



Digest Correction
Reprinted
February 15, 2019

SENATE BILL No. 2

DIGEST OF SB 2 (Updated February 14, 2019 2:45 pm - DI 128)

Citations Affected: IC 9-21; IC 9-24; IC 9-30; IC 20-27; IC 33-37; IC 34-28; IC 35-52.

Synopsis: School bus safety. Increases the penalty, from a Class A infraction to a Class C misdemeanor, for an individual who fails to stop when a school bus's stop arm is extended. Provides that the court shall suspend the person's driving privileges: (1) for 90 days; or (2) if the person has committed at least one previous school bus arm offense, for one year. Increases the penalty, from a Class B misdemeanor to a Class A misdemeanor, for an individual who recklessly passes a school bus when its stop arm is extended. Increases the penalty, from a Class A misdemeanor to a Level 6 felony, for an individual who recklessly passes a school bus when its stop arm is extended if the action results in injury, and a Level 5 felony, for an individual who recklessly passes a school bus when its stop arm is extended if the action results in death. Provides that if an individual is convicted of recklessly passing a school bus causing bodily injury or death to a person, the individual may be fined not more than \$20,000. Provides that the court shall suspend the driving privileges of a person who recklessly passes a
(Continued next page)

Effective: Upon passage; July 1, 2019.

**Head, Houchin, Bassler, Merritt,
Freeman, Bohacek, Rogers, Young M,
Taylor G, Glick, Buck,
Randolph Lonnie M**

January 8, 2019, read first time and referred to Committee on Judiciary.
February 7, 2019, amended, reported favorably — Do Pass.
February 14, 2019, read second time, amended, ordered engrossed.

SB 2—LS 7016/DI 116



Digest Continued

school bus when its stop arm is extended: (1) for 90 days; or (2) if the person has committed at least one previous school bus arm offense, for one year. Provides that a person who has the person's license suspended may not obtain specialized driving privileges. Provides that on or before September 1, 2019, and each September 1 thereafter, each school corporation, charter school, or accredited nonpublic school that provides transportation for students must review each school's school bus routes and school bus safety policies to improve the safety of students and adults. Provides that the state school bus committee, in consultation with the department of education (department), shall develop and post on the department's Internet web site school bus safety guidelines or best practices. Provides that the department, in consultation with the department of transportation, shall include on the department's Internet web site information on how an individual or school may petition to reduce maximum speed limits in areas necessary to ensure that students are safely loaded onto or unloaded from a school bus. Provides that, with certain exceptions, when a school bus is operated on a: (1) U.S. route or state route, the driver may not load or unload a student at a location that requires the student to cross a roadway unless no other safe alternatives are available; and (2) street or highway other than a U.S. route or state route, the driver shall load and unload a student as close to the right-hand curb or edge of the roadway as practicable. Provides that, if a school bus driver must load or unload an elementary school student at a location on a U.S. or state route, the superintendent or superintendent's designee must present the school bus route to the school board for approval. Provides that school corporations and nonpublic schools may enter into agreements with third parties to administer camera enforcement of school bus stop arm regulations, subject to certain conditions. Provides: (1) for civil penalties that may be assessed; and (2) that points may be assessed under the bureau of motor vehicles' point system; for violations of regulations enforced by camera enforcement. Adds school bus safety to the topics required to be on an examination for a learner's permit or driver's license. Provides that the governing body of a school corporation may allow, in certain situations, the use of a school bus or special purpose bus for the transportation of adults with physical or intellectual disabilities.

SB 2—LS 7016/DI 116



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 2

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 9-21-8-52, AS AMENDED BY P.L.198-2016,
2 SECTION 364, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: Sec. 52. (a) A person who operates a
4 vehicle and who recklessly:
5 (1) drives at such an unreasonably high rate of speed or at such an
6 unreasonably low rate of speed under the circumstances as to:
7 (A) endanger the safety or the property of others; or
8 (B) block the proper flow of traffic;
9 (2) passes another vehicle from the rear while on a slope or on a
10 curve where vision is obstructed for a distance of less than five
11 hundred (500) feet ahead;
12 (3) drives in and out of a line of traffic, except as otherwise
13 permitted; or
14 (4) speeds up or refuses to give one-half (1/2) of the roadway to
15 a driver overtaking and desiring to pass;
16 commits a Class C misdemeanor. However, the offense is a Class A

