

# HOUSE BILL No. 1394

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 8-23-5.5; IC 9-13-2; IC 9-21-5-11.

**Synopsis:** Highway work zone safety. Requires the state police and the department of transportation to establish a pilot program for the deployment of an automated work zone speed control system to enforce highway work zone speed limits. Provides that a work zone speed limit violation recorded by an automated work zone speed control system may not be enforced unless the violation is at least 12 miles per hour above the established work zone speed limit. Creates the highway work zone pilot fund.

**Effective:** July 1, 2022.

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## Moseley

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January 13, 2022, read first time and referred to Committee on Roads and Transportation.

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

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

# HOUSE BILL No. 1394

A BILL FOR AN ACT to amend the Indiana Code concerning transportation and to make an appropriation.

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

- 1 SECTION 1. IC 8-23-5.5 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2022]:
- 4 **Chapter 5.5. Automated Work Zone Speed Enforcement Pilot**
- 5 **Program**
- 6 **Sec. 1. As used in this chapter, "highway work zone" has the**
- 7 **meaning set forth in IC 8-23-2-15.**
- 8 **Sec. 2. As used in this chapter, "owner" means:**
- 9 **(1) the registered owner of a motor vehicle; or**
- 10 **(2) a person leasing a motor vehicle under a lease agreement**
- 11 **for a period of at least six (6) months.**
- 12 **The term does not include a motor vehicle rental or leasing**
- 13 **company.**
- 14 **Sec. 3. As used in this chapter, "pilot fund" refers to the**
- 15 **highway work zone pilot fund established by section 19 of this**
- 16 **chapter.**
- 17 **Sec. 4. As used in this chapter, "pilot program" refers to the**



1 automated work zone speed enforcement pilot program established  
2 under this chapter.

3 Sec. 5. As used in this chapter, "recorded image" means an  
4 image recorded by a work zone speed control system that:

5 (1) is retained on:

6 (A) a photograph;

7 (B) a microphotograph;

8 (C) an electronic image;

9 (D) a videotape; or

10 (E) another medium;

11 (2) shows the rear of a motor vehicle and at least two (2) time  
12 stamped images of the motor vehicle that include the same  
13 stationary object near the motor vehicle; and

14 (3) clearly and legibly identifies the entire registration plate  
15 of the motor vehicle.

16 Sec. 6. As used in this chapter, "work zone speed control  
17 system" means a device having one (1) or more motor vehicle  
18 sensors connected to a camera system capable of producing  
19 recorded images of motor vehicles traveling at or above a  
20 predetermined speed in or approaching a highway work zone.

21 Sec. 7. As used in this chapter, "work zone speed control system  
22 operator" means an individual who is:

23 (1) trained and certified to operate a work zone speed control  
24 system; and

25 (2) a state police officer or an employee of the department.

26 Sec. 8. As used in this chapter, "work zone speed limit" means  
27 a temporary speed limit posted in the vicinity of a worksite under  
28 IC 9-21-5-11.

29 Sec. 9. (a) The department and the state police department shall  
30 jointly establish a pilot program for the deployment of work zone  
31 speed control systems.

32 (b) The department and the state police department may enter  
33 into an agreement to share information to implement this chapter.

34 (c) The department may enter into an agreement with a third  
35 party vendor to assist in the administration of this chapter.

36 Sec. 10. (a) A maximum of four (4) work zone speed control  
37 systems may be deployed at any particular time under the pilot  
38 program.

39 (b) Subject to section 11 of this chapter, a work zone speed  
40 control system may be used under the pilot program to record  
41 images of motor vehicles traveling on a highway if all of the  
42 following apply:



