



Reprinted
February 24, 2015

HOUSE BILL No. 1404

DIGEST OF HB 1404 (Updated February 23, 2015 6:39 pm - DI 96)

Citations Affected: IC 8-23; IC 9-13; IC 9-19; IC 9-21; IC 16-41; IC 33-37; IC 34-28.

Synopsis: Traffic violations. Provides that certain governmental entities may enter into agreements to use photographically recorded images to enforce certain traffic violations, and prohibits certain governmental entities to use photographically recorded images to enforce any other traffic violation. Imposes civil penalties for certain traffic violations detected by photographically recorded images. Provides that an enforcement agreement must provide for distribution of civil penalties among the parties to the agreement, and to various funds. Amends the definition of "highway work zone" and renames the term as "work zone". Repeals the definition of "worksite". Defines "critical work zone" for purposes of enforcing work zone speed limits. Removes the requirement that workers be present in a work zone for certain work zone offenses to be enforceable.

Effective: July 1, 2015.

**Soliday, DeLaney, Smith M,
Brown C**

January 14, 2015, read first time and referred to Committee on Roads and Transportation.
February 19, 2015, amended, reported — Do Pass.
February 23, 2015, read second time, amended, ordered engrossed.

HB 1404—LS 6890/DI 103



Reprinted
February 24, 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.

HOUSE BILL No. 1404

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

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

- 1 SECTION 1. IC 8-23-2-15, AS AMENDED BY P.L.217-2014,
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 15. (a) As used in this section, "~~highway~~ "work
4 zone" means an area ~~where:~~ **of a highway:**
5 (1) ~~highway where~~ construction, reconstruction, ~~or~~ maintenance,
6 **or utility relocation** is ~~actually~~ occurring, **including lanes or**
7 **other channeling devices leading to the area;** and
8 (2) ~~notice is posted indicating that the highway work zone is a~~
9 ~~specific area that is~~ designated with signage ~~on the highway; that~~
10 **identifies the beginning and end of the work zone.**
11 (b) The department may contract with the state police department
12 or local law enforcement agencies to hire off duty police officers to
13 patrol ~~highway~~ work zones. The duties of a police officer who is hired
14 under this section:
15 (1) are limited to those duties that the police officer normally

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1 performs while on active duty; and

2 (2) do not include the duties of a:

3 (A) flagman; or

4 (B) security officer.

5 (c) The department shall use the money transferred to the
6 department under IC 33-37-9-4(a)(6) to pay the costs of hiring off duty
7 police officers to perform the duties described in subsection (b).

8 (d) All money transferred to the department under
9 IC 33-37-9-4(a)(6) is annually appropriated to pay off duty police
10 officers to perform the duties described in subsection (b).

11 SECTION 2. IC 8-23-2-15.1 IS ADDED TO THE INDIANA CODE
12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
13 1, 2015]: **Sec. 15.1. (a) The department shall rename the Indiana
14 Work Site Traffic Control Manual the "Indiana Work Zone
15 Traffic Control Manual".**

16 **(b) The department shall amend the Indiana Manual on
17 Uniform Traffic Control Devices, the Indiana Work Zone Traffic
18 Control Manual, and any other necessary forms or publications in
19 a manner consistent with section 15 of this chapter.**

20 **(c) This section expires December 31, 2016.**

21 SECTION 3. IC 9-13-2-6.2 IS ADDED TO THE INDIANA CODE
22 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
23 1, 2015]: **Sec. 6.2. "Automated traffic enforcement safety device",
24 for purposes of IC 9-21-0.5, has the meaning set forth in
25 IC 9-21-0.5-1.**

26 SECTION 4. IC 9-13-2-39.7 IS ADDED TO THE INDIANA CODE
27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
28 1, 2015]: **Sec. 39.7. "Critical work zone" means an area:**

29 **(1) that is located within a work zone;**

30 **(2) in which:**

31 **(A) the normal path is offset;**

32 **(B) the road surface is significantly disturbed; or**

33 **(C) road machinery is located; and**

34 **(3) that is designated with signage that identifies the beginning
35 and end of the critical work zone.**

36 SECTION 5. IC 9-13-2-64 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 64. "Flagman" means
38 an authorized person directing traffic in accordance with the provisions
39 of this title at a worksite. work zone.**

40 SECTION 6. IC 9-13-2-200 IS REPEALED [EFFECTIVE JULY 1,
41 2015]. **Sec. 200: "Worksite" means a location or area upon which:**

42 **(+) a public purpose construction or maintenance activity; or**



1 (2) a private purpose construction or maintenance activity that is
 2 authorized by a governmental agency;
 3 is being performed on a highway. The term includes the lanes of a
 4 highway leading up to the area upon which an activity described in
 5 subdivision (1) or (2) is being performed, beginning at the point where
 6 appropriate signs directing vehicles to merge from one (1) lane into
 7 another lane are posted.

8 SECTION 7. IC 9-13-2-200.1 IS ADDED TO THE INDIANA
 9 CODE AS A NEW SECTION TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2015]: **Sec. 200.1. "Work zone" has the**
 11 **meaning set forth in IC 8-23-2-15.**

12 SECTION 8. IC 9-19-13-1, AS AMENDED BY P.L.1-2005,
 13 SECTION 101, IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2015]: Sec. 1. The state school bus committee
 15 established by IC 20-27-3-1 shall adopt and enforce rules under
 16 IC 4-22-2 not inconsistent with this chapter **or IC 9-21-22** to govern
 17 the design and operation of all school buses used for the transportation
 18 of school children when owned and operated by a school corporation
 19 or privately owned and operated under contract with an Indiana school
 20 corporation. The rules must by reference be made a part of such a
 21 contract with a school corporation. Each school corporation, officer and
 22 employee of the school corporation, and person employed under
 23 contract by a school district is subject to those rules.