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- 1 misdemeanor if it causes bodily injury to a person.
- 2 (b) A person who operates a vehicle and who recklessly passes a
3 school bus stopped on a roadway when the arm signal device specified
4 in IC 9-21-12-13 is in the device's extended position commits a ~~Class~~
5 ~~B~~ **Class A** misdemeanor. However, the offense is a ~~Class A~~
6 ~~misdemeanor~~ **Level 6 felony** if it causes bodily injury to a person, **and**
7 **a Level 5 felony if it causes the death of a person.**
- 8 (c) If an offense under subsection (a) ~~or (b)~~ results in damage to the
9 property of another person, it is a Class B misdemeanor and the court
10 may recommend the suspension of the current driving license of the
11 person convicted of the offense described in ~~this~~ subsection (a) for a
12 fixed period of not more than one (1) year.
- 13 (d) If an offense under subsection (a) ~~or (b)~~ causes bodily injury to
14 a person, the court may recommend the suspension of the driving
15 privileges of the person convicted of the offense described in this
16 subsection for a fixed period of not more than one (1) year.
- 17 **(e) In addition to any other penalty imposed under subsection**
18 **(b), the court shall suspend the person's driving privileges:**
19 **(1) for ninety (90) days; or**
20 **(2) if the person has committed at least one (1) previous**
21 **offense under this section or IC 9-21-12-1, for one (1) year.**
- 22 **(f) Notwithstanding the maximum fine provisions of**
23 **IC 35-50-2-7, a person who is convicted of an offense under**
24 **subsection (b) that causes bodily injury or death to a person may**
25 **be fined not more than twenty thousand dollars (\$20,000).**
- 26 SECTION 2. IC 9-21-12-1, AS AMENDED BY P.L.217-2014,
27 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2019]: Sec. 1. (a) A person who drives a vehicle that:
29 (1) meets or overtakes from any direction a school bus stopped on
30 a roadway and is not stopped before reaching the school bus when
31 the arm signal device specified in IC 9-21-12-13 is in the device's
32 extended position; or
33 (2) proceeds before the arm signal device is no longer extended;
34 commits a ~~Class A~~ **Class C misdemeanor.**
- 35 **(b) In addition to any other penalty imposed under this section,**
36 **the court shall suspend the person's driving privileges:**
37 **(1) for ninety (90) days; or**
38 **(2) if the person has committed at least one (1) previous**
39 **offense under this section or IC 9-21-8-52(b), for one (1) year.**
- 40 ~~(b)~~ (c) This section is applicable only if the school bus is in
41 substantial compliance with the markings required by the state school
42 bus committee.



1 (e) (d) There is a rebuttable presumption that the owner of the
 2 vehicle involved in the violation of this section committed the
 3 violation. This presumption does not apply to the owner of a vehicle
 4 involved in the violation of this section if the owner routinely engages
 5 in the business of renting the vehicle for periods of thirty (30) days or
 6 less.

7 SECTION 3. IC 9-21-12-20 IS ADDED TO THE INDIANA CODE
 8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 9 1, 2019]: **Sec. 20. (a) Except as provided in subsection (c), when a
 10 school bus is operated on a:**

11 **(1) U.S. route or state route, the driver may not load or
 12 unload a student at a location that requires the student to
 13 cross a roadway unless no other safe alternatives are
 14 available; and**

15 **(2) street or highway other than a U.S. route or state route,
 16 the driver shall load and unload a student as close to the
 17 right-hand curb or edge of the roadway as practicable.**

18 **(b) Subsection (a)(1) does not apply to a location on a U.S. route
 19 or state route that is within the boundary of a city or town.**

20 SECTION 4. IC 9-21-12-20.5 IS ADDED TO THE INDIANA
 21 CODE AS A NEW SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2019]: **Sec. 20.5. (a) As used in this section,
 23 "elementary school":**

24 **(1) has the meaning set forth in IC 20-18-2-4; and**

25 **(2) includes public elementary schools and accredited
 26 nonpublic elementary schools.**

27 **(b) As used in this section, "governing body" has the meaning
 28 set forth in IC 20-18-2-5.**

29 **(c) If a school bus driver must load or unload an elementary
 30 school student at a location that requires the student to cross a
 31 roadway that is a U.S. route or state route as described in section
 32 20(a)(1) of this chapter, the superintendent or the superintendent's
 33 designee shall present the school bus route described in this
 34 subsection to the governing body for approval.**

35 SECTION 5. IC 9-21-23 IS ADDED TO THE INDIANA CODE AS
 36 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 37 1, 2019]:

38 **Chapter 23. Camera Enforcement of Traffic Regulations**

39 **Sec. 1. As used in this chapter, "camera enforcement" means
 40 the enforcement of IC 9-21-12-1 through an enforcement
 41 agreement.**

42 **Sec. 2. As used in this chapter, "enforcement agreement" means**



1 an agreement entered into under section 6 of this chapter.

2 Sec. 3. As used in this chapter, "nonpublic school" has the
3 meaning set forth in IC 20-18-2-12.

4 Sec. 4. As used in this chapter, "recorded image" means a
5 digital image that:

6 (1) is captured by a camera that is mounted on a school bus
7 pursuant to an enforcement agreement; and

8 (2) displays the date and time the image was captured.

9 Sec. 5. As used in this chapter, "school corporation" has the
10 meaning set forth in IC 20-18-2-16(a).

11 Sec. 6. The following may enter into an enforcement agreement
12 with a contractor to use recorded images to enforce IC 9-21-12-1:

13 (1) A school corporation.

