



April 1, 2015

ENGROSSED HOUSE BILL No. 1397

DIGEST OF HB 1397 (Updated March 31, 2015 11:08 am - DI 103)

Citations Affected: IC 9-18; IC 9-21; IC 9-29.

Synopsis: Private toll facilities. Authorizes the operator of a private toll facility to enforce toll violations (violation) through an automated traffic law enforcement system. Provides that the bureau of motor vehicles (BMV) shall withhold the registration of a vehicle that was operated in the commission of a violation if the owner of the vehicle fails to pay applicable fines and charges and authorizes the BMV to impose a fee for reinstating the registration of a vehicle used in the commission of a violation. Provides that the operator of a private toll facility is not required to pay fees for certain BMV records.

Effective: July 1, 2015.

Soliday, Harris

(SENATE SPONSORS — CHARBONNEAU, RANDOLPH, ROGERS)

January 14, 2015, read first time and referred to Committee on Roads and Transportation.
February 12, 2015, amended, reported — Do Pass.
February 16, 2015, read second time, ordered engrossed. Engrossed.
February 17, 2015, read third time, passed. Yeas 93, nays 1.

SENATE ACTION

February 24, 2015, read first time and referred to Committee on Homeland Security & Transportation.
March 31, 2015, amended, reported favorably — Do Pass.

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April 1, 2015

First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1397

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 9-18-2-17, AS AMENDED BY P.L.125-2012,
2 SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 17. (a) Upon receiving the information under
4 section 16 of this chapter, the bureau shall:
5 (1) determine:
6 (A) the genuineness and regularity of the information; and
7 (B) that the person applying for registration is entitled to
8 register the vehicle;
9 (2) subject to subsection (b), register the vehicle described in the
10 application; and
11 (3) keep a record of the registration of the vehicle under a
12 distinctive registration number assigned to the vehicle in a
13 manner the bureau considers desirable for the convenience of the
14 bureau.
15 (b) Upon receiving notice, as described in IC 9-21-3.5-10(c), of the

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1 failure of an owner of a vehicle to pay a fine, charge, or other
 2 assessment for a toll violation documented under IC 9-21-3.5-12, the
 3 bureau shall withhold the annual registration of the vehicle that was
 4 used in the commission of the toll violation until the owner pays the
 5 fine, charge, or other assessment, plus any applicable fees, to:

6 (1) the bureau; or

7 (2) the appropriate authority under IC 9-21-3.5 that is responsible
 8 for the collection of fines, charges, or other assessments for toll
 9 violations under IC 9-21-3.5.

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

15 **(c) Upon receiving notice, as described in IC 9-21-3.5-15(d), of**
 16 **the failure of an owner of a vehicle to pay a fine, charge, or other**
 17 **assessment for a toll violation documented under IC 9-21-3.5-12 or**
 18 **IC 9-21-3.5-14, the bureau shall withhold the annual registration**
 19 **of the vehicle that was used in the commission of the toll violation**
 20 **until the owner pays the fine, charge, or other assessment, plus any**
 21 **applicable fees, to:**

22 **(1) the operator of the private toll facility; or**

23 **(2) a person designated by the operator of the private toll**
 24 **facility to collect fines, charges, or other assessments for toll**
 25 **violations under IC 9-21-3.5;**

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

28 **(d) Not later than July 1, 2016, the bureau shall adopt**
 29 **emergency rules in the manner provided under IC 4-22-2-37.1 or**
 30 **rules under IC 4-22-2 to implement this section, including a rule to**
 31 **establish the amount of any fee imposed under subsection (c).**

32 SECTION 2. IC 9-21-3.5-2, AS ADDED BY P.L.47-2006,
 33 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2015]: Sec. 2. As used in this chapter, "automated traffic law
 35 enforcement system" means a device that:

36 (1) has one (1) or more motor vehicle sensors; and

37 (2) is capable of producing a photographically recorded image of
 38 a motor vehicle, including an image of the vehicle's front or rear
 39 license plate, as the vehicle proceeds through a tollgate, toll zone,
 40 or other area on a tollway, qualifying project, **private toll facility**,
 41 or toll road that is marked as required by the department, the
 42 authority, or an operator as a place where a person using the



