



Reprinted
February 1, 2022

SENATE BILL No. 179

DIGEST OF SB 179 (Updated January 31, 2022 4:42 pm - DI 139)

Citations Affected: IC 9-13; IC 9-21.

Synopsis: Automated traffic control system pilot program. Provides that the Indiana department of transportation (department) may establish the automated traffic control system pilot program (program) for the purpose of enforcing work zone speed limits. Provides that, if the department establishes the program, the department shall work with the state police department to enforce the program. Provides that the department and the state police department may enter into an agreement to implement the program.

Effective: July 1, 2022.

**Ford Jon, Messmer, Doriot,
Niezgodski, Melton, Lanane,
Qaddoura**

January 6, 2022, read first time and referred to Committee on Homeland Security and Transportation.

January 18, 2022, reported favorably — Do Pass; reassigned to Committee on Appropriations.

January 27, 2022, amended, reported favorably — Do Pass.

January 31, 2022, read second time, amended, ordered engrossed.

SB 179—LS 6735/DI 139



Reprinted
February 1, 2022

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

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

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

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

SENATE BILL No. 179

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 9-13-2-121, AS AMENDED BY P.L.164-2020,
2 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: Sec. 121. (a) Except as otherwise provided in
4 ~~subsection~~ **subsections (b) and (c)**, "owner" means a person, other than
5 a lienholder, that:
6 (1) holds the property in or title to, as applicable, a vehicle,
7 manufactured home, mobile home, off-road vehicle, snowmobile,
8 or watercraft; or
9 (2) is entitled to the use or possession of, as applicable, a vehicle,
10 manufactured home, off-road vehicle, snowmobile, or watercraft,
11 through a lease or other agreement intended to operate as a
12 security.
13 (b) "Owner" for purposes of IC 9-18.1-14.5, has the meaning set
14 forth in 33 CFR 174.3.
15 (c) "Owner" for purposes of IC 9-21-3.7, has the meaning set
16 forth in IC 9-21-3.7-5.
17 SECTION 2. IC 9-21-3.7 IS ADDED TO THE INDIANA CODE

SB 179—LS 6735/DI 139



1 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2022]:

3 **Chapter 3.7. Automated Traffic Control System Pilot Program**

4 **Sec. 1. This chapter applies to a part of a road or bridge on:**

- 5 (1) the interstate system (as defined by IC 8-23-1-25); or
6 (2) a U.S. route.

7 **Sec. 2. As used in this chapter, "automated traffic control
8 system" means:**

- 9 (1) a photographic device;
10 (2) a radar device;
11 (3) a laser device; or
12 (4) any other electrical or mechanical device designed to;
13 record the speed of a motor vehicle and obtain a clear recorded
14 image of the rear and the license plate of the motor vehicle.

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

17 **Sec. 4. As used in this chapter, "motor vehicle rental company"
18 means a person that routinely engages in the business of renting
19 motor vehicles for periods of not more than thirty (30) days.**

20 **Sec. 5. As used in this chapter, "owner" means a person in
21 whose name a motor vehicle is registered under any of the
22 following:**

- 23 (1) IC 9-18.1.
24 (2) The law of another state.
25 (3) The law of a foreign country.
26 (4) The International Registration Plan.

27 **Sec. 6. As used in this chapter, "pilot program" refers to the
28 automated traffic control system pilot program under section 9 of
29 this chapter.**

30 **Sec. 7. As used in this chapter, "work zone" means a part of a
31 road or bridge on:**

- 32 (1) the interstate system (as defined by IC 8-23-1-25); or
33 (2) a U.S. route;

34 on which the department has established a work zone speed limit
35 under IC 9-21-5-11.

36 **Sec. 8. As used in this chapter, "work zone speed limit" means
37 a speed limit established by the department, the Indiana finance
38 authority, or a local authority in the vicinity of a work zone under
39 IC 9-21-5-11.**

40 **Sec. 9. (a) The department may establish the automated traffic
41 control system pilot program for the purpose of enforcing work
42 zone speed limits. The provisions of this chapter apply only if the**



1 department establishes the pilot program as authorized under this
2 subsection.

3 (b) If the department installs an automated traffic control
4 system in a work zone, the department shall do the following:

5 (1) Before implementing an automated traffic control system,
6 conduct a public information campaign to inform drivers
7 about the use of the automated traffic control system to
8 enforce the work zone speed limit.

9 (2) Post signs before the entrance to the work zone indicating
10 that an automated traffic control system is deployed to
11 enforce a work zone speed limit.

12 Sec. 10. (a) The department may only operate an automated
13 traffic control system when workers are present in a work zone.