14 (2) A nonpublic school.

15 Sec. 7. An enforcement agreement must include the following:

16 (1) The names and addresses of all law enforcement agencies:

17 (A) that are authorized to enforce IC 9-21-12-1; and

18 (B) to which recorded images will be provided for
19 enforcement or evidentiary purposes.

20 (2) An acknowledgment that IC 9-21-12-1 may be enforced
21 under the agreement, and that a recorded image may be used
22 for evidentiary purposes to enforce IC 9-21-12-1.

23 (3) A provision that a recorded image is not a public record,
24 and must be destroyed not later than thirty (30) days after:

25 (A) a judgment is entered in a proceeding initiated not
26 later than thirty (30) days after the recorded image is
27 captured for a violation of IC 9-21-12-1 that is allegedly
28 based on the recorded image; or

29 (B) the date the recorded image is captured, if a
30 proceeding is not initiated as described in clause (A).

31 (4) A regular inspection schedule for all hardware, including
32 cameras, installed under the terms of the enforcement
33 agreement.

34 (5) A requirement that, subject to the deduction of court costs
35 under IC 34-28-5-5(g), civil penalties collected under this
36 chapter must be deposited as follows:

37 (A) A percentage, not to exceed twenty-five percent (25%),
38 must be deposited in the operations fund of the school
39 corporation or nonpublic school that is a party to the
40 enforcement agreement, for purposes of paying the costs of
41 the enforcement agreement, including:

42 (i) payments to the contractor under the terms of the



1 enforcement agreement; and
 2 (ii) other administrative and enforcement costs identified
 3 in the enforcement agreement.

4 (B) The remainder must be deposited in the operations
 5 fund of the school corporation or nonpublic school that is
 6 a party to the enforcement agreement.

7 (6) Any other provisions that the parties to the enforcement
 8 agreement consider necessary.

9 Sec. 8. The bureau may assess points under the point system for
 10 a violation of a specified traffic regulation that is enforced through
 11 camera enforcement.

12 Sec. 9. (a) An individual against whom a judgment is entered for
 13 committing a violation of IC 9-21-12-1 that was detected and
 14 enforced through camera enforcement is liable for a civil penalty
 15 as follows:

16 (1) If the individual does not have a prior adjudication based
 17 on a violation of IC 9-21-12-1 within the previous five (5)
 18 years, three hundred dollars (\$300).

19 (2) If the individual has one (1) prior adjudication based on a
 20 violation of IC 9-21-12-1 within the previous five (5) years,
 21 seven hundred fifty dollars (\$750).

22 (3) If the individual has more than one (1) prior adjudication
 23 based on a violation of IC 9-21-12-1 within the previous five
 24 (5) years, one thousand dollars (\$1,000).

25 (b) A civil penalty imposed under this section must be deposited
 26 under the terms of the enforcement agreement under which the
 27 civil penalty was imposed.

28 (c) A civil penalty imposed under this section is the only penalty
 29 that may be imposed under this chapter for a violation of
 30 IC 9-21-12-1. Notwithstanding IC 34-28-5-4, an individual against
 31 whom a judgment is entered for a violation that is enforced by
 32 camera enforcement is not liable for the amount prescribed in
 33 IC 34-28-5-4(a) or for additional court costs. However, a court may
 34 deduct costs from the civil penalty imposed under subsection (a) as
 35 long as the amount imposed on the individual does not exceed the
 36 applicable amount set forth in this section.

37 SECTION 6. IC 9-24-10-4, AS AMENDED BY P.L.147-2018,
 38 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2019]: Sec. 4. (a) Except as provided in subsection (c), an
 40 examination for a learner's permit or driver's license must include the
 41 following:

42 (1) A test of the following of the applicant:



- 1 (A) Eyesight.
 2 (B) Ability to read and understand highway signs regulating,
 3 warning, and directing traffic.
 4 (C) Knowledge of Indiana traffic laws, including IC 9-26-1-1.5
 5 **and IC 9-21-12-1.**
 6 (2) An actual demonstration of the applicant's skill in exercising
 7 ordinary and reasonable control in the operation of a motor
 8 vehicle under the type of permit or driver's license applied for.
 9 (b) The examination may include further physical and mental
 10 examination that the bureau finds necessary to determine the
 11 applicant's fitness to operate a motor vehicle safely upon a highway.
 12 The applicant must provide the motor vehicle used in the examination.
 13 An autocycle may not be used as the motor vehicle provided for the
 14 examination.
 15 (c) The bureau may waive:
 16 (1) the testing required under subsection (a)(1)(A) if the applicant
 17 provides evidence from a licensed ophthalmologist or licensed
 18 optometrist that the applicant's vision is fit to operate a motor
 19 vehicle in a manner that does not jeopardize the safety of
 20 individuals or property;
 21 (2) the actual demonstration required under subsection (a)(2) for
 22 an individual who has passed:
 23 (A) a driver's education class and a skills test given by a driver
 24 training school; or
 25 (B) a driver education program given by an entity licensed
 26 under IC 9-27; and
 27 (3) the testing, other than eyesight testing under subsection
 28 (a)(1)(A), of an applicant who has passed:
 29 (A) an examination concerning:
 30 (i) subsection (a)(1)(B); and
 31 (ii) subsection (a)(1)(C); and
 32 (B) a skills test;
 33 given by a driver training school or an entity licensed under
 34 IC 9-27.
 35 (d) The following are not civilly or criminally liable for a report
 36 made in good faith to the bureau, commission, or driver licensing
 37 medical advisory board concerning the fitness of the applicant to
 38 operate a motor vehicle in a manner that does not jeopardize the safety
 39 of individuals or property:
 40 (1) An instructor having a license under IC 9-27-6-8.
 41 (2) A licensed ophthalmologist or licensed optometrist.
 42 SECTION 7. IC 9-30-2-2, AS AMENDED BY P.L.164-2018,



