

HOUSE BILL No. 1042

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2; IC 9-19-13-1; IC 9-21; IC 20-27-10; IC 34-28-5-5.

Synopsis: School bus camera enforcement devices. Provides that a school corporation or a nonpublic school (school) may use a video recording device (device) on a school bus to capture digital images of a vehicle that is being operated in violation of school bus stop arm traffic laws (violation). Provides that a school may enter into an enforcement agreement with a contractor for camera enforcement by the device. Provides that a school shall enter into an agreement with a law enforcement agency to review images from the device and prepare and mail a complaint and summons for specific civil penalties for the violation to the owner of the vehicle. Provides that costs may not be collected above the civil penalty for the violation.

Effective: July 1, 2014.

Smith M

January 7, 2014, read first time and referred to Committee on Roads and Transportation.



Second Regular Session 118th General Assembly (2014)

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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1042

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

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

- 1 SECTION 1. IC 9-13-2-18.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2014]: **Sec. 18.3. "Camera enforcement" means the enforcement**
4 **of a violation of IC 9-21-12-1 in accordance with IC 9-21-12-9.5.**
5 SECTION 2. IC 9-13-2-49.6 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2014]: **Sec. 49.6. "Enforcement agreement" means an agreement**
8 **between a school corporation or nonpublic school and a contractor**
9 **with respect to the installation of a video recording device for**
10 **camera enforcement on a school bus.**
11 SECTION 3. IC 9-13-2-112.5 IS ADDED TO THE INDIANA
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2014]: **Sec. 112.5. "Nonpublic school" has the**
14 **meaning set forth in IC 20-18-2-12.**
15 SECTION 4. IC 9-13-2-149.7 IS ADDED TO THE INDIANA
16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2014]: **Sec. 149.7. "Recorded image" means**
 2 **an image recorded by a video recording device mounted on a**
 3 **school bus with a clear view of vehicles passing the bus on either**
 4 **side. The recorded image must show:**

- 5 (1) the date and time the recording was made; and
 6 (2) an electronic symbol confirming that the arm signal device
 7 specified in IC 9-21-12-13 was in the arm signal device's
 8 extended position at the time the recorded image was made.

9 SECTION 5. IC 9-13-2-196.7 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2014]: **Sec. 196.7. "Video recording device"**
 12 **means a camera capable of:**

- 13 (1) recording digital images; and
 14 (2) showing the date and time that the images were recorded.

15 SECTION 6. IC 9-19-13-1, AS AMENDED BY P.L.1-2005,
 16 SECTION 101, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The state school bus
 18 committee established by IC 20-27-3-1 shall adopt and enforce rules
 19 under IC 4-22-2 not inconsistent with this chapter to govern the design
 20 and operation of all school buses used for the transportation of school
 21 children when owned and operated by a school corporation or privately
 22 owned and operated under contract with an Indiana school corporation.
 23 The rules must by reference be made a part of such a contract with a
 24 school corporation. Each school corporation, officer and employee of
 25 the school corporation, and person employed under contract by a
 26 school district is subject to those rules.

27 (b) **Notwithstanding subsection (a), a school corporation or**
 28 **nonpublic school may use a video recording device on a school bus**
 29 **that captures the recorded image of a vehicle if the school**
 30 **corporation or nonpublic school has entered into an enforcement**
 31 **agreement with a contractor for camera enforcement.**

32 SECTION 7. IC 9-21-8-52, AS AMENDED BY P.L.70-2009,
 33 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2014]: Sec. 52. (a) A person who operates a vehicle and who
 35 recklessly:

- 36 (1) drives at such an unreasonably high rate of speed or at such an
 37 unreasonably low rate of speed under the circumstances as to:
 38 (A) endanger the safety or the property of others; or
 39 (B) block the proper flow of traffic;
 40 (2) passes another vehicle from the rear while on a slope or on a
 41 curve where vision is obstructed for a distance of less than five
 42 hundred (500) feet ahead;



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

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

5 commits a Class B misdemeanor.

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

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, the court
16 shall recommend the suspension of the current driving license of the
17 person for a fixed period of:

18 (1) not less than thirty (30) days; and

19 (2) not more than one (1) year.

