15 performs while on active duty; and
16 (2) do not include the duties of a:
17 (A) flagman; or



- 1 (B) security officer.
- 2 (c) The department shall use the money transferred to the
- 3 department under IC 33-37-9-4(a)(6) to pay the costs of hiring off duty
- 4 police officers to perform the duties described in subsection (b).
- 5 (d) All money transferred to the department under
- 6 IC 33-37-9-4(a)(6) is annually appropriated to pay off duty police
- 7 officers to perform the duties described in subsection (b).
- 8 SECTION 2. IC 8-23-32 IS ADDED TO THE INDIANA CODE AS
- 9 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 10 1, 2023]:
- 11 **Chapter 32. Worksite Speed Control Pilot Program**
- 12 **Sec. 1. This chapter applies to a part of a road or bridge on the**
- 13 **interstate system (as defined by IC 8-23-1-25) or a U.S. route.**
- 14 **Sec. 2. As used in this chapter, "motor vehicle" has the meaning**
- 15 **set forth in IC 9-13-2-105(a).**
- 16 **Sec. 3. As used in this chapter, "motor vehicle rental company"**
- 17 **means a person that routinely engages in the business of renting**
- 18 **motor vehicles for periods of not more than thirty (30) days.**
- 19 **Sec. 4. As used in this chapter, "owner" means a person in**
- 20 **whose name a motor vehicle is registered under any of the**
- 21 **following:**
- 22 (1) IC 9-18.1.
- 23 (2) The law of another state.
- 24 (3) The law of a foreign country.
- 25 (4) The International Registration Plan.
- 26 **Sec. 5. As used in this chapter, "pilot program" means the**
- 27 **worksite speed control pilot program established under section 10**
- 28 **of this chapter.**
- 29 **Sec. 6. As used in this chapter, "worksite" has the meaning set**
- 30 **forth in IC 9-13-2-200.**
- 31 **Sec. 7. As used in this chapter, "worksite speed control system"**
- 32 **means a photographic device, radar device, laser device, or other**
- 33 **electrical or mechanical device or devices designed to:**
- 34 (1) record the speed of a motor vehicle; and
- 35 (2) obtain a clear photograph or other recorded image of the
- 36 rear of the motor vehicle and the license plate affixed to the
- 37 motor vehicle at the time the recorded speed of the motor
- 38 vehicle exceeds a worksite speed limit.
- 39 **Sec. 8. As used in this chapter, "worksite speed control system**
- 40 **operator" means a person described in section 13 of this chapter.**
- 41 **Sec. 9. As used in this chapter, "worksite speed limit" means a**
- 42 **temporary speed limit established by:**



1 (1) the department;
 2 (2) the Indiana finance authority; or
 3 (3) a local unit in the vicinity of a worksite;
 4 under IC 9-21-5-11.

5 **Sec. 10. (a)** The department shall establish the worksite speed
 6 control pilot program for the purpose of enforcing worksite speed
 7 limits.

8 (b) The department shall work in coordination with the state
 9 police department to administer the pilot program.

10 (c) The department and the state police department shall enter
 11 into an agreement to share information regarding the pilot
 12 program.

13 (d) The department may enter into an agreement with a third
 14 party vendor to assist in the administration of the pilot program.

15 **Sec. 11. (a)** The department shall operate a worksite speed
 16 control system installed under this chapter only when:

- 17 (1) highway construction or maintenance is occurring; and
 18 (2) workers are present;

19 at a worksite.

20 (b) The department may purchase not more than four (4)
 21 worksite speed control systems under the pilot program.

22 (c) The department may operate and monitor not more than
 23 four (4) worksites in a single calendar year.

24 (d) Before installing a worksite speed control system, the
 25 department shall do the following:

- 26 (1) Conduct a public information campaign to inform drivers
 27 about the use of a worksite speed control system to detect
 28 speeds in excess of a worksite speed limit.
 29 (2) Post signs indicating that worksite speed limits are
 30 monitored by a worksite speed control system before the
 31 entrance to a worksite in which a worksite speed control
 32 system is in use.

33 **Sec. 12. (a)** A worksite speed control system must undergo an
 34 annual calibration check performed by an independent calibration
 35 laboratory.

36 (b) The independent calibration laboratory performing the
 37 annual calibration check required under subsection (a) shall issue
 38 a certificate of calibration to the department for the worksite speed
 39 control system as proof that:

- 40 (1) the annual calibration check was performed; and
 41 (2) the worksite speed control system is accurately calibrated.

42 **Sec. 13. (a)** The department shall employ worksite speed control



1 system operators to operate a worksite speed control system at a
2 worksite.

3 (b) A worksite speed control system operator must be:

- 4 (1) an employee of the department or a police officer
5 employed by the state police department; and
6 (2) trained and certified to operate a worksite speed control
7 system under subsection (c).

8 (c) A worksite speed control system operator must complete
9 training by the manufacturer of the worksite speed control system
10 in the procedures for:

- 11 (1) deploying;
12 (2) testing; and
13 (3) operating;

14 a worksite speed control system.

15 (d) The manufacturer of the worksite speed control system shall
16 issue a certificate of training to a worksite speed control system
17 operator upon the successful completion of the training required
18 under subsection (c).