- 1 tollway, qualifying project, **private toll facility**, or toll road must
 2 pay a toll. ~~or is otherwise subject to a fee for using the tollway,~~
 3 ~~qualifying project, or toll road.~~
- 4 SECTION 3. IC 9-21-3.5-3.5 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2015]: **Sec. 3.5. As used in this chapter, "fee"**
 7 **means an amount assessed or imposed under:**
 8 **(1) rules adopted under section 10(a)(4) of this chapter; or**
 9 **(2) section 14(a)(2) of this chapter;**
 10 **with respect to a toll violation.**
- 11 SECTION 4. IC 9-21-3.5-4, AS ADDED BY P.L.47-2006,
 12 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2015]: **Sec. 4. As used in this chapter, "operator" has the**
 14 **meaning set forth means:**
 15 **(1) with respect to a tollway, qualifying project, or toll road,**
 16 **an operator (as defined in IC 8-15.5-2-5 or IC 8-15.7-2-11); or**
 17 **(2) with respect to a private toll facility, a private entity that**
 18 **owns or operates the private toll facility.**
- 19 SECTION 5. IC 9-21-3.5-5.5 IS ADDED TO THE INDIANA
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2015]: **Sec. 5.5. As used in this chapter,**
 22 **"private toll facility" means any new or existing highway, street,**
 23 **motorway, road, or bridge owned or operated by a private entity,**
 24 **including all tunnels, overpasses, underpasses, interchanges,**
 25 **entrance plazas, approaches, tollhouses, service stations, and**
 26 **administration, storage, and other buildings and facilities**
 27 **necessary or desirable for the operation of the private toll facility,**
 28 **together with all property, rights, easements, and interests which**
 29 **may be acquired by the private entity for the construction or**
 30 **operation of the facility. "Private toll facility" includes any**
 31 **subsequent improvement, betterment, enlargement, extension, or**
 32 **reconstruction of an existing private toll facility.**
- 33 SECTION 6. IC 9-21-3.5-7.5 IS ADDED TO THE INDIANA
 34 CODE AS A NEW SECTION TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2015]: **Sec. 7.5. As used in this chapter, "toll**
 36 **violation" refers to the failure to pay a toll or user fee required**
 37 **under section 9 or 9.1 of this chapter.**
- 38 SECTION 7. IC 9-21-3.5-9.1 IS ADDED TO THE INDIANA
 39 CODE AS A NEW SECTION TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2015]: **Sec. 9.1. The owner of a motor vehicle,**
 41 **other than an authorized emergency vehicle, that is driven or**
 42 **towed through or on a private toll facility shall pay the proper toll**



1 **or user fee.**

2 SECTION 8. IC 9-21-3.5-10, AS AMENDED BY P.L.163-2011,
3 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2015]: Sec. 10. (a) The department or the authority may adopt
5 and enforce rules concerning:

- 6 (1) the placement and use of automated traffic law enforcement
7 systems to enforce collection of user fees;
8 (2) required notification in the form of a citation to the owner of
9 a vehicle used in the commission of a moving violation under
10 section 9 of this chapter;
11 (3) the process for notification, collection, and enforcement of
12 unpaid amounts;
13 (4) the amount of fines, charges, and assessments for toll
14 violations, including, with respect to amounts unpaid by violators
15 who are not subject to IC 9-18-2-17(b):
16 (A) contracting with a collection agency; and
17 (B) authorizing the collection agency in the contract for
18 collection services to impose on and collect from the violator
19 an additional collection fee; and
20 (5) other matters relating to automated traffic law enforcement
21 systems that the department or the authority considers
22 appropriate.

23 (b) A rule adopted under subsection (a)(2) must establish:

- 24 (1) a deadline for the department, authority, or operator, as
25 applicable, to issue a citation to an owner of a vehicle used in the
26 commission of a moving violation under section 9 of this chapter;
27 and
28 (2) a deadline, not to exceed thirty (30) days following receipt of
29 the citation as determined under section ~~12(b)(1)~~ **12(2)** of this
30 chapter, for the owner to pay a fine, charge, or other assessment
31 for the toll violation.