20 SECTION 8. IC 9-21-12-1, AS AMENDED BY P.L.1-2005,
21 SECTION 104, IS AMENDED TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who drives a vehicle
23 that:

24 (1) meets or overtakes from any direction a school bus stopped on
25 a roadway and is not stopped before reaching the school bus when
26 the arm signal device specified in IC 9-21-12-13 is in the device's
27 extended position; or

28 (2) proceeds before the arm signal device is no longer extended;
29 commits the offense described in section 9 of this chapter.

30 (b) This section is applicable only if the school bus is in substantial
31 compliance with the markings required by the state school bus
32 committee.

33 (c) There is a rebuttable presumption that the owner of the vehicle
34 involved in the violation of this section committed the violation. This
35 presumption does not apply to the owner of a vehicle involved in the
36 violation of this section if the owner routinely engages in the business
37 of renting the vehicle for periods of thirty (30) days or less.

38 **(d) A violation of subsection (a) may be enforced by means of
39 camera enforcement.**

40 SECTION 9. IC 9-21-12-9 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) A person who
42 violates section 1 of this chapter commits a Class A infraction. A



1 **violation may be enforced through camera enforcement as set forth**
 2 **in section 9.5 of this chapter.**

3 (b) A person who violates section 2 of this chapter commits a Class
 4 C misdemeanor.

5 SECTION 10. IC 9-21-12-9.5 IS ADDED TO THE INDIANA
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2014]: **Sec. 9.5. (a) This section applies only**
 8 **to an infraction under section 9 of this chapter.**

9 (b) **The operator of a vehicle is liable for a civil penalty if a**
 10 **recorded image shows that the vehicle has violated section 1 of this**
 11 **chapter and the violation is not otherwise permitted by law. The**
 12 **amount of the civil penalty is:**

13 (1) **three hundred dollars (\$300), if the person does not have**
 14 **a prior conviction or adjudication based on a violation of**
 15 **section 1 of this chapter within the previous five (5) years;**

16 (2) **seven hundred fifty dollars (\$750), if the person has one (1)**
 17 **prior conviction or adjudication based on a violation of**
 18 **section 1 of this chapter within the previous five (5) years; and**

19 (3) **one thousand dollars (\$1,000), if the person has more than**
 20 **one (1) prior conviction or adjudication based on a violation**
 21 **of section 1 of this chapter within the previous five (5) years.**

22 **The civil penalties described in this subsection are the only**
 23 **penalties that may be assessed under this section. Notwithstanding**
 24 **IC 34-28-5-4, a person found liable under this section is not liable**
 25 **for the amount prescribed in IC 34-28-5-4(a) or for additional**
 26 **court costs. However, a court may deduct costs from the civil**
 27 **penalty prescribed by this subsection as long as the amount paid by**
 28 **the person does not exceed the amounts set forth in this subsection.**

29 (c) **A law enforcement agency authorized to enforce the**
 30 **provisions of this section pursuant to an agreement with the**
 31 **nonpublic school or interlocal agreement with the school**
 32 **corporation shall send by regular mail addressed to the owner of**
 33 **the vehicle postmarked not later than ten (10) days after the date**
 34 **of the alleged violation:**

35 (1) **a complaint and summons for the alleged violation, which**
 36 **include the date and time of the violation, the location of the**
 37 **infraction, the amount of the civil penalty imposed, and the**
 38 **date by which the civil penalty shall be paid;**

39 (2) **an image taken from the recorded image showing the**
 40 **vehicle involved in the infraction;**

41 (3) **a verified statement by a law enforcement officer**
 42 **authorized to enforce this section and stating that:**



- 1 (A) based upon inspection of recorded images, the vehicle
2 violated section 1 of this chapter; and
3 (B) the violation was not otherwise authorized by law;
4 (4) information regarding how the owner may provide the
5 name and address of the individual alleged to have been
6 operating the vehicle at the time of the violation, if the owner
7 was not the operator; and
8 (5) any other information usually transmitted to persons
9 alleged to have committed an infraction.

10 The complaint and summons described in this subsection shall be
11 issued on a form that complies with IC 9-30-3-6.

12 (d) A civil penalty collected under this section shall be disbursed
13 in accordance with the enforcement agreement.

14 (e) A recorded image captured under IC 9-19-13-1(b) and
15 enforced by a law enforcement agency under this section is
16 confidential and not subject to disclosure under IC 5-14-3.