19 Sec. 14. A worksite speed control system operator shall complete
20 a daily log for the worksite speed control system that contains the
21 following:

- 22 (1) The location of the worksite where the worksite speed
23 control system is deployed.
24 (2) The date and time when workers are present at the
25 worksite.
26 (3) The location within the worksite where workers are
27 present.
28 (4) A statement that:
29 (A) the worksite speed control system operator successfully
30 performed; and
31 (B) the device passed;
32 the tests of the worksite speed control system specified by the
33 manufacturer before producing a photograph or recorded
34 image.
35 (5) The signature of the worksite speed control system
36 operator.

37 Sec. 15. (a) A worksite speed control system may not be used to
38 take a photograph or recorded image of the front of a motor
39 vehicle.

40 (b) A photograph or recorded image of the front of a motor
41 vehicle obtained through the use of a worksite speed control system
42 may not be used as evidence of a violation under this chapter.



1 (c) The information and recorded images collected under the
2 pilot program are confidential under IC 5-14-3.

3 (d) Except as otherwise provided in this section, information
4 and photographs or recorded images collected under the pilot
5 program are not discoverable by court order as evidence in a
6 proceeding except to assess a penalty under section 18 of this
7 chapter.

8 (e) Information and a photograph or recorded image collected
9 under the pilot program must be destroyed not later than two (2)
10 years after the date the information and photograph or recorded
11 image is collected.

12 (f) Notwithstanding any other provision of law, information and
13 photographs or recorded images collected under the pilot program
14 are the exclusive property of the state of Indiana and not the
15 property of the manufacturer or vendor of the worksite speed
16 control system.

17 Sec. 16. (a) Except as otherwise provided by this chapter, use of
18 a photograph or recorded image for the purpose of enforcing a
19 traffic offense (as defined in IC 9-13-2-183) is prohibited.

20 (b) A photograph or recorded image obtained through the use
21 of a worksite speed control system may not be used as evidence in
22 any action other than the action to collect a worksite speed limit
23 civil penalty for which the photograph or recorded image was
24 obtained.

25 (c) A photograph or recorded image obtained through the use
26 of a worksite speed control system may be used internally to
27 administer the pilot program. However, unless authorized by court
28 order, a photograph or recorded image obtained through the use
29 of a worksite speed control system may not be disclosed to anyone
30 other than:

31 (1) the owner of the motor vehicle at the time the recorded
32 speed of the motor vehicle exceeded a worksite speed limit;

33 (2) an individual alleged to have been operating the motor
34 vehicle at the time the worksite speed limit was exceeded as
35 described in subdivision (1);

36 (3) an attorney representing an individual described in
37 subdivision (1) or (2);

38 (4) a law enforcement officer;

39 (5) the department;

40 (6) a person administering the worksite speed control system;
41 and

42 (7) the court in a proceeding for judicial review under



1 **IC 4-21.5.**

2 **Sec. 17. (a) Except as provided in subsection (d), the owner of a**
 3 **motor vehicle identified through a worksite speed control system**
 4 **is liable for the civil penalty described in section 18 of this chapter**
 5 **for exceeding a worksite speed limit.**

6 **(b) There is a rebuttable presumption that the owner of a motor**
 7 **vehicle that is the subject of a photograph or recorded image was**
 8 **operating the motor vehicle when the photograph or recorded**
 9 **image was obtained through a worksite speed control system.**

10 **(c) The presumption under subsection (b) does not apply to an**
 11 **owner of a motor vehicle that is a motor vehicle rental company.**

12 **(d) The owner of a motor vehicle may submit information as**
 13 **determined by the department to rebut the presumption created by**
 14 **subsection (b).**

15 **(e) It is a defense under this section if any of the following apply:**

16 **(1) The person receiving a notice of violation issued pursuant**
 17 **to this chapter:**

18 **(A) was not the owner of the motor vehicle; or**

19 **(B) was not driving the motor vehicle;**

20 **at the time that the worksite speed limit was exceeded.**

21 **(2) The vehicle was reported stolen prior to the time that the**
 22 **worksite speed limit was exceeded and was not recovered**
 23 **prior to that time.**

24 **(3) The worksite speed control system was not properly tested**
 25 **for accuracy, certification, or calibration.**

26 **(4) Workers were not present in the worksite at the time that**
 27 **the worksite speed limit was exceeded.**

28 **Sec. 18. (a) This section does not apply to a person who has been**
 29 **charged with an infraction for a violation of IC 9-21-5-11.**

30 **(b) The department shall assess a civil penalty against a person**
 31 **who exceeds a worksite speed limit if the worksite speed control**
 32 **system indicates that the operator of a motor vehicle has exceeded**
 33 **the worksite speed limit by at least eleven (11) miles per hour.**

34 **(c) A person who exceeds a worksite speed limit that is detected**
 35 **under this chapter is subject to the following civil penalties:**

36 **(1) A written warning for the first violation.**

37 **(2) A civil penalty of seventy-five dollars (\$75) for the second**
 38 **violation.**

39 **(3) A civil penalty of one hundred fifty dollars (\$150) for the**
 40 **third and each subsequent violation.**

41 **(d) A civil penalty collected under this section shall be deposited**
 42 **in the state general fund.**



1 (e) A person assessed a civil penalty under this section is not
2 liable for an infraction for a violation of IC 9-21-5-11.