24 SECTION 9. IC 9-21-0.5 IS ADDED TO THE INDIANA CODE
 25 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2015]:

27 **Chapter 0.5. Automated Traffic Enforcement Safety Devices**

28 **Sec. 1. As used in this chapter, "automated traffic enforcement**
 29 **safety device" means a device that:**

30 **(1) produces a photographically recorded still or video image,**
 31 **or a combination of the photographically recorded still and**
 32 **video images, of the rear of a motor vehicle or of the rear of**
 33 **a vehicle being towed by a motor vehicle which includes an**
 34 **image of the rear license plate of the vehicle; and**

35 **(2) indicates on one (1) or more of the images produced the**
 36 **date, time, and location of the image;**

37 **the results of which are kept on file with the authority, county,**
 38 **department, municipality, or school corporation, or the authority,**
 39 **county, department, municipality, or school corporation has access**
 40 **to the results.**

41 **Sec. 2. As used in this chapter, "authority" means the Indiana**
 42 **finance authority created by IC 4-4-11-4.**



1 **Sec. 3. As used in this chapter, "department" means the Indiana**
 2 **department of transportation established by IC 8-23-2-1.**

3 **Sec. 4. As used in this chapter, "municipality" has the meaning**
 4 **set forth in IC 36-1-2-11.**

5 **Sec. 5. The following may not use an automated traffic**
 6 **enforcement safety device to detect or record a violation of a traffic**
 7 **law other than work zone speed limits in critical work zones (IC 9-**
 8 **21-5-11(f)), driving or being towed through a toll collection facility**
 9 **without paying the proper toll or user fee (IC 9-21-3.5-9), and**
 10 **proceeding past a school bus when the arm signal device is**
 11 **extended (IC 9-21-12-1):**

12 **(1) The authority.**

13 **(2) A county.**

14 **(3) The department.**

15 **(4) A municipality.**

16 **(5) A school corporation.**

17 SECTION 10. IC 9-21-4-9 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) Except as
 19 provided in subsections (b) and (c), all rules of statewide application
 20 shall be adopted under IC 4-22-2.

21 (b) Traffic regulations carrying a penalty for violation and requiring
 22 the use of signs or markers to make them effective need not be adopted
 23 under IC 4-22-2.

24 (c) Traffic regulations, except maximum speed limits and ~~worksite~~
 25 **work zone** speed limits, shall be officially adopted by order of the
 26 Indiana department of transportation.

27 SECTION 11. IC 9-21-4-20, AS ADDED BY P.L.40-2007,
 28 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2015]: Sec. 20. (a) For purposes of this section, "highway"
 30 "work zone" has the meaning set forth in IC 8-23-2-15.

31 (b) The Indiana department of transportation shall design and
 32 manufacture or have manufactured signs that inform vehicle operators
 33 of the **following**:

34 **(1) Offenses and penalties under:**

35 ~~(A)~~ **(A)** IC 9-21-5-11; and

36 ~~(B)~~ **(B)** IC 9-21-8-56.

37 **(2) The use of camera enforcement to enforce violations of**
 38 **IC 9-21-5-11 in a critical work zone, including applicable**
 39 **penalties under IC 9-21-22-12.**

40 (c) A sign described in subsection ~~(b)~~ **(b)(1)** shall be posted at a
 41 reasonable distance before a ~~highway~~ work zone by:

42 (1) the Indiana department of transportation;



- 1 (2) a political subdivision; or
 2 (3) a contractor of the:
 3 (A) Indiana department of transportation; or
 4 (B) political subdivision;
 5 that is working at the ~~highway~~ work zone.
 6 A sign that is posted before a ~~highway~~ work zone must be posted in
 7 accordance with the Indiana Manual on Uniform Traffic Control
 8 Devices or the Indiana Work ~~Site~~ **Zone** Traffic Control Manual.
 9 **(d) A sign described in subsection (b)(2) shall be posted at a**
 10 **reasonable distance before a critical work zone by:**
 11 **(1) the Indiana department of transportation;**
 12 **(2) a political subdivision; or**
 13 **(3) a contractor of the:**
 14 **(A) Indiana department of transportation; or**
 15 **(B) political subdivision;**
 16 **that is working at the critical work zone.**
 17 **A sign that is posted before a critical work zone must be posted in**
 18 **accordance with the Indiana Manual on Uniform Traffic Control**
 19 **Devices or the Indiana Work Zone Traffic Control Manual.**
 20 SECTION 12. IC 9-21-5-3, AS AMENDED BY P.L.1-2006,
 21 SECTION 164, IS AMENDED TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2015]: Sec. 3. The maximum speed limits set
 23 forth in section 2 of this chapter may be altered as follows:
 24 (1) By local jurisdictions under section 6 of this chapter.
 25 (2) By the Indiana department of transportation under section 12
 26 of this chapter.
 27 (3) For the purposes of speed limits on a highway on the national
 28 system of interstate and defense highways, by order of the
 29 commissioner of the Indiana department of transportation to
 30 conform to any federal regulation concerning state speed limit
 31 laws.
 32 (4) In ~~worksites~~, **work zones**, by all jurisdictions under section 11
 33 of this chapter.
 34 SECTION 13. IC 9-21-5-11, AS AMENDED BY P.L.66-2011,
 35 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2015]: Sec. 11. (a) Subject to subsection (b), the Indiana
 37 department of transportation, the Indiana finance authority, or a local
 38 authority may establish temporary maximum speed limits in their
 39 respective jurisdictions and in the vicinity of a ~~worksite~~ **work zone**
 40 without conducting an engineering study and investigation required
 41 under this article. The establishing authority shall post signs notifying
 42 the traveling public of the temporary maximum speed limits



1 established under this section.

2 (b) ~~Worksite~~ **Work zone** speed limits set under this section must be
3 at least ten (10) miles per hour below the maximum established speed
4 limit.

5 (c) A ~~worksite~~ **work zone** speed limit set under this section may be
6 enforced only if

7 ~~(1) workers are present in the immediate vicinity of the worksite;~~

8 ~~or~~

9 ~~(2) if workers are not present in the immediate vicinity of the~~
10 ~~worksite, the establishing authority determines that the safety of~~
11 ~~the traveling public requires enforcement of the worksite speed~~
12 ~~limit. **the work zone is designated with signage as described in**~~
13 ~~**IC 8-23-2-15(a)(2).**~~

14 (d) Notwithstanding IC 34-28-5-4(b), a judgment for the infraction
15 of violating a speed limit set under this section must be entered as
16 follows:

17 (1) If the person has not previously committed the infraction of
18 violating a speed limit set under this section, a judgment of at
19 least three hundred dollars (\$300).

20 (2) If the person has committed one (1) infraction of violating a
21 speed limit set under this section in the previous three (3) years,
22 a judgment of at least five hundred dollars (\$500).

23 (3) If the person has committed two (2) or more infractions of
24 violating a speed limit set under this section in the previous three
25 (3) years, a judgment of one thousand dollars (\$1,000).

26 (e) Notwithstanding IC 34-28-5-5(c), the funds collected as
27 judgments for the infraction of violating a speed limit set under this
28 section shall be transferred to the Indiana department of transportation
29 to pay the costs of hiring off duty police officers to perform the duties
30 described in IC 8-23-2-15(b).

31 **(f) A work zone speed limit set under this section may be**
32 **enforced in a critical work zone by camera enforcement under**
33 **IC 9-21-22.**

34 SECTION 14. IC 9-21-5-13, AS AMENDED BY P.L.231-2005,
35 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2015]: Sec. 13. (a) Except as provided in subsections (b) and
37 (c), a person who violates this chapter commits a Class C infraction.

