



January 29, 2016

SENATE BILL No. 248

DIGEST OF SB 248 (Updated January 26, 2016 1:05 pm - DI 106)

Citations Affected: IC 9-21; IC 9-30.

Synopsis: Work zone safety. Directs the court to recommend a 60 day suspension of a person's driving privileges to the bureau of motor vehicles if a person has more than two judgments or convictions for speeding or reckless driving in a highway work zone when workers are present in a 12 month period.

Effective: July 1, 2016.

Ford

January 7, 2016, read first time and referred to Committee on Corrections & Criminal Law.
January 28, 2016, reported favorably — Do Pass.

SB 248—LS 6519/DI 124



January 29, 2016

Second Regular Session 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

SENATE BILL No. 248

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

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

- 1 SECTION 1. IC 9-21-5-11, AS AMENDED BY P.L.188-2015,
2 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 11. (a) Subject to subsection (b), the Indiana
4 department of transportation, the Indiana finance authority, or a local
5 authority may establish temporary maximum speed limits in their
6 respective jurisdictions and in the vicinity of a worksite without
7 conducting an engineering study and investigation required under this
8 article. The establishing authority shall post signs notifying the
9 traveling public of the temporary maximum speed limits established
10 under this section.
11 (b) Worksite speed limits set under this section must be at least ten
12 (10) miles per hour below the maximum established speed limit.
13 (c) A worksite speed limit set under this section may be enforced
14 only if:
15 (1) workers are present in the immediate vicinity of the worksite;
16 or
17 (2) if workers are not present in the immediate vicinity of the

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- 1 worksite, the establishing authority determines that the safety of
2 the traveling public requires enforcement of the worksite speed
3 limit.
- 4 (d) Notwithstanding IC 34-28-5-4(b), a judgment for the infraction
5 of violating a speed limit set under this section must be entered as
6 follows:
- 7 (1) If the person has not previously committed the infraction of
8 violating a speed limit set under this section, a judgment for a
9 Class B infraction and a fine of at least three hundred dollars
10 (\$300) shall be imposed.
- 11 (2) If the person has committed one (1) infraction of violating a
12 speed limit set under this section in the previous three (3) years,
13 a judgment for a Class B infraction and a fine of at least five
14 hundred dollars (\$500) shall be imposed.
- 15 (3) If the person has committed two (2) or more infractions of
16 violating a speed limit set under this section in the previous three
17 (3) years, a judgment for a Class B infraction and a fine of one
18 thousand dollars (\$1,000) shall be imposed.
- 19 **(4) In addition to any other penalty imposed under this**
20 **section, if the person has two (2) or more prior unrelated**
21 **judgments for speed limit violations under this section in the**
22 **previous twelve (12) months, the court shall recommend the**
23 **suspension of the person's driving privileges for sixty (60)**
24 **days.**
- 25 (e) Notwithstanding IC 34-28-5-5(c), the funds collected as
26 judgments for the infraction of violating a speed limit set under this
27 section shall be transferred to the Indiana department of transportation
28 to pay the costs of hiring off duty police officers to perform the duties
29 described in IC 8-23-2-15(b).
- 30 SECTION 2. IC 9-21-8-56, AS AMENDED BY P.L.217-2014,
31 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2016]: Sec. 56. (a) For purposes of this section, "highway
33 work zone" has the meaning set forth in IC 8-23-2-15.
- 34 (b) Except as provided in subsections (f) through (h), a person who
35 recklessly operates a vehicle in the immediate vicinity of a highway
36 work zone when workers are present commits a Class A misdemeanor.
- 37 (c) Except as provided in subsections (f) through (h), a person who
38 knowingly or intentionally operates a motor vehicle in the immediate
39 vicinity of a highway work zone when workers are present with the
40 intent to:
- 41 (1) damage traffic control devices; or
42 (2) inflict bodily injury on a worker;