3 Sec. 19. IC 4-21.5 applies to:

- 4 (1) a determination;
5 (2) a notice;
6 (3) a hearing; or
7 (4) an appeal;

8 under this chapter.

9 Sec. 20. (a) Not later than November 1 of each year, the
10 department must submit a report to the interim study committee
11 on roads and transportation established by IC 2-5-1.3-4 that
12 includes the following:

- 13 (1) The number of motor vehicle accidents and related serious
14 injuries and deaths that occurred in each worksite where an
15 automated traffic control system was operated.
16 (2) Data related to the speed of motor vehicles traveling
17 through a worksite where an automated traffic control system
18 was operated.
19 (3) The number of violations issued in a worksite where an
20 automated traffic control system was operated.
21 (4) The amount of fines imposed for violations occurring in a
22 worksite where an automated traffic control system was
23 operated.

24 (b) Not later than July 1, 2028, the department must submit a
25 report to the interim study committee on roads and transportation
26 established by IC 2-5-1.3-4 that provides a summary of the impact
27 of the use of worksite speed control systems in worksites.

28 (c) A report under this section must be submitted in an
29 electronic format under IC 5-14-6.

30 Sec. 21. The department may adopt rules under IC 4-22-2 to:

- 31 (1) establish procedures for notices, hearings, and appeals
32 under this chapter consistent with IC 4-21.5; and
33 (2) to implement this chapter.

34 SECTION 3. IC 9-21-4-20, AS ADDED BY P.L.40-2007,
35 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2023]: Sec. 20. (a) For purposes of this section, "highway
37 ~~work zone~~ **worksite**" has the meaning set forth in IC 8-23-2-15.

38 (b) The Indiana department of transportation shall design and
39 manufacture or have manufactured signs that inform vehicle operators
40 of the offenses and penalties under:

- 41 (1) IC 8-23-32;
42 (†) (2) IC 9-21-5-11; and



1 ~~(2)~~ **(3)** IC 9-21-8-56.

2 (c) A sign described in subsection (b) shall be posted at a reasonable
3 distance before a highway ~~work zone~~ **worksite** by:

4 (1) the Indiana department of transportation;

5 (2) a political subdivision; or

6 (3) a contractor of the:

7 (A) Indiana department of transportation; or

8 (B) political subdivision;

9 that is working at the highway ~~work zone~~ **worksite**.

10 A sign that is posted before a highway ~~work zone~~ **worksite** must be
11 posted in accordance with the Indiana Manual on Uniform Traffic
12 Control Devices or the Indiana Work Site Traffic Control Manual.

13 SECTION 4. IC 9-21-5-11, AS AMENDED BY P.L.41-2016,
14 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2023]: Sec. 11. (a) Subject to subsection (b), the Indiana
16 department of transportation, the Indiana finance authority, or a local
17 authority may establish temporary maximum speed limits in their
18 respective jurisdictions and in the vicinity of a worksite without
19 conducting an engineering study and investigation required under this
20 article. The establishing authority shall post signs notifying the
21 traveling public of the temporary maximum speed limits established
22 under this section.

23 (b) Worksite speed limits set under this section must be at least ten
24 (10) miles per hour below the maximum established speed limit.

25 (c) A worksite speed limit set under this section may be enforced
26 ~~only if~~ **as follows:**

27 (1) **If** workers are present in the immediate vicinity of the
28 worksite. ~~or~~

29 (2) If workers are not present in the immediate vicinity of the
30 worksite, the establishing authority determines that the safety of
31 the traveling public requires enforcement of the worksite speed
32 limit.

33 **(3) In the case of a worksite speed limit enforced through a**
34 **worksite speed control system under IC 8-23-32, if the**
35 **worksite speed control system indicates that the operator of**
36 **a motor vehicle has exceeded the worksite speed limit set**
37 **under this section by at least eleven (11) miles per hour.**

38 (d) **This subsection does not apply to a person whose violation**
39 **of a worksite speed limit is detected and enforced through a**
40 **worksite speed control system under IC 8-23-32.** Notwithstanding
41 IC 34-28-5-4(b), a judgment for the infraction of violating a speed limit
42 set under this section must be entered as follows:



1 (1) If the person has not previously committed the infraction of
 2 violating a speed limit set under this section, a judgment for a
 3 Class B infraction and a fine of at least three hundred dollars
 4 (\$300) shall be imposed.

5 (2) If the person has committed one (1) infraction of violating a
 6 speed limit set under this section in the previous three (3) years,
 7 a judgment for a Class B infraction and a fine of at least five
 8 hundred dollars (\$500) shall be imposed.

9 (3) If the person has committed two (2) or more infractions of
 10 violating a speed limit set under this section in the previous three
 11 (3) years, a judgment for a Class B infraction and a fine of one
 12 thousand dollars (\$1,000) shall be imposed.

13 **(e) This subsection does not apply to a person whose violation of**
 14 **a worksite speed limit is detected and enforced through a worksite**
 15 **speed control system under IC 8-23-32.** Notwithstanding
 16 IC 34-28-5-5(c), the funds collected as judgments for the infraction of
 17 violating a speed limit set under this section shall be transferred to the
 18 Indiana department of transportation to pay the costs of hiring off duty
 19 police officers to perform the duties described in IC 8-23-2-15(b).