38 (b) A person who exceeds a speed limit that is:

39 (1) established under section 6 of this chapter and imposed only
40 in the immediate vicinity of a school when children are present;

41 or

42 (2) established under section 11 of this chapter and imposed only



- 1 in the immediate vicinity of a ~~worksite~~ when workers are present;
 2 **a work zone;**
 3 commits a Class B infraction.
- 4 (c) A person who while operating a school bus knowingly or
 5 intentionally exceeds a speed limit set forth in section 14 of this chapter
 6 commits a Class C misdemeanor.
- 7 SECTION 15. IC 9-21-8-7.5 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7.5. (a) This section
 9 applies to a ~~worksite~~: **work zone:**
- 10 (1) upon a highway divided into two (2) or more marked lanes for
 11 traffic moving in the same direction; and
 12 (2) for which vehicles are instructed to merge from one (1) lane
 13 into another lane by an appropriate sign.
- 14 (b) A person who drives a vehicle may not pass another vehicle that
 15 is in the lane into which traffic is directed to merge within the posted
 16 no passing zone established by the Indiana department of
 17 transportation.
- 18 SECTION 16. IC 9-21-8-41, AS AMENDED BY P.L.217-2014,
 19 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2015]: Sec. 41. (a) A person who drives a vehicle may not
 21 disobey the instructions of an official traffic control device placed in
 22 accordance with this article unless otherwise directed by a police
 23 officer.
- 24 (b) When a traffic control device or flagman is utilized at a ~~worksite~~
 25 on a highway **work zone** for traffic control, a person who drives a
 26 vehicle shall exercise extraordinary care to secure the mutual safety of
 27 all persons and vehicles at the ~~worksite~~: **work zone.**
- 28 (c) All traffic shall observe and obey traffic control devices
 29 including signals, signs, and warnings, and all directions, signs, or
 30 warning devices that may be given or displayed by a police officer or
 31 flagman to safely control traffic movement at a ~~worksite~~ **work zone**
 32 and promote safety at a ~~worksite~~: **work zone.**
- 33 SECTION 17. IC 9-21-8-52, AS AMENDED BY P.L.217-2014,
 34 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2015]: Sec. 52. (a) A person who operates a vehicle and who
 36 recklessly:
- 37 (1) drives at such an unreasonably high rate of speed or at such an
 38 unreasonably low rate of speed under the circumstances as to:
- 39 (A) endanger the safety or the property of others; or
 40 (B) block the proper flow of traffic;
- 41 (2) passes another vehicle from the rear while on a slope or on a
 42 curve where vision is obstructed for a distance of less than five



1 hundred (500) feet ahead;

2 (3) drives in and out of a line of traffic, except as otherwise
3 permitted; or

4 (4) speeds up or refuses to give one-half (1/2) of the roadway to
5 a driver overtaking and desiring to pass;

6 commits a Class B misdemeanor.

7 (b) A person who operates a vehicle and who recklessly passes a
8 school bus stopped on a roadway when the arm signal device specified
9 in IC 9-21-12-13 is in the device's extended position commits a Class
10 B misdemeanor. However, the offense is a Class A misdemeanor if it
11 causes bodily injury to a person. **A recorded image (as defined in
12 IC 9-21-22-5) may be used as evidence in a criminal proceeding
13 under this subsection.**

14 (c) If an offense under subsection (a) or (b) results in damage to the
15 property of another person or bodily injury to another person, it is a
16 Class C misdemeanor and the court may recommend the suspension of
17 the current driving license of the person for a fixed period of not more
18 than one (1) year.

19 SECTION 18. IC 9-21-8-56, AS AMENDED BY P.L.217-2014,
20 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2015]: Sec. 56. (a) For purposes of this section, "highway
22 work zone" has the meaning set forth in IC 8-23-2-15.

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

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

30 (1) damage traffic control devices; or

31 (2) inflict bodily injury on a worker;

32 commits a Class A misdemeanor.

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

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

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

37 ~~in the immediate vicinity of a highway a work zone when workers are~~
38 ~~present~~ commits a Class A misdemeanor.

39 (e) Except as provided in subsections (f) through (h), a person who
40 recklessly fails to obey a traffic control device or flagman, as
41 prohibited under section 41 of this chapter, in ~~the immediate vicinity~~
42 ~~of a highway a work zone when workers are present~~ commits a Class



- 1 A misdemeanor.
- 2 (f) An offense under subsection (b), (c), (d), or (e) is a Level 6
3 felony if the person who commits the offense:
- 4 (1) has a prior unrelated conviction under this section in the
5 previous five (5) years; or
- 6 (2) is operating the vehicle in violation of IC 9-30-5-1 or
7 IC 9-30-5-2.
- 8 (g) An offense under subsection (b), (c), (d), or (e) is a Level 6
9 felony if the offense results in bodily injury to a worker in ~~the worksite.~~
10 **a work zone.**
- 11 (h) An offense under subsection (b), (c), (d), or (e) is a Level 5
12 felony if the offense results in the death of a worker in ~~the worksite.~~ **a**
13 **work zone.**
- 14 (i) A person who knowingly, intentionally, or recklessly engages in
15 an act described in section 55(b)(1), 55(b)(2), 55(b)(3), 55(b)(4),
16 55(b)(5), or 55(b)(6) of this chapter in ~~the immediate vicinity of a~~
17 ~~highway a work zone when workers are present~~ commits a Class B
18 infraction. Notwithstanding IC 34-28-5-5(c), the funds collected as
19 judgments for an infraction under this subsection shall be transferred
20 to the Indiana department of transportation to pay the costs of hiring off
21 duty police officers to perform the duties described in IC 8-23-2-15(b).
- 22 SECTION 19. IC 9-21-12-1, AS AMENDED BY P.L.217-2014,
23 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2015]: Sec. 1. (a) A person who drives a vehicle that:
- 25 (1) meets or overtakes from any direction a school bus stopped on
26 a roadway and is not stopped before reaching the school bus when
27 the arm signal device specified in IC 9-21-12-13 is in the device's
28 extended position; or
- 29 (2) proceeds before the arm signal device is no longer extended;
30 commits a Class A infraction.
- 31 (b) This section is applicable only if the school bus is in substantial
32 compliance with the markings required by the state school bus
33 committee.
- 34 (c) There is a rebuttable presumption that the owner of the vehicle
35 involved in the violation of this section committed the violation. This
36 presumption does not apply to the owner of a vehicle involved in the
37 violation of this section if the owner routinely engages in the business
38 of renting the vehicle for periods of thirty (30) days or less.
- 39 **(d) A violation of subsection (a) may be enforced by camera**
40 **enforcement under IC 9-21-22.**
- 41 SECTION 20. IC 9-21-22 IS ADDED TO THE INDIANA CODE
42 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE



- 1 JULY 1, 2015]:
- 2 **Chapter 22. Camera Enforcement of Traffic Violations**
- 3 **Sec. 1. As used in this chapter, "camera enforcement" means**
- 4 **the enforcement of a traffic violation through an enforcement**
- 5 **agreement.**
- 6 **Sec. 2. As used in this chapter, "enforcement agreement" means**
- 7 **an agreement entered into under section 8 of this chapter.**
- 8 **Sec. 3. As used in this chapter, "local authority" has the**
- 9 **meaning set forth in IC 9-13-2-94(b).**
- 10 **Sec. 4. As used in this chapter, "nonpublic school" has the**
- 11 **meaning set forth in IC 20-18-2-12.**
- 12 **Sec. 5. As used in this chapter, "recorded image" means a**
- 13 **digital image that:**
- 14 **(1) is recorded by a camera that is:**
- 15 **(A) mounted on a school bus; or**
- 16 **(B) installed at a critical work zone;**
- 17 **under an enforcement agreement; and**
- 18 **(2) shows the date and time the image was recorded.**
- 19 **Sec. 6. As used in this chapter, "school corporation" has the**
- 20 **meaning set forth in IC 20-18-2-16(a).**
- 21 **Sec. 7. As used in this chapter, "traffic violation" refers to the**
- 22 **following:**
- 23 **(1) A violation of IC 9-21-5-11 that occurs in a critical work**
- 24 **zone.**
- 25 **(2) A violation of IC 9-21-12-1.**
- 26 **Sec. 8. The following may enter into an enforcement agreement**
- 27 **with a contractor to use recorded images to enforce traffic**
- 28 **violations:**
- 29 **(1) The Indiana department of transportation.**
- 30 **(2) A local authority.**
- 31 **(3) The Indiana finance authority.**
- 32 **(4) A school corporation.**
- 33 **(5) A nonpublic school.**
- 34 **Sec. 9. An enforcement agreement must include the following:**
- 35 **(1) The names and addresses of all law enforcement agencies:**
- 36 **(A) that are authorized to enforce traffic violations; and**
- 37 **(B) to which recorded images will be provided for**
- 38 **enforcement or evidentiary purposes.**
- 39 **(2) All traffic violations that may be enforced under the**
- 40 **agreement.**
- 41 **(3) Any traffic violations or other offenses for which a**
- 42 **recorded image may be used for evidentiary purposes.**



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(4) A requirement that a complaint and summons for a traffic violation described in section 7(2) of this chapter may not be issued to the owner of a vehicle unless the issuing law enforcement agency possesses a written report from the operator of the school bus that was passed by the vehicle and that was the subject of the complaint and summons. The written report must:

- (A) document the alleged violating incident; and**
- (B) have been made contemporaneously with the employment shift of the operator of the school bus when the incident occurred.**

(5) For an enforcement agreement entered into by a school corporation or a nonpublic school, a requirement that each recorded image must contain electronic verification that the school bus's arm signal device specified in IC 9-21-12-13 was in the device's extended position when the image was recorded.

(6) A requirement that a law enforcement agency described in subdivision (1) shall send to the owner of a vehicle that is the subject of a recorded image the following:

- (A) A complaint and summons for the alleged traffic violation on a form that complies with IC 9-30-3-6.**
- (B) A recorded image showing the vehicle at the time of the alleged traffic violation.**
- (C) A verified statement by a law enforcement officer authorized to enforce this section stating that:

 - (i) based upon inspection of recorded images, the operator of the vehicle committed a traffic violation; and**
 - (ii) the traffic violation was not otherwise authorized by law.****
- (D) Information regarding how the owner of the vehicle that is the subject of the recorded image may provide the name and address of the individual alleged to have been operating the vehicle at the time of the traffic violation, if the owner was not the operator.**
- (E) Any other information usually transmitted to individuals alleged to have committed a traffic violation.**

All documents and other information required under this subdivision must be sent by regular mail addressed to the owner of the vehicle and postmarked not later than ten (10) days after the date of the alleged traffic violation.

(7) A regular inspection schedule for all hardware, including



1 cameras, installed under the terms of the enforcement
2 agreement.

3 (8) Subject to the deduction of court costs under
4 IC 34-28-5-5(f), a requirement that civil penalties collected
5 under this chapter be deposited as follows:

6 (A) A percentage, not to exceed twenty-five percent (25%),
7 in the general fund of the entity listed in section 8 of this
8 chapter that is a party to the agreement to pay for the costs
9 of the agreement, including:

10 (i) payments to the contractor under the terms of the
11 agreement; and

12 (ii) other administrative and enforcement costs identified
13 in the agreement.

14 (B) The remainder as follows:

15 (i) For a civil penalty imposed for a judgment for
16 committing a traffic violation described in section 7(1) of
17 this chapter, in the spinal cord and brain injury fund
18 established by IC 16-41-42.2-3.

19 (ii) For a civil penalty imposed for a judgment for
20 committing a traffic violation described in section 7(2) of
21 this chapter, fifty percent (50%) in the general fund of
22 the school corporation or nonpublic school and fifty
23 percent (50%) in the spinal cord and brain injury fund
24 established by IC 16-41-42.2-3.

25 (9) Any other provisions that the parties to the enforcement
26 agreement consider necessary.

27 **Sec. 10.** There is a rebuttable presumption that the owner of a
28 vehicle that is the subject of a recorded image was operating the
29 vehicle when the image was recorded. The presumption does not
30 apply to the owner of a vehicle that is the subject of a recorded
31 image if the owner routinely engages in the business of renting the
32 vehicle for periods of thirty (30) days or less.

33 **Sec. 11.** The bureau may not assess points under the point
34 system for a traffic violation that is enforced through camera
35 enforcement.

36 **Sec. 12. (a)** An individual against whom a judgment is entered
37 for committing a traffic violation that was detected and enforced
38 through camera enforcement is liable for a civil penalty as follows:

39 (1) If the individual does not have a prior adjudication based
40 on the same traffic violation within the previous five (5) years,
41 three hundred dollars (\$300).

42 (2) If the individual has one (1) prior adjudication based on



1 the same traffic violation within the previous five (5) years,
2 seven hundred fifty dollars (\$750).