1 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2019]: Sec. 2. (a) Except as provided in subsection (b), a law
3 enforcement officer may not arrest or issue a traffic information and
4 summons to a person for a violation of an Indiana law regulating the
5 use and operation of a motor vehicle on a highway or an ordinance of
6 a city or town regulating the use and operation of a motor vehicle on a
7 highway unless at the time of the arrest the officer is:

- 8 (1) wearing a distinctive uniform and a badge of authority; or
9 (2) operating a motor vehicle that is clearly marked as a police
10 vehicle;

11 that will clearly show the officer or the officer's vehicle to casual
12 observations to be an officer or a police vehicle.

13 (b) Subsection (a) does not apply to an officer in an unmarked
14 police vehicle making an arrest or issuing a traffic information and
15 summons:

- 16 (1) when there is a uniformed officer present at the time of the
17 arrest; or
18 (2) for a violation of one (1) or more of the following:
19 (A) IC 9-21-8-52(a)(1)(A) (reckless driving causing
20 endangerment).
21 (B) IC 9-21-8-52(b) as a ~~Class A misdemeanor~~ **Level 6 felony**
22 (recklessly passing a stopped school bus resulting in bodily
23 injury).
24 **(C) IC 9-21-8-52(b) as a Level 5 felony (recklessly passing**
25 **a stopped school bus resulting in death).**
26 ~~(D)~~ **(D)** IC 9-30-5-2(b) as a Class A misdemeanor (operating
27 while intoxicated in a manner that endangers a person).

28 SECTION 8. IC 9-30-16-1, AS AMENDED BY P.L.46-2018,
29 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2019]: Sec. 1. (a) Except as provided in subsection (b), the
31 following are ineligible for specialized driving privileges under this
32 chapter:

- 33 (1) A person who has never been an Indiana resident.
34 (2) A person seeking specialized driving privileges with respect
35 to a suspension based on the person's refusal to submit to a
36 chemical test offered under IC 9-30-6 or IC 9-30-7.
37 (3) A person whose driving privileges have been suspended or
38 revoked under IC 9-24-10-7(b)(2)(A).
39 **(4) A person whose driving privileges have been suspended**
40 **under IC 9-21-12-1(b).**

41 (b) This chapter applies to the following:

- 42 (1) A person who held an operator's, a commercial driver's, a



1 public passenger chauffeur's, or a chauffeur's license at the time
2 of:

3 (A) the criminal conviction for which the operation of a motor
4 vehicle is an element of the offense;

5 (B) any criminal conviction for an offense under IC 9-30-5,
6 IC 35-46-9, or IC 14-15-8 (before its repeal); or

7 (C) committing the infraction of exceeding a worksite speed
8 limit for the second time in one (1) year under IC 9-21-5-11(f).

9 (2) A person who:

10 (A) has never held a valid Indiana driver's license or does not
11 currently hold a valid Indiana learner's permit; and

12 (B) was an Indiana resident when the driving privileges for
13 which the person is seeking specialized driving privileges
14 were suspended.

15 (c) Except as specifically provided in this chapter, a court may
16 suspend the driving privileges of a person convicted of any of the
17 following offenses for a period up to the maximum allowable period of
18 incarceration under the penalty for the offense:

19 (1) Any criminal conviction in which the operation of a motor
20 vehicle is an element of the offense.

21 (2) Any criminal conviction for an offense under IC 9-30-5,
22 IC 35-46-9, or IC 14-15-8 (before its repeal).

23 (3) Any offense under IC 35-42-1, IC 35-42-2, or IC 35-44.1-3-1
24 that involves the use of a vehicle.

25 (d) Except as provided in section 3.5 of this chapter, a suspension
26 of driving privileges under this chapter may begin before the
27 conviction. Multiple suspensions of driving privileges ordered by a
28 court that are part of the same episode of criminal conduct shall be
29 served concurrently. A court may grant credit time for any suspension
30 that began before the conviction, except as prohibited by section
31 6(a)(2) of this chapter.