14 (b) In an action to enforce an alleged violation of a work zone
15 speed limit under this chapter, the burden is on the state to prove
16 that workers were present at the time the alleged violation of the
17 work zone speed limit occurred.

18 Sec. 11. (a) If the department establishes the pilot program
19 under section 9 of this chapter, the department shall work in
20 conjunction with the state police department to enforce the pilot
21 program.

22 (b) The department and the state police department shall enter
23 into an agreement to share information to implement this chapter.

24 (c) The department may contract with a third party vendor to
25 assist in administering the pilot program.

26 Sec. 12. (a) A notice of violation must be issued to the person
27 identified as the owner of the motor vehicle at the time of the
28 alleged violation of a work zone speed limit by first class mail, and
29 postmarked not later than fourteen (14) days after the date of the
30 alleged violation.

31 (b) A notice of violation issued under subsection (a) must
32 include the following information:

33 (1) The name and address of the owner of the motor vehicle.

34 (2) The license plate number of the motor vehicle.

35 (3) The violation charged.

36 (4) The location of the alleged violation.

37 (5) The date and time of the alleged violation.

38 (6) A copy of the recorded image showing the alleged
39 violation.

40 (7) The instructions for how to electronically view the
41 recorded image in subdivision (6).

42 (8) The fine imposed for the alleged violation.



- 1 **(9) The date by which the fine must be paid if the owner of the**
- 2 **motor vehicle:**
- 3 **(A) does not intend to contest the alleged violation; and**
- 4 **(B) wishes to avoid paying court costs.**
- 5 **(10) A statement that the recorded image in subdivision (6) is**
- 6 **prima facie evidence of a violation under this chapter.**
- 7 **(11) The procedure to contest the alleged violation and**
- 8 **defenses that may apply.**
- 9 **(12) Written verification containing the following**
- 10 **information:**
- 11 **(A) That the automated traffic control system was**
- 12 **operating correctly at the time of the alleged violation.**
- 13 **(B) The date of the most recent inspection of the automated**
- 14 **traffic control system.**
- 15 **Sec. 13. (a) Unless the owner of a motor vehicle involved in an**
- 16 **alleged violation of a work zone speed limit:**
- 17 **(1) has a defense under subsection (c); or**
- 18 **(2) provides the information required by section 14 of this**
- 19 **chapter;**
- 20 **the owner of the motor vehicle that is the subject of a recorded**
- 21 **image taken by an automated traffic control system is presumed to**
- 22 **have been operating the motor vehicle when the alleged violation**
- 23 **of the work zone speed limit occurred.**
- 24 **(b) The presumption under subsection (a) does not apply to an**
- 25 **owner that is a motor vehicle rental company.**
- 26 **(c) It is a defense under this chapter if any of the following**
- 27 **apply:**
- 28 **(1) The person receiving the notice of violation under section**
- 29 **13 of this chapter was not:**
- 30 **(A) the owner of the motor vehicle; or**
- 31 **(B) operating the motor vehicle;**
- 32 **at the time the alleged violation of the work zone speed limit**
- 33 **occurred.**
- 34 **(2) The vehicle was:**
- 35 **(A) reported stolen; and**
- 36 **(B) not recovered;**
- 37 **prior to the time the alleged violation of the work zone speed**
- 38 **limit occurred.**
- 39 **(3) The automated traffic control system was not properly**
- 40 **tested for accuracy, certification, or calibration.**
- 41 **(d) The bureau may not assess points under the point system for**
- 42 **a violation of this chapter.**



1 **Sec. 14. (a) Unless a defense under section 13 applies, a fine**
 2 **imposed by this chapter must be paid by the owner of the motor**
 3 **vehicle not later than thirty (30) days after the date the notice of**
 4 **violation is issued.**

5 **(b) The owner of a motor vehicle is not liable for the fine**
 6 **imposed by this chapter if the owner does the following:**

7 **(1) Responds to the notice of violation not more than thirty**
 8 **(30) days after receiving the notice of violation.**

9 **(2) Submits to the court an affidavit stating that a person**
 10 **other than the owner of the motor vehicle had custody and**
 11 **control of the motor vehicle at the time of the alleged**
 12 **violation.**

13 **(3) Provides the name and address of the individual who had**
 14 **custody and control of the motor vehicle at the time of the**
 15 **alleged violation.**

16 **(c) If the court finds by a preponderance of the evidence that a**
 17 **person other than the owner of the motor vehicle was operating the**
 18 **motor vehicle at the time that the violation of a work zone speed**
 19 **limit occurred, the court shall issue a traffic information and**
 20 **summons to the person alleged to have operated the motor vehicle**
 21 **at the time of the alleged violation.**