20 **(f) This subsection does not apply to a person whose violation of**
 21 **a worksite speed limit is detected and enforced through a worksite**
 22 **speed control system under IC 8-23-32.** If judgment has been
 23 imposed for committing two (2) infractions under this section within
 24 one (1) year, an additional penalty of the suspension of the driving
 25 privileges of the person who committed the infractions may be imposed
 26 by the court imposing the sentence for the second violation. If the court
 27 suspends a person's driving privileges under this subsection, the court
 28 shall issue an order to the bureau:

29 (1) stating that judgment against the person has been entered for
 30 committing the infraction of exceeding a worksite speed limit
 31 under this section for the second time in one (1) year; and

32 (2) ordering the suspension of the person's driving privileges by
 33 the bureau under IC 9-30-13-9.

34 The suspension of a person's driving privileges under this section is in
 35 addition to any other penalties imposed under this section and any fee
 36 imposed under IC 33-37-5-14.

37 **(g) In the case of a worksite speed limit enforced through a**
 38 **worksite speed control system, a civil penalty shall be assessed**
 39 **under IC 8-23-32.**

40 SECTION 5. IC 9-21-8-56, AS AMENDED BY P.L.217-2014,
 41 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2023]: Sec. 56. (a) For purposes of this section, "highway



1 ~~work zone~~ "worksite" has the meaning set forth in IC 8-23-2-15.

2 (b) Except as provided in subsections (f) through (h), a person who
3 recklessly operates a vehicle in the immediate vicinity of a highway
4 ~~work zone worksite~~ when workers are present commits a Class A
5 misdemeanor.

6 (c) Except as provided in subsections (f) through (h), a person who
7 knowingly or intentionally operates a motor vehicle in the immediate
8 vicinity of a highway ~~work zone worksite~~ when workers are present
9 with the intent to:

10 (1) damage traffic control devices; or

11 (2) inflict bodily injury on a worker;

12 commits a Class A misdemeanor.

13 (d) Except as provided in subsections (f) through (h), a person who
14 knowingly, intentionally, or recklessly engages in:

15 (1) aggressive driving, as defined in section 55 of this chapter; or

16 (2) a speed contest, as prohibited under IC 9-21-6-1;

17 in the immediate vicinity of a highway ~~work zone worksite~~ when
18 workers are present commits a Class A misdemeanor.

19 (e) Except as provided in subsections (f) through (h), a person who
20 recklessly fails to obey a traffic control device or flagman, as
21 prohibited under section 41 of this chapter, in the immediate vicinity
22 of a highway ~~work zone worksite~~ when workers are present commits
23 a Class A misdemeanor.

24 (f) An offense under subsection (b), (c), (d), or (e) is a Level 6
25 felony if the person who commits the offense:

26 (1) has a prior unrelated conviction under this section in the
27 previous five (5) years; or

28 (2) is operating the vehicle in violation of IC 9-30-5-1 or
29 IC 9-30-5-2.

30 (g) An offense under subsection (b), (c), (d), or (e) is a Level 6
31 felony if the offense results in bodily injury to a worker in the worksite.

32 (h) An offense under subsection (b), (c), (d), or (e) is a Level 5
33 felony if the offense results in the death of a worker in the worksite.

34 (i) A person who knowingly, intentionally, or recklessly engages in
35 an act described in section 55(b)(1), 55(b)(2), 55(b)(3), 55(b)(4),
36 55(b)(5), or 55(b)(6) of this chapter in the immediate vicinity of a
37 highway ~~work zone worksite~~ when workers are present commits a
38 Class B infraction. Notwithstanding IC 34-28-5-5(c), the funds
39 collected as judgments for an infraction under this subsection shall be
40 transferred to the Indiana department of transportation to pay the costs
41 of hiring off duty police officers to perform the duties described in
42 IC 8-23-2-15(b).



1 SECTION 6. IC 33-37-4-1, AS AMENDED BY P.L.24-2018,
 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2023]: Sec. 1. (a) For each action that results in a felony
 4 conviction under IC 35-50-2 or a misdemeanor conviction under
 5 IC 35-50-3, the clerk shall collect from the defendant a criminal costs
 6 fee of one hundred twenty dollars (\$120).

7 (b) In addition to the criminal costs fee collected under this section,
 8 the clerk shall collect from the defendant the following fees if they are
 9 required under IC 33-37-5:

10 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
 11 IC 33-37-5-4).

12 (2) A marijuana eradication program fee (IC 33-37-5-7).

13 (3) An alcohol and drug services program fee (IC 33-37-5-8(b)).

14 (4) A law enforcement continuing education program fee (IC
 15 33-37-5-8(c)).

16 (5) A drug abuse, prosecution, interdiction, and correction fee (IC
 17 33-37-5-9).

18 (6) An alcohol and drug countermeasures fee (IC 33-37-5-10).

19 (7) A child abuse prevention fee (IC 33-37-5-12).

20 (8) A domestic violence prevention and treatment fee (IC
 21 33-37-5-13).

22 (9) A highway worksite ~~zone~~ fee (IC 33-37-5-14).

23 (10) A deferred prosecution fee (IC 33-37-5-17).

24 (11) A document storage fee (IC 33-37-5-20).