32 (c) The department **or the authority** shall establish a process by
33 which the department, authority, or operator, as applicable, shall notify
34 the bureau of an owner's failure to pay a fine, charge, or other
35 assessment for a toll violation following the expiration of the deadline
36 described in subsection (b)(2).

37 **(d) This section does not apply with respect to a private toll**
38 **facility.**

39 SECTION 9. IC 9-21-3.5-11, AS ADDED BY P.L.47-2006,
40 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2015]: Sec. 11. (a) Before enforcing a rule adopted under
42 section 10 of this chapter, the department, the authority, or an operator



1 must install advance warning signs along the tollways, toll roads, or
 2 qualifying projects proceeding to the location at which an automated
 3 traffic law enforcement system is located.

4 **(b) Before imposing or collecting a toll or fee under section 14**
 5 **of this chapter, an operator must install advance warning signs**
 6 **along the private toll facility proceeding to the location at which an**
 7 **automated traffic law enforcement system is located.**

8 SECTION 10. IC 9-21-3.5-12, AS ADDED BY P.L.47-2006,
 9 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2015]: Sec. 12. ~~(a)~~ In the ~~prosecution~~ **enforcement** of a toll
 11 violation, **including the collection of fees:**

12 **(1)** proof that the motor vehicle was driven or towed through the
 13 toll collection **or private toll** facility without payment of the
 14 proper toll **or user fee** may be shown by a video recording, a
 15 photograph, an electronic recording, or other appropriate
 16 evidence, including evidence obtained by an automated traffic law
 17 enforcement system;

18 ~~(b)~~ **In the prosecution of a toll violation:**

19 ~~(+)~~ **(2)** it is presumed that any notice of nonpayment was received
 20 on the fifth day after the date of mailing; and

21 ~~(-)~~ **(3)** a computer record of the department, the authority, or the
 22 operator ~~of~~ **regarding** the registered owner of the vehicle is prima
 23 facie evidence of its contents and that the toll violator was the
 24 registered owner of the vehicle at the time of the underlying event
 25 of nonpayment.

26 SECTION 11. IC 9-21-3.5-14 IS ADDED TO THE INDIANA
 27 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2015]: **Sec. 14. (a) The operator of a private**
 29 **toll facility may do the following:**

30 **(1) Fix, revise, charge, and collect tolls for the use of a private**
 31 **toll facility by any person, partnership, association, limited**
 32 **liability company, or corporation desiring the use of any part**
 33 **of the private toll facility, including the right of way adjoining**
 34 **the paved portion of the private toll facility. For purposes of**
 35 **this subdivision, the use of a private toll facility includes the**
 36 **placement of telephone, telegraph, electric, or power lines on**
 37 **any part of the private toll facility.**

38 **(2) Fix the terms, conditions, and rates of charge for use of the**
 39 **private toll facility, including fees for nonpayment of required**
 40 **tolls. However, a fee imposed for nonpayment of a required**
 41 **toll may not exceed fifty dollars (\$50) for each unpaid toll.**

42 **(3) Collect tolls and fees through manual or nonmanual**



1 **methods, including automated traffic law enforcement**
 2 **systems, automatic vehicle identification systems, electronic**
 3 **toll collection systems, global positioning systems, and photo**
 4 **or video based toll collection or toll collection enforcement**
 5 **systems.**

6 **(b) The operator of a private toll facility may not impose a fee**
 7 **under subsection (a)(2) for nonpayment of a required toll until the**
 8 **operator has provided notice of the unpaid toll to the toll violator**
 9 **in accordance with notice requirements published on the Internet**
 10 **web site of the private toll facility. The operator shall include with**
 11 **the notice of the unpaid toll a summary of the notice requirements**
 12 **published on the Internet web site of the private toll facility.**