- 1           (1) The work zone speed control system is deployed within a  
2 highway work zone.
- 3           (2) The highway work zone is located on a freeway,  
4 expressway, or controlled access highway that has a speed  
5 limit of at least forty-five (45) miles per hour when there is not  
6 a work zone speed limit.
- 7           (3) Workers are present in the immediate vicinity of the  
8 highway work zone.
- 9           (4) The work zone speed control system is operated by a work  
10 zone speed control system operator.
- 11           (5) A conspicuous road sign alerting drivers that a work zone  
12 speed control system may be used to enforce the work zone  
13 speed limit is placed in a location before the beginning of the  
14 highway work zone in accordance with national traffic safety  
15 guidelines.
- 16           Sec. 11. (a) Only recorded images of motor vehicles traveling at  
17 least twelve (12) miles per hour above the work zone speed limit  
18 may be retained and used to enforce the work zone speed limit  
19 under this chapter.
- 20           (b) Except as provided in subsection (a), use of a recorded image  
21 for the purpose of enforcing a traffic offense under IC 9-13-2-183  
22 is prohibited.
- 23           Sec. 12. (a) An individual must complete training by the  
24 manufacturer of the work zone speed control system in the  
25 procedures for deploying, testing, and operating the work zone  
26 speed control system to become a work zone speed control system  
27 operator.
- 28           (b) The manufacturer shall issue a certificate of training to the  
29 individual upon the individual's completion of the training.
- 30           Sec. 13. A work zone speed control system operator shall  
31 complete and sign a daily log for a work zone speed control system  
32 that records:
- 33           (1) the:
- 34               (A) date;
- 35               (B) time; and
- 36               (C) location of the deployment of the work zone speed  
37 control system; and
- 38           (2) a statement that the work zone speed control system  
39 operator:
- 40               (A) successfully performed the manufacturer specified  
41 tests of the work zone speed control system; and
- 42               (B) the device passed the manufacturer specified tests of



1                   the work zone speed control system;  
2 before producing a recorded image.

3           **Sec. 14. (a) A work zone speed control system must undergo an**  
4 **annual calibration check performed by an independent calibration**  
5 **laboratory.**

6           **(b) The laboratory performing the calibration check shall issue**  
7 **a certificate of calibration to the department.**

8           **Sec. 15. (a) Except as provided in section 18 of this chapter, the**  
9 **owner of a motor vehicle traveling at least twelve (12) miles per**  
10 **hour in excess of a work zone speed limit, as recorded by a work**  
11 **zone speed control system deployed under this chapter, is liable for**  
12 **a fine of seventy-five dollars (\$75).**

13           **(b) If the owner of a motor vehicle is relieved from liability**  
14 **under section 18 of this chapter, the operator of a motor vehicle**  
15 **traveling at least twelve (12) miles per hour in excess of a work**  
16 **zone speed limit, as recorded by a work zone speed control system**  
17 **deployed under this chapter, is liable for the fine of seventy-five**  
18 **dollars (\$75).**

19           **Sec. 16. (a) A work zone speed control system operator shall**  
20 **mail a citation to the owner of a motor vehicle recorded traveling**  
21 **at least twelve (12) miles per hour in excess of a work zone speed**  
22 **limit. The citation must include the following information:**

23           **(1) The name and address of the registered owner of the**  
24 **motor vehicle.**

25           **(2) The registration number of the motor vehicle.**

26           **(3) A statement that the owner of the motor vehicle is being**  
27 **charged with violating a work zone speed limit.**

28           **(4) The location of the violation of the work zone speed limit.**

29           **(5) The date and time of the violation of the work zone speed**  
30 **limit.**

31           **(6) At least one (1) recorded image of the motor vehicle with**  
32 **a data bar imprinted on each image that includes the speed of**  
33 **the vehicle and the date and time that the image was recorded.**

34           **(7) A statement that the fine for violating the work zone speed**  
35 **limit when the violation is detected by a work zone speed**  
36 **control system is seventy-five dollars (\$75).**

37           **(8) The date by which the fine must be paid.**

38           **(9) A signed statement by a police officer employed by the**  
39 **state police department that the police officer has:**

40                   **(A) reviewed the recorded images; and**

41                   **(B) determined that the motor vehicle was traveling at**  
42 **least twelve (12) miles per hour in excess of the work zone**