32 (e) If a person has had an ignition interlock device installed as a
33 condition of specialized driving privileges or under IC 9-30-6-8(d), the
34 period of the installation shall be credited as part of the suspension of
35 driving privileges.

36 (f) This subsection applies to a person described in subsection
37 (b)(2). A court shall, as a condition of granting specialized driving
38 privileges to the person, require the person to apply for and obtain an
39 Indiana driver's license.

40 (g) If a person indicates to the court at an initial hearing (as
41 described in IC 35-33-7) that the person intends to file a petition for a
42 specialized driving privileges hearing with that court under section 3



1 or 4 of this chapter, the following apply:

2 (1) The court shall:

3 (A) stay the suspension of the person's driving privileges at the
4 initial hearing and shall not submit the probable cause
5 affidavit related to the person's offense to the bureau; and

6 (B) set the matter for a specialized driving privileges hearing
7 not later than thirty (30) days after the initial hearing.

8 (2) If the person does not file a petition for a specialized driving
9 privileges hearing not later than ten (10) days after the date of the
10 initial hearing, the court shall lift the stay of the suspension of the
11 person's driving privileges and shall submit the probable cause
12 affidavit related to the person's offense to the bureau for
13 automatic suspension.

14 (3) If the person files a petition for a specialized driving privileges
15 hearing not later than ten (10) days after the initial hearing, the
16 stay of the suspension of the person's driving privileges continues
17 until the matter is heard and a determination is made by the court
18 at the specialized driving privileges hearing.

19 (4) If the specialized driving privileges hearing is continued due
20 to:

21 (A) a congestion of the court calendar;

22 (B) the prosecuting attorney's motion for a continuance; or

23 (C) the person's motion for a continuance with no objection by
24 the prosecuting attorney;

25 the stay of the suspension of the person's driving privileges
26 continues until addressed at the next hearing.

27 (5) If the person moves for a continuance of the specialized
28 driving privileges hearing and the court grants the continuance
29 over the prosecuting attorney's objection, the court shall lift the
30 stay of the suspension of the person's driving privileges and shall
31 submit the probable cause affidavit related to the person's offense
32 to the bureau for automatic suspension.

33 SECTION 9. IC 20-27-9-2, AS ADDED BY P.L.1-2005, SECTION
34 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
35 2019]: Sec. 2. The governing body of a school corporation may allow,
36 by written authorization, the use of a school bus **or a special purpose**
37 **bus** for the transportation of adults at least sixty-five (65) years of age
38 **or adults with developmental or physical disabilities.**

39 SECTION 10. IC 20-27-10-0.5 IS ADDED TO THE INDIANA
40 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
41 [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. (a) On or before**
42 **September 1, 2019, and each September 1 thereafter, each school**



1 **corporation, charter school, and accredited nonpublic school that**
 2 **provides transportation for students must review the school's**
 3 **school bus routes and school bus safety policies to improve the**
 4 **safety of students and adults.**

5 **(b) The state school bus committee, in consultation with the**
 6 **department, shall develop and post on the department's Internet**
 7 **web site school bus safety guidelines or best practices. The**
 8 **guidelines or best practices must include procedures to be taken to**
 9 **ensure that students do not enter a roadway until approaching**
 10 **traffic has come to a complete stop.**

11 **(c) In addition to the requirements under subsection (b), the**
 12 **department, in consultation with the department of transportation,**
 13 **shall include on the department's Internet web site information on**
 14 **how an individual or school may petition to reduce maximum**
 15 **speed limits in areas necessary to ensure that students are safely**
 16 **loaded onto or unloaded from a school bus.**

17 SECTION 11. IC 33-37-4-2, AS AMENDED BY P.L.85-2017,
 18 SECTION 109, IS AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) Except as provided in
 20 subsections (d) and (e), for each action that results in a judgment:

- 21 (1) for a violation constituting an infraction; or
- 22 (2) for a violation of an ordinance of a municipal corporation (as
- 23 defined in IC 36-1-2-10);

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

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

- 29 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
- 30 IC 33-37-5-4).
- 31 (2) An alcohol and drug services program fee (IC 33-37-5-8(b)).
- 32 (3) A law enforcement continuing education program fee
- 33 (IC 33-37-5-8(c)).
- 34 (4) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- 35 (5) A highway worksite zone fee (IC 33-37-5-14).
- 36 (6) A deferred prosecution fee (IC 33-37-5-17).
- 37 (7) A jury fee (IC 33-37-5-19).
- 38 (8) A document storage fee (IC 33-37-5-20).
- 39 (9) An automated record keeping fee (IC 33-37-5-21).
- 40 (10) A late payment fee (IC 33-37-5-22).
- 41 (11) A public defense administration fee (IC 33-37-5-21.2).
- 42 (12) A judicial insurance adjustment fee (IC 33-37-5-25).



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

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

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

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

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

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

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

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

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

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

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

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

20 (4) The defendant was tried and the court entered judgment for
21 the defendant for the violation.