3 **(3) If the individual has more than one (1) prior adjudication**
4 **based on the same traffic violation within the previous five (5)**
5 **years, one thousand dollars (\$1,000).**

6 **(b) A civil penalty imposed under this section shall be deposited**
7 **under the terms of the enforcement agreement under which the**
8 **traffic violation for which the civil penalty was imposed was**
9 **enforced.**

10 **(c) A civil penalty imposed under this section is the only penalty**
11 **that may be imposed under this chapter for a traffic violation.**
12 **Notwithstanding IC 34-28-5-4, an individual against whom a**
13 **judgment is entered for a traffic violation that is enforced by**
14 **camera enforcement is not liable for the amount prescribed in**
15 **IC 34-28-5-4(a) or for additional court costs. However, a court may**
16 **deduct costs from the civil penalty imposed under subsection (a) as**
17 **long as the amount imposed on the individual does not exceed the**
18 **applicable amount set forth in this section.**

19 SECTION 21. IC 16-41-42.2-4, AS AMENDED BY P.L.141-2014,
20 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2015]: Sec. 4. **(a)** The fund is to be used for the following
22 purposes:

23 (1) Establishing and maintaining a state medical surveillance
24 registry for traumatic spinal cord and brain injuries.

25 (2) Fulfilling the duties of the board established by section 5 of
26 this chapter.

27 (3) Funding research related to the treatment and cure of spinal
28 cord and brain injuries, including acute management, medical
29 complications, rehabilitative techniques, and neuronal recovery.
30 Research must be conducted in compliance with all state and
31 federal laws.

32 (4) Develop a statewide trauma system.

33 ~~However,~~ **(b)** Not more than fifty percent (50%) of money in the
34 fund may be used for purposes of developing a statewide trauma
35 system.

36 **(c) One hundred percent (100%) of money deposited in the fund**
37 **under IC 9-21-22-12(b) must be used for purposes of developing a**
38 **statewide trauma system.**

39 SECTION 22. IC 33-37-4-1, AS AMENDED BY P.L.182-2009(ss),
40 SECTION 392, IS AMENDED TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2015]: Sec. 1. **(a)** For each action that results in
42 a felony conviction under IC 35-50-2 or a misdemeanor conviction



1 under IC 35-50-3, the clerk shall collect from the defendant a criminal
2 costs fee of one hundred twenty dollars (\$120).

3 (b) In addition to the criminal costs fee collected under this section,
4 the clerk shall collect from the defendant the following fees if they are
5 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) A marijuana eradication program fee (IC 33-37-5-7).

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

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

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

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

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

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

19 (9) A highway work zone fee (IC 33-37-5-14).

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

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

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

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

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

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

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

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

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

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

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

36 (1) an initial user's fee of fifty dollars (\$50); and

37 (2) a monthly user's fee of ten dollars (\$10) for each month that
38 the person remains in the pretrial diversion program.

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

42 (1) The pretrial diversion fee.



- 1 (2) The marijuana eradication program fee.
- 2 (3) The alcohol and drug services program user fee.
- 3 (4) The law enforcement continuing education program fee.
- 4 The auditor or fiscal officer shall deposit fees transferred under this
- 5 subsection in the appropriate user fee fund established under
- 6 IC 33-37-8.
- 7 (e) Unless otherwise directed by a court, if a clerk collects only part
- 8 of a criminal costs fee from a defendant under this section, the clerk
- 9 shall distribute the partial payment of the criminal costs fee as follows:
- 10 (1) The clerk shall apply the partial payment to general court
- 11 costs.
- 12 (2) If there is money remaining after the partial payment is
- 13 applied to general court costs under subdivision (1), the clerk
- 14 shall distribute the remainder of the partial payment for deposit in
- 15 the appropriate county user fee fund.
- 16 (3) If there is money remaining after distribution under
- 17 subdivision (2), the clerk shall distribute the remainder of the
- 18 partial payment for deposit in the state user fee fund.
- 19 (4) If there is money remaining after distribution under
- 20 subdivision (3), the clerk shall distribute the remainder of the
- 21 partial payment to any other applicable user fee fund.
- 22 (5) If there is money remaining after distribution under
- 23 subdivision (4), the clerk shall apply the remainder of the partial
- 24 payment to any outstanding fines owed by the defendant.
- 25 SECTION 23. IC 33-37-4-2, AS AMENDED BY P.L.182-2009(ss),
- 26 SECTION 393, IS AMENDED TO READ AS FOLLOWS
- 27 [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) Except as provided in
- 28 subsections (d) and (e), for each action that results in a judgment:
- 29 (1) for a violation constituting an infraction; or
- 30 (2) for a violation of an ordinance of a municipal corporation (as
- 31 defined in IC 36-1-2-10);
- 32 the clerk shall collect from the defendant an infraction or ordinance
- 33 violation costs fee of seventy dollars (\$70).
- 34 (b) In addition to the infraction or ordinance violation costs fee
- 35 collected under this section, the clerk shall collect from the defendant
- 36 the following fees, if they are required under IC 33-37-5:
- 37 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
- 38 IC 33-37-5-4).
- 39 (2) An alcohol and drug services program user fee
- 40 (IC 33-37-5-8(b)).
- 41 (3) A law enforcement continuing education program fee
- 42 (IC 33-37-5-8(c)).



- 1 (4) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- 2 (5) A highway work zone fee (IC 33-37-5-14).
- 3 (6) A deferred prosecution fee (IC 33-37-5-17).
- 4 (7) A jury fee (IC 33-37-5-19).
- 5 (8) A document storage fee (IC 33-37-5-20).
- 6 (9) An automated record keeping fee (IC 33-37-5-21).
- 7 (10) A late payment fee (IC 33-37-5-22).
- 8 (11) A public defense administration fee (IC 33-37-5-21.2).
- 9 (12) A judicial insurance adjustment fee (IC 33-37-5-25).
- 10 (13) A judicial salaries fee (IC 33-37-5-26).
- 11 (14) A court administration fee (IC 33-37-5-27).
- 12 (15) A DNA sample processing fee (IC 33-37-5-26.2).
- 13 (c) The clerk shall transfer to the county auditor or fiscal officer of
- 14 the municipal corporation the following fees, not later than thirty (30)
- 15 days after the fees are collected:
- 16 (1) The alcohol and drug services program user fee
- 17 (IC 33-37-5-8(b)).
- 18 (2) The law enforcement continuing education program fee
- 19 (IC 33-37-5-8(c)).
- 20 (3) The deferral program fee (subsection (e)).
- 21 The auditor or fiscal officer shall deposit the fees in the user fee fund
- 22 established under IC 33-37-8.
- 23 (d) The defendant is not liable for any ordinance violation costs fee
- 24 in an action if all the following apply:
- 25 (1) The defendant was charged with an ordinance violation
- 26 subject to IC 33-36.
- 27 (2) The defendant denied the violation under IC 33-36-3.
- 28 (3) Proceedings in court against the defendant were initiated
- 29 under IC 34-28-5 (or IC 34-4-32 before its repeal).
- 30 (4) The defendant was tried and the court entered judgment for
- 31 the defendant for the violation.
- 32 (e) Instead of the infraction or ordinance violation costs fee
- 33 prescribed by subsection (a), except for the automated record keeping
- 34 fee (IC 33-37-5-21), the clerk shall collect a deferral program fee if an
- 35 agreement between a prosecuting attorney or an attorney for a
- 36 municipal corporation and the person charged with a violation entered
- 37 into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires
- 38 payment of those fees by the person charged with the violation. The
- 39 deferral program fee is:
- 40 (1) an initial user's fee not to exceed fifty-two dollars (\$52); and
- 41 (2) a monthly user's fee not to exceed ten dollars (\$10) for each
- 42 month the person remains in the deferral program.