- 1                    **speed limit.**
- 2                    **(10) A statement that the recorded images obtained through**
- 3                    **a work zone speed control system are evidence of a work zone**
- 4                    **speed limit violation.**
- 5                    **(11) A statement advising the owner of the motor vehicle of**
- 6                    **the manner and time in which the liability alleged in the**
- 7                    **citation may be contested in the appropriate circuit, superior,**
- 8                    **or traffic court.**
- 9                    **(b) A citation issued under this section must be mailed not later**
- 10                   **than:**
- 11                   **(1) fourteen (14) days after the alleged violation committed in**
- 12                   **a motor vehicle registered in Indiana; and**
- 13                   **(2) thirty (30) days after the alleged violation committed in a**
- 14                   **motor vehicle registered in a jurisdiction other than Indiana.**
- 15                   **(c) The owner of a motor vehicle who receives a citation issued**
- 16                   **under this section may:**
- 17                   **(1) pay the fine imposed before the deadline specified by the**
- 18                   **citation; or**
- 19                   **(2) contest the liability alleged by the citation in the manner**
- 20                   **specified by the citation in the appropriate circuit, superior,**
- 21                   **or traffic court.**
- 22                   **Sec. 17. (a) A certificate:**
- 23                   **(1) alleging that a violation of a work zone speed limit**
- 24                   **occurred and was detected by a work zone speed control**
- 25                   **system;**
- 26                   **(2) stating that the work zone speed control system was**
- 27                   **deployed and operated in the manner required under this**
- 28                   **chapter;**
- 29                   **(3) stating that a police officer employed by the state police**
- 30                   **department has reviewed the recorded images obtained by the**
- 31                   **work zone speed control system to determine that the**
- 32                   **violation of the work zone speed limit occurred; and**
- 33                   **(4) signed and affirmed by the police officer described in**
- 34                   **subdivision (3);**
- 35                   **is evidence of the facts contained in the certificate.**
- 36                   **(b) The certificate is admissible in a proceeding conducted**
- 37                   **under this chapter without requiring the presence or testimony of**
- 38                   **the appropriate work zone speed control system operator.**
- 39                   **(c) If the owner of a motor vehicle:**
- 40                   **(1) receives a citation under section 16 of this chapter;**
- 41                   **(2) contests the liability alleged in the citation; and**
- 42                   **(3) wants to require a work zone speed control operator to be**



1 present and testify in the proceeding;  
2 the owner must notify the court and the state police department at  
3 least twenty (20) days before the date of the proceeding to contest  
4 the liability alleged in the citation.

5 (d) The following are admissible in a proceeding conducted  
6 under this chapter:

7 (1) A certificate of training issued to a work zone speed  
8 control system operator under section 12(b) of this chapter.

9 (2) A daily log entry completed under section 13 of this  
10 chapter.

11 (3) A certificate of calibration issued under section 14(b) of  
12 this chapter.

13 Sec. 18. (a) A circuit, superior, or traffic court conducting a  
14 proceeding under this chapter shall determine a person's liability  
15 for an alleged violation of a work zone speed limit based on the  
16 preponderance of the evidence.

17 (b) A circuit, superior, or traffic court conducting a proceeding  
18 to contest the liability alleged in a citation issued under section 16  
19 of this chapter may consider any of the following in a defense of an  
20 alleged violation of a work zone speed limit:

21 (1) That the motor vehicle or the registration plate of the  
22 motor vehicle detected by the work zone speed control system  
23 had been stolen before the violation occurred and was not  
24 under the control or possession of the person receiving the  
25 citation under section 16 of this chapter at the time of the  
26 alleged violation.

27 (2) Subject to subsection (c), that the owner of the motor  
28 vehicle detected by the work zone speed control system was  
29 not operating the motor vehicle at the time of the alleged  
30 violation.

31 (3) Any other relevant information presented to the court.

32 (c) To satisfy the evidentiary burden of establishing a defense  
33 described in subsection (b)(2), the owner of a motor vehicle must  
34 submit to the court a sworn affidavit stating that the person was  
35 not operating the motor vehicle at the time of the alleged work  
36 zone speed limit violation. The owner must include in the sworn  
37 affidavit any corroborating evidence that the owner was not  
38 operating the motor vehicle at the time of the alleged violation and  
39 any relevant evidence identifying the operator of the motor vehicle  
40 at the time of the alleged violation.

41 (d) If the court finds that the owner of the motor vehicle  
42 detected by the work zone speed control system was not operating



1 the motor vehicle at the time of the alleged violation and receives  
2 evidence identifying the operator of the motor vehicle at the time  
3 of the alleged violation, the court shall provide to the state police  
4 department the evidence substantiating who was operating the  
5 motor vehicle at the time of the alleged violation.