22 (e) Instead of the infraction or ordinance violation costs fee
23 prescribed by subsection (a), except for the automated record keeping
24 fee (IC 33-37-5-21), the clerk shall collect a deferral program fee if an
25 agreement between a prosecuting attorney or an attorney for a
26 municipal corporation and the person charged with a violation entered
27 into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires
28 payment of those fees by the person charged with the violation. The
29 deferral program fee is:

30 (1) an initial user's fee not to exceed fifty-two dollars (\$52); and

31 (2) a monthly user's fee not to exceed ten dollars (\$10) for each
32 month the person remains in the deferral program.

33 (f) The fees prescribed by this section are costs for purposes of
34 IC 34-28-5-5 and may be collected from a defendant against whom
35 judgment is entered. **Except as provided in IC 9-21-23-9 and**
36 **IC 34-28-5-5(g)**, any penalty assessed is in addition to costs.

37 SECTION 12. IC 34-28-5-5, AS AMENDED BY P.L.146-2016,
38 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2019]: Sec. 5. (a) **Except as provided in subsection (g)**, a
40 defendant against whom a judgment is entered is liable for costs. Costs
41 are part of the judgment and may not be suspended except under
42 IC 9-30-3-12. Whenever a judgment is entered against a person for the



1 commission of two (2) or more civil violations (infractions or
 2 ordinance violations), the court may waive the person's liability for
 3 costs for all but one (1) of the violations. This subsection does not
 4 apply to judgments entered for violations constituting:

5 (1) Class D infractions; or

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

9 (b) If a judgment is entered:

10 (1) for a violation constituting:

11 (A) a Class D infraction; or

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

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

16 the defendant is not liable for costs.

17 (c) Except for costs, and except as provided in subsections (e), **and**
 18 (f), **and (g)** and IC 9-21-5-11(e), the funds collected as judgments for
 19 violations of statutes defining infractions shall be deposited in the state
 20 general fund.

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

24 (1) violated:

25 (A) a statute defining an infraction; or

26 (B) an ordinance; or

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

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

35 (1) To pay compensation of commissioners appointed under
 36 IC 33-33-49.

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

38 (f) The funds collected for an infraction judgment described in
 39 section 4(i) of this chapter shall be transferred to a dedicated toll
 40 revenue fund created as part of a project under IC 8-15.5-1-2(b)(4).
 41 The money in the fund does not revert to the county general fund or
 42 state general fund and may be used only to pay the cost of operating,



1 maintaining, and repairing the tolling system for a project under
2 IC 8-15.5-1-2(b)(4), including major repairs, replacements, and
3 improvements.

4 **(g) Notwithstanding subsection (c), twenty-five percent (25%)**
5 **of the amount of a civil penalty collected for a violation of**
6 **IC 9-21-12-1 that is enforced by camera enforcement under**
7 **IC 9-21-23 shall be deposited in the school operations fund**
8 **established under IC 20-46-8 for the school corporation in which**
9 **the violation occurred and used for funding school bus arm signal**
10 **device cameras. To the extent an individual is liable for costs for a**
11 **traffic violation described in this subsection, the costs may be**
12 **deducted from the judgment and may not cause the individual to**
13 **be liable for an amount greater than the civil penalty set forth in**
14 **IC 9-21-23-9(a).**

15 SECTION 13. IC 35-52-9-19.5 IS ADDED TO THE INDIANA
16 CODE AS A NEW SECTION TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2019]: **Sec. 19.5. IC 9-21-12-1 defines a crime**
18 **concerning traffic regulation.**

19 SECTION 14. **An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 2, 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 5, delete "person." and insert "person, **and a Level 5 felony if it causes the death of a person.**"

Page 2, line 22, after "injury" insert "**or death**".

Page 3, line 7, delete "When" and insert "**Except as provided in subsection (c), when**".

Page 3, line 16, delete "this section" and insert "**subsection (a)**".

Page 3, between lines 16 and 17, begin a new paragraph and insert: "**(c) Subsection (a)(1) does not apply to a location on a U.S. route or state route that is within the boundary of a city or town.**"

SECTION 4. IC 9-21-23 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 23. Camera Enforcement of Traffic Regulations

Sec. 1. As used in this chapter, "camera enforcement" means the enforcement of IC 9-21-12-1 through an enforcement agreement.

Sec. 2. As used in this chapter, "enforcement agreement" means an agreement entered into under section 6 of this chapter.

Sec. 3. As used in this chapter, "nonpublic school" has the meaning set forth in IC 20-18-2-12.

Sec. 4. As used in this chapter, "recorded image" means a digital image that:

- (1) is captured by a camera that is mounted on a school bus pursuant to an enforcement agreement; and**
- (2) displays the date and time the image was captured.**

Sec. 5. As used in this chapter, "school corporation" has the meaning set forth in IC 20-18-2-16(a).