1 (f) The fees prescribed by this section are costs for purposes of
 2 IC 34-28-5-5 and may be collected from a defendant against whom
 3 judgment is entered. **Except as provided in IC 9-21-22-12 and**
 4 **IC 34-28-5-5(f) for a traffic violation enforced through camera**
 5 **enforcement under IC 9-21-22**, any penalty assessed is in addition to
 6 costs.

7 SECTION 24. IC 33-37-5-14, AS AMENDED BY P.L.85-2013,
 8 SECTION 114, IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2015]: Sec. 14. (a) This section applies to
 10 criminal, infraction, and ordinance violation actions that are traffic
 11 offenses (as defined in IC 9-13-2-183).

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

15 (1) the criminal action, infraction, or ordinance violation is:

16 (A) exceeding a ~~worksite work zone~~ speed limit (as provided
 17 in ~~IC 9-21-5-2 and authorized by IC 9-21-5-3~~); **established**
 18 **under IC 9-21-5-11**; or

19 (B) failure to merge (as provided in IC 9-21-8-7.5); and

20 (2) the judge orders the clerk to collect the fee for exceeding a
 21 ~~worksite work zone~~ speed limit or failure to merge.

22 SECTION 25. IC 33-37-7-2, AS AMENDED BY P.L.284-2013,
 23 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2015]: Sec. 2. (a) The clerk of a circuit court shall distribute
 25 semiannually to the auditor of state as the state share for deposit in the
 26 homeowner protection unit account established by IC 4-6-12-9 one
 27 hundred percent (100%) of the automated record keeping fees collected
 28 under IC 33-37-5-21 with respect to actions resulting in the accused
 29 person entering into a pretrial diversion program agreement under
 30 IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and
 31 for deposit in the state general fund seventy percent (70%) of the
 32 amount of fees collected under the following:

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

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

35 (3) IC 33-37-4-3(a) (juvenile costs fees).

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

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

38 (6) IC 33-37-4-7(a) (probate costs fees).

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

40 (b) The clerk of a circuit court shall distribute semiannually to the
 41 auditor of state for deposit in the state user fee fund established in
 42 IC 33-37-9-2 the following:



- 1 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
 2 interdiction, and correction fees collected under
 3 IC 33-37-4-1(b)(5).
- 4 (2) Twenty-five percent (25%) of the alcohol and drug
 5 countermeasures fees collected under IC 33-37-4-1(b)(6),
 6 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 7 (3) One hundred percent (100%) of the child abuse prevention
 8 fees collected under IC 33-37-4-1(b)(7).
- 9 (4) One hundred percent (100%) of the domestic violence
 10 prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- 11 (5) One hundred percent (100%) of the highway work zone fees
 12 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 13 (6) One hundred percent (100%) of the safe schools fee collected
 14 under IC 33-37-5-18.
- 15 (7) The following:
- 16 (A) For a county operating under the state's automated judicial
 17 system, one hundred percent (100%) of the automated record
 18 keeping fee (IC 33-37-5-21) not distributed under subsection
 19 (a).
- 20 (B) This clause applies before July 1, 2013, and after June 30,
 21 2015. For a county not operating under the state's automated
 22 judicial system, eighty percent (80%) of the automated record
 23 keeping fee (IC 33-37-5-21) not distributed under subsection
 24 (a).
- 25 (C) This clause applies after June 30, 2013, and before July 1,
 26 2015. For a county not operating under the state's automated
 27 judicial system, five dollars (\$5) of the automated record
 28 keeping fee (IC 33-37-5-21) not distributed under subsection
 29 (a).
- 30 (c) The clerk of a circuit court shall distribute monthly to the county
 31 auditor the following:
- 32 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
 33 interdiction, and correction fees collected under
 34 IC 33-37-4-1(b)(5).
- 35 (2) Seventy-five percent (75%) of the alcohol and drug
 36 countermeasures fees collected under IC 33-37-4-1(b)(6),
 37 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 38 The county auditor shall deposit fees distributed by a clerk under this
 39 subsection into the county drug free community fund established under
 40 IC 5-2-11.
- 41 (d) The clerk of a circuit court shall distribute monthly to the county
 42 auditor one hundred percent (100%) of the late payment fees collected



1 under IC 33-37-5-22. The county auditor shall deposit fees distributed
2 by a clerk under this subsection as follows:

3 (1) If directed to do so by an ordinance adopted by the county
4 fiscal body, the county auditor shall deposit forty percent (40%)
5 of the fees in the clerk's record perpetuation fund established
6 under IC 33-37-5-2 and sixty percent (60%) of the fees in the
7 county general fund.

8 (2) If the county fiscal body has not adopted an ordinance
9 described in subdivision (1), the county auditor shall deposit all
10 the fees in the county general fund.

11 (e) The clerk of the circuit court shall distribute semiannually to the
12 auditor of state for deposit in the sexual assault victims assistance
13 account established by IC 5-2-6-23(h) one hundred percent (100%) of
14 the sexual assault victims assistance fees collected under
15 IC 33-37-5-23.

16 (f) The clerk of a circuit court shall distribute monthly to the county
17 auditor the following:

18 (1) One hundred percent (100%) of the support and maintenance
19 fees for cases designated as non-Title IV-D child support cases in
20 the Indiana support enforcement tracking system (ISETS) or the
21 successor statewide automated support enforcement system
22 collected under IC 33-37-5-6.

23 (2) The percentage share of the support and maintenance fees for
24 cases designated as Title IV-D child support cases in ISETS or the
25 successor statewide automated support enforcement system
26 collected under IC 33-37-5-6 that is reimbursable to the county at
27 the federal financial participation rate.

28 The county clerk shall distribute monthly to the department of child
29 services the percentage share of the support and maintenance fees for
30 cases designated as Title IV-D child support cases in ISETS, or the
31 successor statewide automated support enforcement system, collected
32 under IC 33-37-5-6 that is not reimbursable to the county at the
33 applicable federal financial participation rate.