25 (12) An automated record keeping fee (IC 33-37-5-21).

26 (13) A late payment fee (IC 33-37-5-22).

27 (14) A sexual assault victims assistance fee (IC 33-37-5-23).

28 (15) A public defense administration fee (IC 33-37-5-21.2).

29 (16) A judicial insurance adjustment fee (IC 33-37-5-25).

30 (17) A judicial salaries fee (IC 33-37-5-26).

31 (18) A court administration fee (IC 33-37-5-27).

32 (19) A DNA sample processing fee (IC 33-37-5-26.2).

33 (c) Instead of the criminal costs fee prescribed by this section,
 34 except for the automated record keeping fee (IC 33-37-5-21), the clerk
 35 shall collect a pretrial diversion program fee if an agreement between
 36 the prosecuting attorney and the accused person entered into under
 37 IC 33-39-1-8 requires payment of those fees by the accused person.
 38 The pretrial diversion program fee is:

39 (1) an initial user's fee of fifty dollars (\$50) for a misdemeanor
 40 offense;

41 (2) an initial user's fee of seventy-five dollars (\$75) for a felony
 42 offense;



- 1 (3) a monthly user's fee of twenty dollars (\$20) for each month
 2 that the person remains in the pretrial diversion program; and
 3 (4) any additional program fee or cost that is:
 4 (A) reasonably related to the person's rehabilitation; and
 5 (B) approved by the court.

6 A monthly user fee may not be collected beyond the maximum length
 7 of the possible sentence.

8 (d) The clerk shall transfer to the county auditor or city or town
 9 fiscal officer the following fees, not later than thirty (30) days after the
 10 fees are collected:

- 11 (1) The pretrial diversion fee.
 12 (2) The marijuana eradication program fee.
 13 (3) The alcohol and drug services program fee.
 14 (4) The law enforcement continuing education program fee.

15 The auditor or fiscal officer shall deposit fees transferred under this
 16 subsection in the appropriate user fee fund established under
 17 IC 33-37-8.

18 (e) Unless otherwise directed by a court, if a clerk collects only part
 19 of a criminal costs fee from a defendant under this section, the clerk
 20 shall distribute the partial payment of the criminal costs fee as follows:

- 21 (1) The clerk shall apply the partial payment to general court
 22 costs.
 23 (2) If there is money remaining after the partial payment is
 24 applied to general court costs under subdivision (1), the clerk
 25 shall distribute the remainder of the partial payment for deposit in
 26 the appropriate county user fee fund.
 27 (3) If there is money remaining after distribution under
 28 subdivision (2), the clerk shall distribute the remainder of the
 29 partial payment for deposit in the state user fee fund.
 30 (4) If there is money remaining after distribution under
 31 subdivision (3), the clerk shall distribute the remainder of the
 32 partial payment to any other applicable user fee fund.
 33 (5) If there is money remaining after distribution under
 34 subdivision (4), the clerk shall apply the remainder of the partial
 35 payment to any outstanding fines owed by the defendant.

36 SECTION 7. IC 33-37-4-2, AS AMENDED BY P.L.85-2017,
 37 SECTION 109, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2023]: Sec. 2. (a) Except as provided in
 39 subsections (d) and (e), for each action that results in a judgment:

- 40 (1) for a violation constituting an infraction; or
 41 (2) for a violation of an ordinance of a municipal corporation (as
 42 defined in IC 36-1-2-10);



1 the clerk shall collect from the defendant an infraction or ordinance
2 violation costs fee of seventy dollars (\$70).

3 (b) In addition to the infraction or ordinance violation costs fee
4 collected under this section, the clerk shall collect from the defendant
5 the following fees, if they are required under IC 33-37-5:

6 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
7 IC 33-37-5-4).

8 (2) An alcohol and drug services program fee (IC 33-37-5-8(b)).

9 (3) A law enforcement continuing education program fee (IC
10 33-37-5-8(c)).

11 (4) An alcohol and drug countermeasures fee (IC 33-37-5-10).

12 (5) A highway worksite ~~zone~~ fee (IC 33-37-5-14).

13 (6) A deferred prosecution fee (IC 33-37-5-17).

14 (7) A jury fee (IC 33-37-5-19).

15 (8) A document storage fee (IC 33-37-5-20).

16 (9) An automated record keeping fee (IC 33-37-5-21).

17 (10) A late payment fee (IC 33-37-5-22).

18 (11) A public defense administration fee (IC 33-37-5-21.2).

19 (12) A judicial insurance adjustment fee (IC 33-37-5-25).

20 (13) A judicial salaries fee (IC 33-37-5-26).

21 (14) A court administration fee (IC 33-37-5-27).

22 (15) A DNA sample processing fee (IC 33-37-5-26.2).

23 (c) The clerk shall transfer to the county auditor or fiscal officer of
24 the municipal corporation the following fees, not later than thirty (30)
25 days after the fees are collected:

26 (1) The alcohol and drug services program fee (IC 33-37-5-8(b)).

27 (2) The law enforcement continuing education program fee (IC
28 33-37-5-8(c)).

29 (3) The deferral program fee (subsection (e)).

30 The auditor or fiscal officer shall deposit the fees in the user fee fund
31 established under IC 33-37-8.

32 (d) The defendant is not liable for any ordinance violation costs fee
33 in an action if all the following apply:

34 (1) The defendant was charged with an ordinance violation
35 subject to IC 33-36.