Sec. 6. The following may enter into an enforcement agreement with a contractor to use recorded images to enforce IC 9-21-12-1:

- (1) A school corporation.**
- (2) A nonpublic school.**

Sec. 7. An enforcement agreement must include the following:

- (1) The names and addresses of all law enforcement agencies:**
 - (A) that are authorized to enforce IC 9-21-12-1; and**
 - (B) to which recorded images will be provided for enforcement or evidentiary purposes.**
- (2) An acknowledgment that IC 9-21-12-1 may be enforced**



under the agreement, and that a recorded image may be used for evidentiary purposes to enforce IC 9-21-12-1.

(3) A provision that a recorded image is not a public record, and must be destroyed not later than thirty (30) days after:

(A) a judgment is entered in a proceeding initiated not later than thirty (30) days after the recorded image is captured for a violation of IC 9-21-12-1 that is allegedly based on the recorded image; or

(B) the date the recorded image is captured, if a proceeding is not initiated as described in clause (A).

(4) A regular inspection schedule for all hardware, including cameras, installed under the terms of the enforcement agreement.

(5) A requirement that, subject to the deduction of court costs under IC 34-28-5-5(g), civil penalties collected under this chapter must be deposited as follows:

(A) A percentage, not to exceed twenty-five percent (25%), must be deposited in the operations fund of the school corporation or nonpublic school that is a party to the enforcement agreement, for purposes of paying the costs of the enforcement agreement, including:

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

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

(B) The remainder must be deposited in the operations fund of the school corporation or nonpublic school that is a party to the enforcement agreement.

(6) Any other provisions that the parties to the enforcement agreement consider necessary.

Sec. 8. The bureau may assess points under the point system for a violation of a specified traffic regulation that is enforced through camera enforcement.

Sec. 9. (a) An individual against whom a judgment is entered for committing a violation of IC 9-21-12-1 that was detected and enforced through camera enforcement is liable for a civil penalty as follows:

(1) If the individual does not have a prior adjudication based on a violation of IC 9-21-12-1 within the previous five (5) years, three hundred dollars (\$300).

(2) If the individual has one (1) prior adjudication based on a violation of IC 9-21-12-1 within the previous five (5) years,



seven hundred fifty dollars (\$750).

(3) If the individual has more than one (1) prior adjudication based on a violation of IC 9-21-12-1 within the previous five (5) years, one thousand dollars (\$1,000).

(b) A civil penalty imposed under this section must be deposited under the terms of the enforcement agreement under which the civil penalty was imposed.

(c) A civil penalty imposed under this section is the only penalty that may be imposed under this chapter for a violation of IC 9-21-12-1. Notwithstanding IC 34-28-5-4, an individual against whom a judgment is entered for a violation that is enforced by camera enforcement is not liable for the amount prescribed in IC 34-28-5-4(a) or for additional court costs. However, a court may deduct costs from the civil penalty imposed under subsection (a) as long as the amount imposed on the individual does not exceed the applicable amount set forth in this section.

SECTION 5. IC 9-24-10-4, AS AMENDED BY P.L.147-2018, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) Except as provided in subsection (c), an examination for a learner's permit or driver's license must include the following:

(1) A test of the following of the applicant:

(A) Eyesight.

(B) Ability to read and understand highway signs regulating, warning, and directing traffic.

(C) Knowledge of Indiana traffic laws, including IC 9-26-1-1.5 **and IC 9-21-12-1.**

(2) An actual demonstration of the applicant's skill in exercising ordinary and reasonable control in the operation of a motor vehicle under the type of permit or driver's license applied for.

(b) The examination may include further physical and mental examination that the bureau finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon a highway. The applicant must provide the motor vehicle used in the examination. An autocycle may not be used as the motor vehicle provided for the examination.

(c) The bureau may waive:

(1) the testing required under subsection (a)(1)(A) if the applicant provides evidence from a licensed ophthalmologist or licensed optometrist that the applicant's vision is fit to operate a motor vehicle in a manner that does not jeopardize the safety of individuals or property;



(2) the actual demonstration required under subsection (a)(2) for an individual who has passed:

(A) a driver's education class and a skills test given by a driver training school; or

(B) a driver education program given by an entity licensed under IC 9-27; and

(3) the testing, other than eyesight testing under subsection (a)(1)(A), of an applicant who has passed:

(A) an examination concerning:

(i) subsection (a)(1)(B); and

(ii) subsection (a)(1)(C); and

(B) a skills test;

given by a driver training school or an entity licensed under IC 9-27.

(d) The following are not civilly or criminally liable for a report made in good faith to the bureau, commission, or driver licensing medical advisory board concerning the fitness of the applicant to operate a motor vehicle in a manner that does not jeopardize the safety of individuals or property:

(1) An instructor having a license under IC 9-27-6-8.

(2) A licensed ophthalmologist or licensed optometrist."