34 (g) The clerk of a circuit court shall distribute monthly to the county
35 auditor the following:

36 (1) One hundred percent (100%) of the small claims service fee
37 under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in
38 the county general fund.

39 (2) One hundred percent (100%) of the small claims garnishee
40 service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for
41 deposit in the county general fund.

42 (h) This subsection does not apply to court administration fees



1 collected in small claims actions filed in a court described in IC 33-34.
 2 The clerk of a circuit court shall semiannually distribute to the auditor
 3 of state for deposit in the state general fund one hundred percent
 4 (100%) of the following:

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

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

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

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

11 (i) The clerk of a circuit court shall semiannually distribute to the
 12 auditor of state for deposit in the judicial branch insurance adjustment
 13 account established by IC 33-38-5-8.2 one hundred percent (100%) of
 14 the judicial insurance adjustment fee collected under IC 33-37-5-25.

15 (j) The proceeds of the service fee collected under
 16 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as
 17 follows:

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

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

24 (k) The proceeds of the garnishee service fee collected under
 25 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as
 26 follows:

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

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

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

38 (1) The mortgage foreclosure counseling and education fees
 39 collected under IC 33-37-5-32 (before its expiration on January
 40 1, 2015).

41 (2) Any civil penalties imposed and collected by a court for a
 42 violation of a court order in a foreclosure action under



1 IC 32-30-10.5.

2 (m) This subsection applies to a county that is not operating under
3 the state's automated judicial system. The clerk of a circuit court shall
4 distribute monthly to the county auditor the following part of the
5 automated record keeping fee (IC 33-37-5-21) not distributed under
6 subsection (a) for deposit in the clerk's record perpetuation fund:

7 (1) Twenty percent (20%), before July 1, 2013, and after June 30,
8 2015.

9 (2) Two dollars (\$2) of each fee collected, after June 30, 2013,
10 and before July 1, 2015.

11 (n) The clerk of a circuit court shall distribute semiannually to the
12 auditor of state one hundred percent (100%) of the pro bono legal
13 services fees collected before July 1, 2017, under IC 33-37-5-31. The
14 auditor of state shall transfer semiannually the pro bono legal services
15 fees to the Indiana Bar Foundation (or a successor entity) as the entity
16 designated to organize and administer the interest on lawyers trust
17 accounts (IOLTA) program under Rule 1.15 of the Rules of
18 Professional Conduct of the Indiana supreme court. The Indiana Bar
19 Foundation shall:

20 (1) deposit in an appropriate account and otherwise manage the
21 fees the Indiana Bar Foundation receives under this subsection in
22 the same manner the Indiana Bar Foundation deposits and
23 manages the net earnings the Indiana Bar Foundation receives
24 from IOLTA accounts; and

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

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

33 SECTION 26. IC 33-37-7-8, AS AMENDED BY P.L.136-2012,
34 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2015]: Sec. 8. (a) The clerk of a city or town court shall
36 distribute semiannually to the auditor of state as the state share for
37 deposit in the homeowner protection unit account established by
38 IC 4-6-12-9 one hundred percent (100%) of the automated record
39 keeping fees collected under IC 33-37-5-21 with respect to actions
40 resulting in the accused person entering into a pretrial diversion
41 program agreement under IC 33-39-1-8 or a deferral program
42 agreement under IC 34-28-5-1 and for deposit in the state general fund

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- 1 fifty-five percent (55%) of the amount of fees collected under the
 2 following:
- 3 (1) IC 33-37-4-1(a) (criminal costs fees).
 - 4 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
 - 5 (3) IC 33-37-4-4(a) (civil costs fees).
 - 6 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
 - 7 (5) IC 33-37-5-17 (deferred prosecution fees).
- 8 (b) The city or town fiscal officer shall distribute monthly to the
 9 county auditor as the county share twenty percent (20%) of the amount
 10 of fees collected under the following:
- 11 (1) IC 33-37-4-1(a) (criminal costs fees).
 - 12 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
 - 13 (3) IC 33-37-4-4(a) (civil costs fees).
 - 14 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
 - 15 (5) IC 33-37-5-17 (deferred prosecution fees).
- 16 (c) The city or town fiscal officer shall retain twenty-five percent
 17 (25%) as the city or town share of the fees collected under the
 18 following:
- 19 (1) IC 33-37-4-1(a) (criminal costs fees).
 - 20 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
 - 21 (3) IC 33-37-4-4(a) (civil costs fees).
 - 22 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
 - 23 (5) IC 33-37-5-17 (deferred prosecution fees).
- 24 (d) The clerk of a city or town court shall distribute semiannually to
 25 the auditor of state for deposit in the state user fee fund established in
 26 IC 33-37-9 the following:
- 27 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
 28 interdiction, and correction fees collected under
 29 IC 33-37-4-1(b)(5).
 - 30 (2) Twenty-five percent (25%) of the alcohol and drug
 31 countermeasures fees collected under IC 33-37-4-1(b)(6),
 32 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
 - 33 (3) One hundred percent (100%) of the highway work zone fees
 34 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
 - 35 (4) One hundred percent (100%) of the safe schools fee collected
 36 under IC 33-37-5-18.
 - 37 (5) One hundred percent (100%) of the automated record keeping
 38 fee (IC 33-37-5-21) not distributed under subsection (a).
- 39 (e) The clerk of a city or town court shall distribute monthly to the
 40 county auditor the following:
- 41 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
 42 interdiction, and corrections fees collected under



- 1 IC 33-37-4-1(b)(5).
- 2 (2) Seventy-five percent (75%) of the alcohol and drug
3 countermeasures fees collected under IC 33-37-4-1(b)(6),
4 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 5 The county auditor shall deposit fees distributed by a clerk under this
6 subsection into the county drug free community fund established under
7 IC 5-2-11.
- 8 (f) The clerk of a city or town court shall distribute monthly to the
9 city or town fiscal officer (as defined in IC 36-1-2-7) one hundred
10 percent (100%) of the following:
- 11 (1) The late payment fees collected under IC 33-37-5-22.
12 (2) The small claims service fee collected under
13 IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).
14 (3) The small claims garnishee service fee collected under
15 IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3).
- 16 The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit
17 fees distributed by a clerk under this subsection in the city or town
18 general fund.
- 19 (g) The clerk of a city or town court shall semiannually distribute to
20 the auditor of state for deposit in the state general fund one hundred
21 percent (100%) of the following:
- 22 (1) The public defense administration fee collected under
23 IC 33-37-5-21.2.
24 (2) The DNA sample processing fees collected under
25 IC 33-37-5-26.2.
26 (3) The court administration fees collected under IC 33-37-5-27.
- 27 (h) The clerk of a city or town court shall semiannually distribute to
28 the auditor of state for deposit in the judicial branch insurance
29 adjustment account established by IC 33-38-5-8.2 one hundred percent
30 (100%) of the judicial insurance adjustment fee collected under
31 IC 33-37-5-25.
- 32 (i) The clerk of a city or town court shall semiannually distribute to
33 the auditor of state for deposit in the state general fund seventy-five
34 percent (75%) of the judicial salaries fee collected under
35 IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five
36 percent (25%) of the judicial salaries fee collected under
37 IC 33-37-5-26. The funds retained by the city or town shall be
38 prioritized to fund city or town court operations.
- 39 (j) The clerk of a city or town court shall distribute semiannually to
40 the auditor of state one hundred percent (100%) of the pro bono legal
41 services fees collected before July 1, 2017, under IC 33-37-5-31. The
42 auditor of state shall transfer semiannually the pro bono legal services