13 SECTION 12. IC 9-21-3.5-15 IS ADDED TO THE INDIANA
 14 CODE AS A NEW SECTION TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2015]: **Sec. 15. (a) The operator of a private**
 16 **toll facility may enter into an agreement with the bureau to obtain**
 17 **information under IC 9-14-3 and IC 9-14-3.5 necessary to enforce**
 18 **violations of section 9.1 of this chapter, including information**
 19 **regarding the registered owner of a vehicle operated in violation of**
 20 **section 9.1 of this chapter.**

21 **(b) The bureau may use any reciprocal arrangement that**
 22 **applies to the bureau to obtain information for purposes of**
 23 **subsection (a).**

24 **(c) An operator may use information provided under this**
 25 **section only for the purposes of this section.**

26 **(d) The operator of a private toll facility shall inform the bureau**
 27 **of the operator's process to notify the bureau of an owner's failure**
 28 **to pay a fine, charge, fee, or other assessment for a toll violation**
 29 **following the expiration of the deadline for payment of the fine,**
 30 **charge, fee, or other assessment as set forth in the operator's notice**
 31 **requirements published on the Internet web site of the private toll**
 32 **facility under section 14(b) of this chapter.**

33 SECTION 13. IC 9-29-2-1, AS AMENDED BY P.L.216-2014,
 34 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2015]: **Sec. 1. (a) The fee to obtain:**

- 36 (1) a certified copy of a record; or
 37 (2) an electronic record;

38 of the bureau under IC 9-14-3-4 is four dollars (\$4) for each document.
 39 This fee is in addition to the uniform copying fee established under
 40 IC 5-14-3-8. The fee shall be deposited in the motor vehicle highway
 41 account.

42 **(b) The fee imposed by this section does not apply to a law**



1 enforcement agency, ~~and~~ an agency of government, **or an operator (as**
2 **defined in IC 9-21-3.5-4).**

3 (c) The bureau shall give precedence to requests from law
4 enforcement agencies and agencies of government for certified copies
5 of records.

6 SECTION 14. IC 9-29-2-2, AS AMENDED BY P.L.216-2014,
7 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2015]: Sec. 2. (a) The fee to obtain information regarding
9 vehicle titles under IC 9-14-3-5 is four dollars (\$4) for each record
10 requested, plus any service fee charged by the office of technology
11 established by IC 4-13.1-2-1.

12 (b) Except as provided in subsection (c), the fee to obtain
13 information regarding a license, vehicle registration, or permit under
14 IC 9-14-3-5 is four dollars (\$4) for each record requested, plus any
15 service fee charged by the office of technology established by
16 IC 4-13.1-2-1.

17 (c) The fee to obtain a driver's license history under IC 9-14-3 is
18 eight dollars (\$8) for each history requested, plus any service fee
19 charged by the office of technology established by IC 4-13.1-2-1.

20 (d) A fee imposed by this section and paid to the bureau is in lieu of
21 fees established under IC 5-14-3-8 and does not apply to a law
22 enforcement agency, ~~or~~ an agency of government, **or an operator (as**
23 **defined in IC 9-21-3.5-4).**

24 (e) A fee imposed by this section shall be deposited in the motor
25 vehicle highway account.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1397, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15.

Delete page 2.

Page 3, delete lines 1 through 17.

Page 4, line 16, after "applicable." insert "**The bureau may impose a fee to reinstate an annual registration that was withheld under this subsection.**

(d) The bureau shall adopt rules under IC 4-22-2 to implement this section, including a rule to establish the amount of any fee imposed under subsection (c)."

Page 7, line 26, delete "three (3) times the amount of the" and insert "**fifty dollars (\$50) for each**".

Page 7, line 38, after "facility." insert "**The operator shall include with the notice of the unpaid toll a summary of the notice requirements published on the Internet web site of the private toll facility.**"

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1397 as introduced.)

SOLIDAY

Committee Vote: yeas 11, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security and Transportation, to which was referred House Bill No. 1397, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 28, delete "The" and insert "**Not later than July 1, 2016, the**".

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Page 2, line 28, after "adopt" insert "**emergency rules in the manner provided under IC 4-22-2-37.1 or**".

and when so amended that said bill do pass.

(Reference is to HB 1397 as printed February 13, 2015.)

YODER, Chairperson

Committee Vote: Yeas 9, Nays 0.