Page 6, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 6. IC 20-27-9-2, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. The governing body of a school corporation may allow, by written authorization, the use of a school bus **or a special purpose bus** for the transportation of adults at least sixty-five (65) years of age **or adults with developmental or physical disabilities.**"

Page 6, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 8. IC 33-37-4-2, AS AMENDED BY P.L.85-2017, SECTION 109, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) Except as provided in subsections (d) and (e), for each action that results in a judgment:

(1) for a violation constituting an infraction; or

(2) for a violation of an ordinance of a municipal corporation (as defined in IC 36-1-2-10);

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

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

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or



IC 33-37-5-4).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Instead of the infraction or ordinance violation costs fee prescribed by subsection (a), except for the automated record keeping fee (IC 33-37-5-21), the clerk shall collect a deferral program fee if an agreement between a prosecuting attorney or an attorney for a municipal corporation and the person charged with a violation entered into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires payment of those fees by the person charged with the violation. The deferral program fee is:



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

(f) The fees prescribed by this section are costs for purposes of IC 34-28-5-5 and may be collected from a defendant against whom judgment is entered. **Except as provided in IC 9-21-23-9 and IC 34-28-5-5(g)**, any penalty assessed is in addition to costs.

SECTION 9. IC 34-28-5-5, AS AMENDED BY P.L.146-2016, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) **Except as provided in subsection (g)**, a defendant against whom a judgment is entered is liable for costs. Costs are part of the judgment and may not be suspended except under IC 9-30-3-12. Whenever a judgment is entered against a person for the commission of two (2) or more civil violations (infractions or ordinance violations), the court may waive the person's liability for costs for all but one (1) of the violations. This subsection does not apply to judgments entered for violations constituting:

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

(b) If a judgment is entered:

- (1) for a violation constituting:
 - (A) a Class D infraction; or
 - (B) a Class C infraction for unlawfully parking in a space reserved for a person with a physical disability under IC 5-16-9-5 or IC 5-16-9-8; or
- (2) in favor of the defendant in any case;

the defendant is not liable for costs.

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

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

- (1) violated:
 - (A) a statute defining an infraction; or
 - (B) an ordinance; or
- (2) consents to entry of judgment for the plaintiff upon a pleading of nolo contendere for a moving traffic violation.

(e) The funds collected for an infraction judgment described in



section 4(h) of this chapter shall be transferred to a dedicated county fund. The money in the dedicated county fund does not revert to the county general fund or state general fund and may be used, after appropriation by the county fiscal body, only for the following purposes:

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

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

(f) The funds collected for an infraction judgment described in section 4(i) of this chapter shall be transferred to a dedicated toll revenue fund created as part of a project under IC 8-15.5-1-2(b)(4). The money in the fund does not revert to the county general fund or state general fund and may be used only to pay the cost of operating, maintaining, and repairing the tolling system for a project under IC 8-15.5-1-2(b)(4), including major repairs, replacements, and improvements.

(g) Notwithstanding subsection (c), twenty-five percent (25%) of the amount of a civil penalty collected for a violation of IC 9-21-12-1 that is enforced by camera enforcement under IC 9-21-23 shall be deposited in the school operations fund established under IC 20-46-8 for the school corporation in which the violation occurred and used for funding school bus arm signal device cameras. To the extent an individual is liable for costs for a traffic violation described in this subsection, the costs may be deducted from the judgment and may not cause the individual to be liable for an amount greater than the civil penalty set forth in IC 9-21-23-9(a)."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 2 as introduced.)

HEAD, Chairperson

Committee Vote: Yeas 10, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 2 be amended to read as follows:

Page 7, between lines 10 and 11, begin a new line double block

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indented and insert:

"(C) IC 9-21-8-52(b) as a Level 5 felony (recklessly passing a stopped school bus resulting in death)."

Page 7, line 11, strike "(C)" and insert "(D)".

(Reference is to SB 2 as printed February 8, 2019.)

HEAD

SENATE MOTION

Madam President: I move that Senate Bill 2 be amended to read as follows:

Page 3, delete lines 18 through 19.

Page 3, line 20, delete "(c)" and insert "(b)".

Page 13, delete lines 4 through 7.

Re-number all SECTIONS consecutively.

(Reference is to SB 2 as printed February 8, 2019.)

HEAD

SENATE MOTION

Madam President: I move that Senate Bill 2 be amended to read as follows:

Page 3, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 4. IC 9-21-12-20.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 20.5. (a) As used in this section, "elementary school":

(1) has the meaning set forth in IC 20-18-2-4; and

(2) includes public elementary schools and accredited nonpublic elementary schools.

(b) As used in this section, "governing body" has the meaning set forth in IC 20-18-2-5.

(c) If a school bus driver must load or unload an elementary school student at a location that requires the student to cross a roadway that is a U.S. route or state route as described in section



20(a)(1) of this chapter, the superintendent or the superintendent's designee shall present the school bus route described in this subsection to the governing body for approval."

Renumber all SECTIONS consecutively.

(Reference is to SB 2 as printed February 8, 2019.)

SPARTZ