22 **Sec. 15. (a) An automated traffic control system may not be used**
 23 **to take a recorded image of the front of a motor vehicle.**

24 **(b) If a recorded image is taken of the front of a motor vehicle,**
 25 **the image may not be used as proof a violation under this chapter**
 26 **occurred.**

27 **(c) A recorded image obtained through the use of an automated**
 28 **traffic control system may not be used as evidence in an action**
 29 **other than an action to enforce an alleged violation of a work zone**
 30 **speed limit under this chapter.**

31 **(d) A recorded image obtained through the use of an automated**
 32 **traffic control system may not be disclosed, except by a court**
 33 **order, to a person other than:**

34 **(1) the owner of the motor vehicle at the time of the alleged**
 35 **violation of a work zone speed limit;**

36 **(2) the individual alleged to have been operating the motor**
 37 **vehicle at the time of the alleged violation of a work zone**
 38 **speed limit;**

39 **(3) the attorney representing an individual described in**
 40 **subdivision (1) or (2);**

41 **(4) a law enforcement officer with the department;**

42 **(5) the prosecuting attorney assigned to the cause of action**



1 under this chapter; and

2 (6) the court having jurisdiction over the cause of action
3 under this chapter.

4 Sec. 16. (a) A recorded image collected by the pilot program
5 may not be used for a purpose other than for an alleged violation
6 of a work zone speed limit under this chapter.

7 (b) A court of competent jurisdiction may issue an order
8 directing a recorded image to be provided to law enforcement
9 officers if the information is requested solely in connection with a
10 criminal law enforcement action.

11 (c) The information and recorded images collected under the
12 pilot program shall not be deemed a public record under IC 5-14-3.

13 (d) Except as otherwise provided in this section, the information
14 and recorded images collected under the pilot program are not
15 discoverable by court order as evidence in a proceeding except to
16 determine liability under this chapter.

17 (e) Except for information or a recorded image that:

18 (1) is the subject of a court order; or

19 (2) a court order kept for an extended period of time;

20 information or a recorded image collected under the pilot program
21 must be destroyed not later than two (2) years after the date
22 collected.

23 (f) Evidence must be retained to show that the information or
24 recorded images collected under the pilot program are destroyed
25 in accordance with this section not more than one (1) year after
26 final adjudication.

27 (g) Notwithstanding any other provision of law, the information
28 and recorded images collected under the pilot program are the
29 exclusive property of the state of Indiana and not the property of
30 the manufacturer or vendor of the automated traffic control
31 system.

32 (h) A violation of this section is a Class C misdemeanor, and
33 each violation shall constitute a separate and distinct offense.

34 Sec. 17. Before November 1 of each year, the department shall
35 submit a report to the interim study committee on roads and
36 transportation established by IC 2-5-1.3-4 that includes the
37 following information for each worksite where an automated
38 traffic control system is in operation:

39 (1) The number of motor vehicle accidents that occurred.

40 (2) The number of motor vehicle accidents that occurred that
41 resulted in serious injury or death.

42 (3) The speed of motor vehicles traveling through each work



1 **zone.**

2 **(4) The number of notices of violation issued for violations of**
3 **work zone speed limits under the pilot program.**

4 **(5) The amount of money collected from the fines imposed by**
5 **this chapter.**

6 **Sec. 18. (a) A work zone speed limit may be enforced if the**
7 **automated traffic control system indicates that the operator of a**
8 **motor vehicle exceeded the work zone speed limit by at least eleven**
9 **(11) miles per hour.**

10 **(b) Except as otherwise provided in subsection (c), the violation**
11 **of a work zone speed limit under this chapter is a Class B**
12 **infraction.**

13 **(c) A person who commits a violation of a work zone speed limit**
14 **under this chapter is subject to the following:**

15 **(1) A written warning for the first violation.**

16 **(2) A fine of seventy-five dollars (\$75) for the second violation.**

17 **(3) A fine of one hundred fifty dollars (\$150) for the third and**
18 **all subsequent violations.**

19 SECTION 3. IC 9-21-5-11, AS AMENDED BY P.L.41-2016,
20 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2022]: Sec. 11. (a) Subject to subsection (b), the Indiana
22 department of transportation, the Indiana finance authority, or a local
23 authority may establish temporary maximum speed limits in their
24 respective jurisdictions and in the vicinity of a ~~worksite~~ **work zone**
25 without conducting an engineering study and investigation required
26 under this article. The establishing authority shall post signs notifying
27 the traveling public of the temporary maximum speed limits
28 established under this section.