1 fees to the Indiana Bar Foundation (or a successor entity) as the entity
 2 designated to organize and administer the interest on lawyers trust
 3 accounts (IOLTA) program under Rule 1.15 of the Rules of
 4 Professional Conduct of the Indiana supreme court. The Indiana Bar
 5 Foundation shall:

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

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

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

19 SECTION 27. IC 34-28-5-5, AS AMENDED BY P.L.106-2010,
 20 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2015]: Sec. 5. (a) **Except as provided in subsection (f)**, a
 22 defendant against whom a judgment is entered is liable for costs. Costs
 23 are part of the judgment and may not be suspended except under
 24 IC 9-30-3-12. Whenever a judgment is entered against a person for the
 25 commission of two (2) or more civil violations (infractions or
 26 ordinance violations), the court may waive the person's liability for
 27 costs for all but one (1) of the violations. This subsection does not
 28 apply to judgments entered for violations constituting:

29 (1) Class D infractions; or

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

33 (b) If a judgment is entered:

34 (1) for a violation constituting:

35 (A) a Class D infraction; or

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

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

40 the defendant is not liable for costs.

41 (c) Except for costs, and except as provided in ~~subsection~~
 42 **subsections (e) and (f)** and IC 9-21-5-11(e), the funds collected as



1 judgments for violations of statutes defining infractions shall be
2 deposited in the state general fund.

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

6 (1) violated:

7 (A) a statute defining an infraction; or

8 (B) an ordinance; or

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

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

17 (1) To pay compensation of commissioners appointed under
18 IC 33-33-49.

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

20 (f) **Notwithstanding subsection (c), civil penalties collected as a**
21 **judgment under IC 9-21-22-12 for a traffic violation that is**
22 **enforced by camera enforcement under IC 9-21-22 shall be**
23 **deposited in the spinal cord and brain injury fund established by**
24 **IC 16-41-42.2-3 to be used solely to develop a statewide trauma**
25 **system. To the extent an individual is liable for costs for the traffic**
26 **violation, the costs may be deducted from the judgment and may**
27 **not cause the individual to be liable for an amount greater than the**
28 **civil penalty set forth in IC 9-21-22-12(a).**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1404, 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 2, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 3. IC 9-13-2-39.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 39.7. "Critical work zone" means an area:**

- (1) that is located within a work zone;**
- (2) in which:**
 - (A) the normal path is offset;**
 - (B) the road surface is significantly disturbed; or**
 - (C) road machinery is located; and**
- (3) that is designated with signage that identifies the beginning and end of the critical work zone."**

Page 3, delete lines 29 through 34, begin a new line block indented and insert:

"(2) The use of camera enforcement to enforce violations of IC 9-21-5-11 in a critical work zone, including applicable penalties under IC 9-21-22-12."

Page 3, line 35, strike "(b)" and insert "**(b)(1)**".

Page 4, between lines 3 and 4, begin a new paragraph and insert:

"(d) A sign described in subsection (b)(2) shall be posted at a reasonable distance before a critical work zone by:

- (1) the Indiana department of transportation;**
 - (2) a political subdivision; or**
 - (3) a contractor of the:**
 - (A) Indiana department of transportation; or**
 - (B) political subdivision;**
- that is working at the critical work zone.**

A sign that is posted before a critical work zone must be posted in accordance with the Indiana Manual on Uniform Traffic Control Devices or the Indiana Work Zone Traffic Control Manual."

Page 5, line 16, after "enforced" insert "**in a critical work zone**".

Page 8, delete lines 5 through 7.

Page 9, line 2, after "a" insert "**critical**".



Page 9, line 9, delete "IC 9-21-5-11." and insert "**IC 9-21-5-11 that occurs in a critical work zone.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1404 as introduced.)

SOLIDAY

Committee Vote: yeas 10, nays 2.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1404 be amended to read as follows:

Page 2, between lines 20 and 21, begin a new paragraph and insert:
 "SECTION 3. IC 9-13-2-6.2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6.2. "Automated traffic enforcement safety device", for purposes of IC 9-21-0.5, has the meaning set forth in IC 9-21-0.5-1.**"

Page 3, between lines 18 and 19, begin a new paragraph and insert:
 "SECTION 9. IC 9-21-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:**

Chapter 0.5. Automated Traffic Enforcement Safety Devices

Sec. 1. As used in this chapter, "automated traffic enforcement safety device" means a device that:

(1) produces a photographically recorded still or video image, or a combination of the photographically recorded still and video images, of the rear of a motor vehicle or of the rear of a vehicle being towed by a motor vehicle which includes an image of the rear license plate of the vehicle; and

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

the results of which are kept on file with the authority, county, department, municipality, or school corporation, or the authority, county, department, municipality, or school corporation has access to the results.

Sec. 2. As used in this chapter, "authority" means the Indiana finance authority created by IC 4-4-11-4.

Sec. 3. As used in this chapter, "department" means the Indiana



department of transportation established by IC 8-23-2-1.

Sec. 4. As used in this chapter, "municipality" has the meaning set forth in IC 36-1-2-11.

Sec. 5. The following may not use an automated traffic enforcement safety device to detect or record a violation of a traffic law other than work zone speed limits in critical work zones (IC 9-21-5-11(f)), driving or being towed through a toll collection facility without paying the proper toll or user fee (IC 9-21-3.5-9), and proceeding past a school bus when the arm signal device is extended (IC 9-21-12-1):

- (1) The authority.
- (2) A county.
- (3) The department.
- (4) A municipality.
- (5) A school corporation."

Renumber all SECTIONS consecutively.

(Reference is to HB 1404 as printed February 20, 2015.)

SOLIDAY