36 (2) The defendant denied the violation under IC 33-36-3.

37 (3) Proceedings in court against the defendant were initiated
38 under IC 34-28-5 (or IC 34-4-32 before its repeal).

39 (4) The defendant was tried and the court entered judgment for
40 the defendant for the violation.

41 (e) Instead of the infraction or ordinance violation costs fee
42 prescribed by subsection (a), except for the automated record keeping



1 fee (IC 33-37-5-21), the clerk shall collect a deferral program fee if an
 2 agreement between a prosecuting attorney or an attorney for a
 3 municipal corporation and the person charged with a violation entered
 4 into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires
 5 payment of those fees by the person charged with the violation. The
 6 deferral program fee is:

- 7 (1) an initial user's fee not to exceed fifty-two dollars (\$52); and
- 8 (2) a monthly user's fee not to exceed ten dollars (\$10) for each
 9 month the person remains in the deferral program.

10 (f) The fees prescribed by this section are costs for purposes of
 11 IC 34-28-5-5 and may be collected from a defendant against whom
 12 judgment is entered. Any penalty assessed is in addition to costs.

13 SECTION 8. IC 33-37-5-14, AS AMENDED BY P.L.85-2013,
 14 SECTION 114, IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2023]: Sec. 14. (a) This section applies to
 16 criminal, infraction, and ordinance violation actions that are traffic
 17 offenses (as defined in IC 9-13-2-183).

18 (b) The clerk shall collect a highway worksite ~~zone~~ fee of fifty cents
 19 (\$0.50). However, the clerk shall collect a highway worksite ~~zone~~ fee
 20 of twenty-five dollars and fifty cents (\$25.50) if:

- 21 (1) the criminal action, infraction, or ordinance violation is:
 - 22 (A) exceeding a worksite speed limit (as provided in
 - 23 IC 9-21-5-2 and authorized by IC 9-21-5-3); or
 - 24 (B) failure to merge (as provided in IC 9-21-8-7.5); and
- 25 (2) the judge orders the clerk to collect the fee for exceeding a
 26 worksite speed limit or failure to merge.

27 SECTION 9. IC 33-37-7-2, AS AMENDED BY P.L.174-2022,
 28 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2023]: Sec. 2. (a) The clerk of a circuit court shall distribute
 30 semiannually to the auditor of state as the state share for deposit in the
 31 homeowner protection unit account established by IC 4-6-12-9 one
 32 hundred percent (100%) of the automated record keeping fees collected
 33 under IC 33-37-5-21 with respect to actions resulting in the accused
 34 person entering into a pretrial diversion program agreement under
 35 IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and
 36 for deposit in the state general fund seventy percent (70%) of the
 37 amount of fees collected under the following:

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



- 1 (6) IC 33-37-4-7(a) (probate costs fees).
 2 (7) IC 33-37-5-17 (deferred prosecution fees).
 3 (b) The clerk of a circuit court shall distribute semiannually to the
 4 auditor of state for deposit in the state user fee fund established in
 5 IC 33-37-9-2 the following:
 6 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
 7 interdiction, and correction fees collected under
 8 IC 33-37-4-1(b)(5).
 9 (2) Twenty-five percent (25%) of the alcohol and drug
 10 countermeasures fees collected under IC 33-37-4-1(b)(6),
 11 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
 12 (3) One hundred percent (100%) of the child abuse prevention
 13 fees collected under IC 33-37-4-1(b)(7).
 14 (4) One hundred percent (100%) of the domestic violence
 15 prevention and treatment fees collected under IC 33-37-4-1(b)(8).
 16 (5) One hundred percent (100%) of the highway worksite ~~zone~~
 17 fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
 18 (6) Seventy-five percent (75%) of the safe schools fee collected
 19 under IC 33-37-5-18.
 20 (7) One hundred percent (100%) of the automated record keeping
 21 fee collected under IC 33-37-5-21 not distributed under
 22 subsection (a).
 23 (c) The clerk of a circuit court shall distribute monthly to the county
 24 auditor the following:
 25 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
 26 interdiction, and correction fees collected under
 27 IC 33-37-4-1(b)(5).
 28 (2) Seventy-five percent (75%) of the alcohol and drug
 29 countermeasures fees collected under IC 33-37-4-1(b)(6),
 30 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
 31 The county auditor shall deposit fees distributed by a clerk under this
 32 subsection into the county drug free community fund established under
 33 IC 5-2-11.
 34 (d) The clerk of a circuit court shall distribute monthly to the county
 35 auditor one hundred percent (100%) of the late payment fees collected
 36 under IC 33-37-5-22. The county auditor shall deposit fees distributed
 37 by a clerk under this subsection as follows:
 38 (1) If directed to do so by an ordinance adopted by the county
 39 fiscal body, the county auditor shall deposit forty percent (40%)
 40 of the fees in the clerk's record perpetuation fund established
 41 under IC 33-37-5-2 and sixty percent (60%) of the fees in the
 42 county general fund.