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

32 **(c) A ~~worksite~~ **work zone** speed limit set under this section may be**
33 **enforced ~~only if:~~ as follows:**

34 **(1) If workers are present in the immediate vicinity of the**
35 **~~worksite.~~ **work zone.** or**

36 **(2) If workers are not present in the immediate vicinity of the**
37 **~~worksite,~~ **work zone,** the establishing authority determines that**
38 **the safety of the traveling public requires enforcement of the**
39 **~~worksite~~ **work zone** speed limit.**

40 **(3) In the case of a work zone speed limit enforced through an**
41 **automated traffic control system under IC 9-21-3.7, if the**
42 **automated traffic control system indicates that the operator**



1 **of a motor vehicle has exceeded the work zone speed limit**
 2 **established under this section by at least eleven (11) miles per**
 3 **hour.**

4 **(d) This subsection does not apply to a person who violates a**
 5 **work zone speed limit under IC 9-21-3.7.** Notwithstanding
 6 IC 34-28-5-4(b), a judgment for the infraction of violating a speed limit
 7 set under this section must be entered as follows:

8 (1) If the person has not previously committed the infraction of
 9 violating a speed limit set under this section, a judgment for a
 10 Class B infraction and a fine of at least three hundred dollars
 11 (\$300) shall be imposed.

12 (2) If the person has committed one (1) infraction of violating a
 13 speed limit set under this section in the previous three (3) years,
 14 a judgment for a Class B infraction and a fine of at least five
 15 hundred dollars (\$500) shall be imposed.

16 (3) If the person has committed two (2) or more infractions of
 17 violating a speed limit set under this section in the previous three
 18 (3) years, a judgment for a Class B infraction and a fine of one
 19 thousand dollars (\$1,000) shall be imposed.

20 **(e) This subsection does not apply to a person who violates a**
 21 **work zone speed limit under IC 9-21-3.7.** Notwithstanding
 22 IC 34-28-5-5(c), the funds collected as judgments for the infraction of
 23 violating a speed limit set under this section shall be transferred to the
 24 Indiana department of transportation to pay the costs of hiring off duty
 25 police officers to perform the duties described in IC 8-23-2-15(b).

26 **(f) This subsection does not apply to a person who violates a**
 27 **work zone speed limit under IC 9-21-3.7.** If judgment has been
 28 imposed for committing two (2) infractions under this section within
 29 one (1) year, an additional penalty of the suspension of the driving
 30 privileges of the person who committed the infractions may be imposed
 31 by the court imposing the sentence for the second violation. If the court
 32 suspends a person's driving privileges under this subsection, the court
 33 shall issue an order to the bureau:

34 (1) stating that judgment against the person has been entered for
 35 committing the infraction of exceeding a worksite speed limit
 36 under this section for the second time in one (1) year; and

37 (2) ordering the suspension of the person's driving privileges by
 38 the bureau under IC 9-30-13-9.

39 The suspension of a person's driving privileges under this section is in
 40 addition to any other penalties imposed under this section and any fee
 41 imposed under IC 33-37-5-14.



COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security and Transportation, to which was referred Senate Bill No. 179, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 179 as introduced.)

CRIDER, Chairperson

Committee Vote: Yeas 7, Nays 2

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 179, 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 1, delete lines 1 through 17.

Page 2, delete lines 1 through 7.

Page 2, line 23, delete "IC 9-21-3.7-6." and insert "**IC 9-21-3.7-5.**".

Page 2, delete lines 41 through 42.

Page 3, line 1, delete "Sec. 5." and insert "**Sec. 4.**".

Page 3, line 4, delete "Sec. 6." and insert "**Sec. 5.**".

Page 3, line 11, delete "Sec. 7." and insert "**Sec. 6.**".

Page 3, line 12, delete "10" and insert "**9**".

Page 3, line 14, delete "Sec. 8." and insert "**Sec. 7.**".

Page 3, line 14, delete "worksite" and insert "**work zone**".

Page 3, line 18, delete "worksite" and insert "**work zone**".

Page 3, line 20, delete "Sec. 9." and insert "**Sec. 8.**".

Page 3, line 20, delete "worksite" and insert "**work zone**".

Page 3, line 22, delete "worksite" and insert "**work zone**".

Page 3, line 24, delete "Sec. 10." and insert "**Sec. 9.**".

Page 3, line 25, delete "worksite" and insert "**work zone**".

Page 3, line 26, after "limits." insert "**The provisions of this chapter apply only if the department establishes the pilot program as authorized under this subsection.**".