6 (e) Upon receipt of evidence substantiating who was operating  
7 the motor vehicle at the time of the alleged violation, the state  
8 police department may issue a citation to the operator of the motor  
9 vehicle containing the following information:

10 (1) The name and address of the individual identified as the  
11 operator of the motor vehicle.

12 (2) A description of the motor vehicle, including the name of  
13 the owner of the motor vehicle.

14 (3) A statement that the individual is being charged with  
15 violating a work zone speed limit as the operator of the motor  
16 vehicle.

17 (4) The location of the violation of the work zone speed limit.

18 (5) The date and time of the violation of the work zone speed  
19 limit.

20 (6) At least one (1) recorded image of the motor vehicle with  
21 a data bar imprinted on each image that includes the speed of  
22 the vehicle and the date and time that the image was recorded.

23 (7) A statement that the fine for violating the work zone speed  
24 limit when the violation is detected by a work zone speed  
25 control system is seventy-five dollars (\$75).

26 (8) The date by which the fine must be paid.

27 (9) A signed statement by a police officer employed by the  
28 state police department that the police officer has:

29 (A) reviewed the recorded images; and

30 (B) determined that the motor vehicle was traveling at  
31 least twelve (12) miles per hour in excess of the work zone  
32 speed limit.

33 (10) A statement that the recorded images obtained through  
34 a work zone speed control system are evidence of a work zone  
35 speed limit violation.

36 (11) A statement advising the individual of the manner and  
37 time in which the liability alleged in the citation may be  
38 contested in the appropriate circuit, superior, or traffic court.

39 (f) A citation issued under subsection (e) must be mailed not  
40 later than thirty (30) days after the date the state police  
41 department receives the information described in subsection (d).

42 (g) The operator of a motor vehicle who receives a citation





1 issued under this section may:

2 (1) pay the fine imposed before the deadline specified by the  
3 citation; or

4 (2) contest the liability alleged by the citation in the manner  
5 specified by the citation in the appropriate circuit, superior,  
6 or traffic court.

7 (h) A circuit, superior, or traffic court conducting a proceeding  
8 to contest the liability alleged in a citation issued under subsection  
9 (e) may consider any of the following in a defense of an alleged  
10 violation of a work zone speed limit:

11 (1) Subject to subsection (i), that the individual was not  
12 operating the motor vehicle at the time of the alleged  
13 violation.

14 (2) Any other relevant information presented to the court.

15 (i) To satisfy the evidentiary burden of establishing a defense  
16 described in subsection (h)(1), the individual shall submit to the  
17 court a sworn affidavit stating that the person was not operating  
18 the motor vehicle at the time of the alleged work zone speed limit  
19 violation. The individual must include in the sworn affidavit any  
20 corroborating evidence that the individual was not operating the  
21 motor vehicle at the time of the alleged violation and any relevant  
22 evidence identifying the operator of the motor vehicle at the time  
23 of the alleged violation.

24 **Sec. 19. (a) The highway work zone pilot fund is established for  
25 the purpose of promoting and developing work zone safety under  
26 the pilot program established under this chapter.**

27 **(b) The fund consists of all fines collected under this chapter and  
28 shall be distributed as follows:**

29 **(1) Forty percent (40%) to the state police department, with  
30 fifty percent (50%) allocated for recruiting, training, or  
31 equipping cadets, and fifty percent (50%) allocated for  
32 increased police presence in highway work zones.**

33 **(2) Forty percent (40%) to the department, to be allocated for  
34 hiring off duty law enforcement officers who will function as  
35 work zone speed control system operators as described in this  
36 chapter.**

37 **(3) Twenty percent (20%) to the department, to be allocated  
38 for improving highway work zone safety.**

39 **(c) The department shall administer the fund.**

40 **(d) The expenses of administering the fund must be paid from  
41 money in the fund.**

42 **(e) Money in the fund at the end of a state fiscal year does not**



1 revert to the state general fund.

2 (f) The money in the fund is continually appropriated to the  
3 department to fund the purposes specified in this chapter.