- 1 (2) If the county fiscal body has not adopted an ordinance
 2 described in subdivision (1), the county auditor shall deposit all
 3 the fees in the county general fund.
- 4 (e) The clerk of the circuit court shall distribute semiannually to the
 5 auditor of state for deposit in the sexual assault victims assistance fund
 6 established by IC 5-2-6-23(d) one hundred percent (100%) of the
 7 sexual assault victims assistance fees collected under IC 33-37-5-23.
- 8 (f) The clerk of a circuit court shall distribute monthly to the county
 9 auditor the following:
- 10 (1) One hundred percent (100%) of the support and maintenance
 11 fees for cases designated as non-Title IV-D child support cases in
 12 the Indiana support enforcement tracking system (ISETS) or the
 13 successor statewide automated support enforcement system
 14 collected under IC 33-37-5-6.
- 15 (2) The percentage share of the support and maintenance fees for
 16 cases designated as Title IV-D child support cases in ISETS or the
 17 successor statewide automated support enforcement system
 18 collected under IC 33-37-5-6 that is reimbursable to the county at
 19 the federal financial participation rate.
- 20 The county clerk shall distribute monthly to the department of child
 21 services the percentage share of the support and maintenance fees for
 22 cases designated as Title IV-D child support cases in ISETS, or the
 23 successor statewide automated support enforcement system, collected
 24 under IC 33-37-5-6 that is not reimbursable to the county at the
 25 applicable federal financial participation rate.
- 26 (g) The clerk of a circuit court shall distribute monthly to the county
 27 auditor the following:
- 28 (1) One hundred percent (100%) of the small claims service fee
 29 under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in
 30 the county general fund.
- 31 (2) One hundred percent (100%) of the small claims garnishee
 32 service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for
 33 deposit in the county general fund.
- 34 (3) Twenty-five percent (25%) of the safe schools fee collected
 35 under IC 33-37-5-18 for deposit in the county general fund.
- 36 (h) This subsection does not apply to court administration fees
 37 collected in small claims actions filed in a court described in IC 33-34.
 38 The clerk of a circuit court shall semiannually distribute to the auditor
 39 of state for deposit in the state general fund one hundred percent
 40 (100%) of the following:
- 41 (1) The public defense administration fee collected under
 42 IC 33-37-5-21.2.



1 (2) The judicial salaries fees collected under IC 33-37-5-26.

2 (3) The DNA sample processing fees collected under
3 IC 33-37-5-26.2.

4 (4) The court administration fees collected under IC 33-37-5-27.

5 (5) The judicial insurance adjustment fee collected under
6 IC 33-37-5-25.

7 (i) The proceeds of the service fee collected under
8 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as
9 follows:

10 (1) The clerk shall distribute one hundred percent (100%) of the
11 service fees collected in a circuit, superior, county, or probate
12 court to the county auditor for deposit in the county general fund.

13 (2) The clerk shall distribute one hundred percent (100%) of the
14 service fees collected in a city or town court to the city or town
15 fiscal officer for deposit in the city or town general fund.

16 (j) The proceeds of the garnishee service fee collected under
17 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as
18 follows:

19 (1) The clerk shall distribute one hundred percent (100%) of the
20 garnishee service fees collected in a circuit, superior, county, or
21 probate court to the county auditor for deposit in the county
22 general fund.

23 (2) The clerk shall distribute one hundred percent (100%) of the
24 garnishee service fees collected in a city or town court to the city
25 or town fiscal officer for deposit in the city or town general fund.

26 (k) The clerk of the circuit court shall distribute semiannually to the
27 auditor of state for deposit in the home ownership education account
28 established by IC 5-20-1-27 one hundred percent (100%) of the
29 following:

30 (1) The mortgage foreclosure counseling and education fees
31 collected under IC 33-37-5-33 (before its expiration on July 1,
32 2017).

33 (2) Any civil penalties imposed and collected by a court for a
34 violation of a court order in a foreclosure action under
35 IC 32-30-10.5.

36 (l) The clerk of a circuit court shall distribute semiannually to the
37 auditor of state one hundred percent (100%) of the pro bono legal
38 services fees collected before July 1, 2025, under IC 33-37-5-31. The
39 auditor of state shall transfer semiannually the pro bono legal services
40 fees to the Indiana Bar Foundation (or a successor entity) as the entity
41 designated to organize and administer the interest on lawyers trust
42 accounts (IOLTA) program under Rule 1.15 of the Rules of



1 Professional Conduct of the Indiana supreme court. The Indiana Bar
2 Foundation shall:

3 (1) deposit in an appropriate account and otherwise manage the
4 fees the Indiana Bar Foundation receives under this subsection in
5 the same manner the Indiana Bar Foundation deposits and
6 manages the net earnings the Indiana Bar Foundation receives
7 from IOLTA accounts; and

8 (2) use the fees the Indiana Bar Foundation receives under this
9 subsection to assist or establish approved pro bono legal services
10 programs.

11 The handling and expenditure of the pro bono legal services fees
12 received under this section by the Indiana Bar Foundation (or its
13 successor entity) are subject to audit by the state board of accounts. The
14 amounts necessary to make the transfers required by this subsection are
15 appropriated from the state general fund.