17 (f) A law enforcement agency shall treat an alleged violation
18 enforced under this section in the same manner as any other
19 alleged violation, except to the extent that this treatment would
20 conflict with the provisions of this section.

21 SECTION 11. IC 20-27-10-0.1 IS ADDED TO THE INDIANA
22 CODE AS A NEW SECTION TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2014]: **Sec. 0.1. As used in this chapter,**
24 **"camera enforcement" has the meaning set forth in IC 9-13-2-18.3.**

25 SECTION 12. IC 20-27-10-0.3 IS ADDED TO THE INDIANA
26 CODE AS A NEW SECTION TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2014]: **Sec. 0.3. As used in this chapter,**
28 **"enforcement agreement" has the meaning set forth in**
29 **IC 9-13-2-49.6.**

30 SECTION 13. IC 20-27-10-0.5 IS ADDED TO THE INDIANA
31 CODE AS A NEW SECTION TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2014]: **Sec. 0.5. As used in this chapter,**
33 **"recorded image" has the meaning set forth in IC 9-13-2-149.7.**

34 SECTION 14. IC 20-27-10-0.7 IS ADDED TO THE INDIANA
35 CODE AS A NEW SECTION TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2014]: **Sec. 0.7. As used in this chapter,**
37 **"video recording device" has the meaning set forth in**
38 **IC 9-13-2-196.7.**

39 SECTION 15. IC 20-27-10-3.5 IS ADDED TO THE INDIANA
40 CODE AS A NEW SECTION TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2014]: **Sec. 3.5. (a) A school corporation or**
42 **nonpublic school may enter into an enforcement agreement with a**



1 private contractor for camera enforcement if a law enforcement
 2 agency with appropriate jurisdiction is available to carry out the
 3 duties described in IC 9-21-12-9.5.

4 (b) A:

5 (1) school corporation may enter into an interlocal
 6 agreement; and

7 (2) nonpublic school may enter into an agreement;
 8 with a county or municipality to offset expenses of establishing and
 9 operating camera enforcement.

10 (c) A school corporation or nonpublic school that has entered
 11 into an enforcement agreement under this section may use a video
 12 recording device on a school bus that captures recorded images of
 13 a vehicle.

14 (d) A recorded image from a device on a school bus installed for
 15 camera enforcement shall be processed and transmitted in
 16 accordance with the enforcement agreement.

17 SECTION 16. IC 34-28-5-5, AS AMENDED BY P.L.106-2010,
 18 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2014]: Sec. 5. (a) **Except as provided in subsection (f)**, a
 20 defendant against whom a judgment is entered is liable for costs. Costs
 21 are part of the judgment and may not be suspended except under
 22 IC 9-30-3-12. Whenever a judgment is entered against a person for the
 23 commission of two (2) or more civil violations (infractions or
 24 ordinance violations), the court may waive the person's liability for
 25 costs for all but one (1) of the violations. This subsection does not
 26 apply to judgments entered for violations constituting:

27 (1) Class D infractions; or

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

31 (b) If a judgment is entered:

32 (1) for a violation constituting:

33 (A) a Class D infraction; or

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

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

38 the defendant is not liable for costs.

39 (c) Except for costs, and except as provided in ~~subsection~~
 40 **subsections (e) and (f)** and IC 9-21-5-11(e), the funds collected as
 41 judgments for violations of statutes defining infractions shall be
 42 deposited in the state general fund.



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

4 (1) violated:

5 (A) a statute defining an infraction; or

6 (B) an ordinance; or

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

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

15 (1) To pay compensation of commissioners appointed under
16 IC 33-33-49.

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

18 **(f) This subsection only applies to a violation of IC 9-21-12-1**
19 **that is enforced through camera enforcement (as defined in**
20 **IC 9-13-2-18.3). Notwithstanding subsection (c), funds collected for**
21 **a violation of IC 9-21-12-1 as a judgment from a person to whom**
22 **this subsection applies shall be transferred in accordance with the**
23 **enforcement agreement (as defined in IC 9-13-2-49.6). To the**
24 **extent a person to whom this subsection applies is liable for costs**
25 **for a violation of IC 9-21-12-1, the costs may be deducted only**
26 **from the judgment and may not cause the person to be liable for an**
27 **amount greater than the penalty set forth in IC 9-21-12-9.5(b).**