- 1 commits a Class A misdemeanor.
- 2 (d) Except as provided in subsections (f) through (h), a person who
- 3 knowingly, intentionally, or recklessly engages in:
- 4 (1) aggressive driving, as defined in section 55 of this chapter; or
- 5 (2) a speed contest, as prohibited under IC 9-21-6-1;
- 6 in the immediate vicinity of a highway work zone when workers are
- 7 present commits a Class A misdemeanor.
- 8 (e) Except as provided in subsections (f) through (h), a person who
- 9 recklessly fails to obey a traffic control device or flagman, as
- 10 prohibited under section 41 of this chapter, in the immediate vicinity
- 11 of a highway work zone when workers are present commits a Class A
- 12 misdemeanor.
- 13 (f) An offense under subsection (b), (c), (d), or (e) is a Level 6
- 14 felony if the person who commits the offense:
- 15 (1) has a prior unrelated conviction under this section in the
- 16 previous five (5) years; or
- 17 (2) is operating the vehicle in violation of IC 9-30-5-1 or
- 18 IC 9-30-5-2.
- 19 (g) An offense under subsection (b), (c), (d), or (e) is a Level 6
- 20 felony if the offense results in bodily injury to a worker in the worksite.
- 21 (h) An offense under subsection (b), (c), (d), or (e) is a Level 5
- 22 felony if the offense results in the death of a worker in the worksite.
- 23 (i) A person who knowingly, intentionally, or recklessly engages in
- 24 an act described in section 55(b)(1), 55(b)(2), 55(b)(3), 55(b)(4),
- 25 55(b)(5), or 55(b)(6) of this chapter in the immediate vicinity of a
- 26 highway work zone when workers are present commits a Class B
- 27 infraction. Notwithstanding IC 34-28-5-5(c), the funds collected as
- 28 judgments for an infraction under this subsection shall be transferred
- 29 to the Indiana department of transportation to pay the costs of hiring off
- 30 duty police officers to perform the duties described in IC 8-23-2-15(b).
- 31 **(j) In addition to any other penalty imposed under this section,**
- 32 **if the person has two (2) or more prior unrelated convictions for**
- 33 **reckless driving violations under this section in the previous twelve**
- 34 **(12) months, the court shall recommend the suspension of the**
- 35 **person's driving privileges for sixty (60) days.**
- 36 SECTION 3. IC 9-30-13-9 IS ADDED TO THE INDIANA CODE
- 37 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 38 1, 2016]: **Sec. 9. (a) Upon receiving a recommendation issued by a**
- 39 **court under IC 9-21-5-11(d)(4) or IC 9-21-8-56(j), the bureau shall**
- 40 **do the following:**
- 41 **(1) Suspend under subsection (b) the driving privileges of the**
- 42 **person who is the subject of the recommendation, whether or**



- 1 not the person's current driver's license accompanies the
2 recommendation from the court.
- 3 **(2) Mail to the last known address of the person who is the**
4 **subject of the order a notice:**
- 5 **(A) stating that the person's driving privileges are being**
6 **suspended for the third or subsequent offense of exceeding**
7 **a work site speed limit or reckless driving within one (1)**
8 **year; and**
- 9 **(B) setting forth the date on which the suspension takes**
10 **effect and the date on which the suspension terminates.**
- 11 **(b) The suspension of the driving privileges of a person who is**
12 **the subject of a recommendation issued under IC 9-21-5-11(d)(4)**
13 **or IC 9-21-8-56(j):**
- 14 **(1) begins five (5) business days after the date on which the**
15 **bureau mails the notice to the person under subsection (a)(2);**
16 **and**
- 17 **(2) terminates sixty (60) days after the suspension begins.**
- 18 **(c) A person who operates a motor vehicle during a suspension**
19 **of the person's driving privileges under this section commits a**
20 **Class A infraction.**



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections & Criminal Law, to which was referred Senate Bill No. 248, 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.

(Reference is to SB 248 as introduced.)

YOUNG R MICHAEL, Chairperson

Committee Vote: Yeas 7, Nays 1