Page 3, line 28, delete "worksite" and insert "**work zone**".

Page 3, line 32, delete "worksite" and insert "**work zone**".

Page 3, line 33, delete "worksite" and insert "**work zone**".

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Page 3, line 35, delete "worksite" and insert "**work zone**".

Page 3, line 36, delete "Sec. 11." and insert "**Sec. 10.**".

Page 3, line 37, delete "worksite" and insert "**work zone**".

Page 3, line 38, delete "worksite" and insert "**work zone**".

Page 3, line 41, delete "worksite" and insert "**work zone**".

Page 3, line 42, delete "Sec. 12." and insert "**Sec. 11.**".

Page 4, line 1, delete "10" and insert "9".

Page 4, line 4, delete "may" and insert "**shall**".

Page 4, between lines 5 and 6, begin a new paragraph and insert:
"(c) The department may contract with a third party vendor to assist in administering the pilot program."

Page 4, line 6, delete "Sec. 13." and insert "**Sec. 12.**".

Page 4, line 6, after "(a)" delete "The department shall issue a notice of violation" and insert "**A notice of violation must be issued**".

Page 4, line 8, delete "worksite" and insert "**work zone**".

Page 4, line 37, delete "Sec. 14." and insert "**Sec. 13.**".

Page 4, line 38, delete "worksite" and insert "**work zone**".

Page 4, line 40, delete "15" and insert "14".

Page 5, line 3, delete "worksite" and insert "**work zone**".

Page 5, line 12, delete "worksite" and insert "**work zone**".

Page 5, line 17, delete "worksite" and insert "**work zone**".

Page 5, line 21, delete "Sec. 15." and insert "**Sec. 14.**".

Page 5, line 21, delete "section 14" and insert "**section 13**".

Page 5, line 38, delete "worksite" and insert "**work zone**".

Page 5, line 42, delete "Sec. 16." and insert "**Sec. 15.**".

Page 6, line 7, delete "worksite" and insert "**work zone**".

Page 6, line 13, delete "worksite" and insert "**work zone**".

Page 6, line 15, delete "worksite" and insert "**work zone**".

Page 6, line 24, delete "Sec. 17." and insert "**Sec. 16.**".

Page 6, line 26, delete "worksite" and insert "**work zone**".

Page 7, line 1, after "(f)" delete "The department shall retain evidence" and insert "**Evidence must be retained to show**".

Page 7, line 3, delete "section." and insert "**section not more than one (1) year after final adjudication.**".

Page 7, line 11, delete "Sec. 18." and insert "**Sec. 17.**".

Page 7, line 20, delete "worksite" and insert "**work zone**".

Page 7, line 22, delete "worksite" and insert "**work zone**".

Page 7, line 25, delete "Sec. 19." and insert "**Sec. 18.**".

Page 7, line 25, delete "worksite" and insert "**work zone**".

Page 7, line 27, delete "worksite" and insert "**work zone**".

Page 7, line 30, delete "worksite" and insert "**work zone**".

Page 7, line 31, delete "worksite" and insert "**work zone**".



Page 7, delete lines 37 through 42.
Page 8, delete lines 1 through 37.
Page 8, delete lines 38 through 42.
Page 9, delete lines 1 through 15.
Page 9, line 21, strike "worksite" and insert "**work zone**".
Page 9, line 26, strike "Worksite" and insert "**Work zone**".
Page 9, line 28, strike "worksite" and insert "**work zone**".
Page 9, line 31, strike "worksite." and insert "**work zone.**".
Page 9, line 33, strike "worksite," and insert "**work zone,**".
Page 9, line 34, strike "worksite" and insert "**work zone**".
Page 9, line 36, delete "worksite" and insert "**work zone**".
Page 9, line 39, delete "worksite" and insert "**work zone**".
Page 10, line 1, delete "worksite" and insert "**work zone**".
Page 10, line 17, delete "worksite" and insert "**work zone**".
Page 10, line 23, delete "worksite" and insert "**work zone**".
Page 10, delete lines 38 through 42.
Delete pages 11 through 21.
Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 179 as printed January 19, 2022.)

MISHLER, Chairperson

Committee Vote: Yeas 10, Nays 1.

SENATE MOTION

Madam President: I move that Senate Bill 179 be amended to read as follows:

Page 4, between lines 40 and 41, begin a new paragraph and insert:
"(d) The bureau may not assess points under the point system for a violation of this chapter."

Renumber all SECTIONS consecutively.

(Reference is to SB 179 as printed January 28, 2022.)

FREEMAN