16 SECTION 10. IC 33-37-7-8, AS AMENDED BY P.L.174-2022,
17 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2023]: Sec. 8. (a) The clerk of a city or town court shall
19 distribute semiannually to the auditor of state as the state share for
20 deposit in the homeowner protection unit account established by
21 IC 4-6-12-9 one hundred percent (100%) of the automated record
22 keeping fees collected under IC 33-37-5-21 with respect to actions
23 resulting in the accused person entering into a pretrial diversion
24 program agreement under IC 33-39-1-8 or a deferral program
25 agreement under IC 34-28-5-1 and for deposit in the state general fund
26 fifty-five percent (55%) of the amount of fees collected under the
27 following:

28 (1) IC 33-37-4-1(a) (criminal costs fees).

29 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

30 (3) IC 33-37-4-4(a) (civil costs fees).

31 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

32 (5) IC 33-37-5-17 (deferred prosecution fees).

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

36 (1) IC 33-37-4-1(a) (criminal costs fees).

37 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

38 (3) IC 33-37-4-4(a) (civil costs fees).

39 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

40 (5) IC 33-37-5-17 (deferred prosecution fees).

41 (c) The city or town fiscal officer shall retain twenty-five percent
42 (25%) as the city or town share of the fees collected under the



- 1 following:
- 2 (1) IC 33-37-4-1(a) (criminal costs fees).
- 3 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 4 (3) IC 33-37-4-4(a) (civil costs fees).
- 5 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 6 (5) IC 33-37-5-17 (deferred prosecution fees).
- 7 (d) The clerk of a city or town court shall distribute semiannually to
- 8 the auditor of state for deposit in the state user fee fund established in
- 9 IC 33-37-9 the following:
- 10 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
- 11 interdiction, and correction fees collected under
- 12 IC 33-37-4-1(b)(5).
- 13 (2) Twenty-five percent (25%) of the alcohol and drug
- 14 countermeasures fees collected under IC 33-37-4-1(b)(6),
- 15 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 16 (3) One hundred percent (100%) of the highway worksite ~~zone~~
- 17 fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 18 (4) Seventy-five percent (75%) of the safe schools fee collected
- 19 under IC 33-37-5-18.
- 20 (5) One hundred percent (100%) of the automated record keeping
- 21 fee collected under IC 33-37-5-21 not distributed under
- 22 subsection (a).
- 23 (e) The clerk of a city or town court shall distribute monthly to the
- 24 county auditor the following:
- 25 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
- 26 interdiction, and correction fees collected under
- 27 IC 33-37-4-1(b)(5).
- 28 (2) Seventy-five percent (75%) of the alcohol and drug
- 29 countermeasures fees collected under IC 33-37-4-1(b)(6),
- 30 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 31 The county auditor shall deposit fees distributed by a clerk under this
- 32 subsection into the county drug free community fund established under
- 33 IC 5-2-11.
- 34 (f) The clerk of a city or town court shall distribute monthly to the
- 35 city or town fiscal officer (as defined in IC 36-1-2-7) one hundred
- 36 percent (100%) of the following:
- 37 (1) The late payment fees collected under IC 33-37-5-22.
- 38 (2) The small claims service fee collected under
- 39 IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).
- 40 (3) The small claims garnishee service fee collected under
- 41 IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3).
- 42 (4) Twenty-five percent (25%) of the safe schools fee collected



1 under IC 33-37-5-18.
 2 The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit
 3 fees distributed by a clerk under this subsection in the city or town
 4 general fund.

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

8 (1) The public defense administration fee collected under
 9 IC 33-37-5-21.2.

10 (2) The DNA sample processing fees collected under
 11 IC 33-37-5-26.2.

12 (3) The court administration fees collected under IC 33-37-5-27.

13 (4) The judicial insurance adjustment fee collected under
 14 IC 33-37-5-25.

15 (h) The clerk of a city or town court shall semiannually distribute to
 16 the auditor of state for deposit in the state general fund seventy-five
 17 percent (75%) of the judicial salaries fee collected under
 18 IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five
 19 percent (25%) of the judicial salaries fee collected under
 20 IC 33-37-5-26. The funds retained by the city or town shall be
 21 prioritized to fund city or town court operations.

22 (i) The clerk of a city or town court shall distribute semiannually to
 23 the auditor of state one hundred percent (100%) of the pro bono legal
 24 services fees collected before July 1, 2025, under IC 33-37-5-31. The
 25 auditor of state shall transfer semiannually the pro bono legal services
 26 fees to the Indiana Bar Foundation (or a successor entity) as the entity
 27 designated to organize and administer the interest on lawyers trust
 28 accounts (IOLTA) program under Rule 1.15 of the Rules of
 29 Professional Conduct of the Indiana supreme court. The Indiana Bar
 30 Foundation shall:

31 (1) deposit in an appropriate account and otherwise manage the
 32 fees the Indiana Bar Foundation receives under this subsection in
 33 the same manner the Indiana Bar Foundation deposits and
 34 manages the net earnings the Indiana Bar Foundation receives
 35 from IOLTA accounts; and

36 (2) use the fees the Indiana Bar Foundation receives under this
 37 subsection to assist or establish approved pro bono legal services
 38 programs.

39 The handling and expenditure of the pro bono legal services fees
 40 received under this section by the Indiana Bar Foundation (or its
 41 successor entity) are subject to audit by the state board of accounts. The
 42 amounts necessary to make the transfers required by this subsection are



1 appropriated from the state general fund.