4 **Sec. 20. Before September 1, 2024, the department shall submit**  
5 **a report to the legislative council in an electronic format under**  
6 **IC 5-14-6 detailing the costs incurred under the pilot program, the**  
7 **amount of fines collected under the pilot program, and the impact**  
8 **of the pilot program on highway work zone safety.**

9 SECTION 2. IC 9-13-2-73.5 IS ADDED TO THE INDIANA CODE  
10 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
11 1, 2022]: **Sec. 73.5. "Highway work zone" has the meaning set forth**  
12 **in IC 8-23-2-15.**

13 SECTION 3. IC 9-13-2-202 IS ADDED TO THE INDIANA CODE  
14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
15 1, 2022]: **Sec. 202. "Work zone speed control system" has the**  
16 **meaning set forth in IC 8-23-5.5-6.**

17 SECTION 4. IC 9-21-5-11, AS AMENDED BY P.L.41-2016,  
18 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2022]: Sec. 11. (a) Subject to subsection (b), the Indiana  
20 department of transportation, the Indiana finance authority, or a local  
21 authority may establish temporary maximum speed limits in their  
22 respective jurisdictions and in the vicinity of a worksite without  
23 conducting an engineering study and investigation required under this  
24 article. The establishing authority shall post signs notifying the  
25 traveling public of the temporary maximum speed limits established  
26 under this section.

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

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

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

33 (2) If workers are not present in the immediate vicinity of the  
34 worksite, the establishing authority determines that the safety of  
35 the traveling public requires enforcement of the worksite speed  
36 limit.

37 (3) **In the case of a speed limit in a highway work zone**  
38 **enforced by a work zone speed control system under**  
39 **IC 8-23-5.5, if:**

40 (A) **workers are present in the immediate vicinity of the**  
41 **highway work zone; and**

42 (B) **the work zone speed control system indicates that the**



- 1           **operator of a motor vehicle has exceeded the work zone**  
 2           **speed limit set under this section by at least twelve (12)**  
 3           **miles per hour.**
- 4           **(d) This subsection does not apply to a person whose violation**  
 5           **of a work zone speed limit is detected and enforced using a work**  
 6           **zone speed control system under IC 8-23-5.5.** Notwithstanding  
 7           IC 34-28-5-4(b), a judgment for the infraction of violating a speed limit  
 8           set under this section must be entered as follows:
- 9           (1) If the person has not previously committed the infraction of  
 10           violating a speed limit set under this section, a judgment for a  
 11           Class B infraction and a fine of at least three hundred dollars  
 12           (\$300) shall be imposed.
- 13           (2) If the person has committed one (1) infraction of violating a  
 14           speed limit set under this section in the previous three (3) years,  
 15           a judgment for a Class B infraction and a fine of at least five  
 16           hundred dollars (\$500) shall be imposed.
- 17           (3) If the person has committed two (2) or more infractions of  
 18           violating a speed limit set under this section in the previous three  
 19           (3) years, a judgment for a Class B infraction and a fine of one  
 20           thousand dollars (\$1,000) shall be imposed.
- 21           **(e) This subsection does not apply to person whose violation of**  
 22           **a work zone speed limit is detected and enforced using a work zone**  
 23           **speed control system under IC 8-23-5.5.** Notwithstanding  
 24           IC 34-28-5-5(c), the funds collected as judgments for the infraction of  
 25           violating a speed limit set under this section shall be transferred to the  
 26           Indiana department of transportation to pay the costs of hiring off duty  
 27           police officers to perform the duties described in IC 8-23-2-15(b).
- 28           **(f) This subsection does not apply to person whose violation of**  
 29           **a work zone speed limit is detected and enforced using a work zone**  
 30           **speed control system under IC 8-23-5.5.** If judgment has been  
 31           imposed for committing two (2) infractions under this section within  
 32           one (1) year, an additional penalty of the suspension of the driving  
 33           privileges of the person who committed the infractions may be imposed  
 34           by the court imposing the sentence for the second violation. If the court  
 35           suspends a person's driving privileges under this subsection, the court  
 36           shall issue an order to the bureau:
- 37           (1) stating that judgment against the person has been entered for  
 38           committing the infraction of exceeding a worksite speed limit  
 39           under this section for the second time in one (1) year; and  
 40           (2) ordering the suspension of the person's driving privileges by  
 41           the bureau under IC 9-30-13-9.
- 42           The suspension of a person's driving privileges under this section is in



1 addition to any other penalties imposed under this section and any fee  
2 imposed under IC 33-37-5-14.

