

Second Regular Session 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 266

AN ACT to amend the Indiana Code concerning motor vehicles.

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

SECTION 1. IC 9-18.1-3-6, AS ADDED BY P.L.198-2016, SECTION 326, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. The bureau may not register the following vehicles:

- (1) A vehicle that:
 - (A) is subject under rules adopted under air pollution control laws (as defined in IC 13-11-2-6) to:
 - (i) inspection of vehicle air pollution control equipment; and
 - (ii) testing of emission characteristics; and
 - (B) has not been:
 - (i) inspected; and
 - (ii) certified by an inspection station under IC 13-17-5-5.1(b) that the air pollution equipment is not in a tampered condition and the vehicle meets air emission control standards.
- (2) A motor vehicle that does not comply with applicable motor vehicle equipment requirements under IC 9-19.
- (3) A motor vehicle that does not comply with applicable operational and equipment specifications described in 49 CFR 571.
- (4) A private bus **that is designed or used to transport more than fifteen (15) passengers, including the driver**, that does not

SEA 266 — Concur



have an unexpired certificate indicating compliance with an inspection program established under IC 9-19-22-3.

(5) A school bus or special purpose bus that does not have an unexpired certificate of inspection under IC 20-27-7-3.

(6) A farm wagon.

(7) A farm tractor.

(8) A golf cart.

(9) An implement of agriculture designed to be operated primarily in a farm field or on farm premises.

SECTION 2. IC 9-18.1-4-4, AS ADDED BY P.L.198-2016, SECTION 326, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) License plates, including temporary license plates, shall be displayed as follows:

(1) For a tractor, a dump truck, or a truck with a rear-mounted forklift or a mechanism to carry a rear-mounted forklift or implement, upon the front of the vehicle.

(2) For every other vehicle, upon the rear of the vehicle.

(b) A license plate shall be:

(1) securely fastened, in a horizontal **and upright** position **that displays the registration expiration year in the upper right corner**, to the vehicle for which the plate is issued:

(A) to prevent the license plate from swinging;

(B) at a height of at least twelve (12) inches from the ground, measuring from the bottom of the license plate; and

(C) in a place and position that are clearly visible;

(2) maintained free from foreign materials and in a condition to be clearly legible; and

(3) not obstructed or obscured by tires, bumpers, accessories, or other opaque objects.

(c) An interim license plate issued or used by a dealer licensed under IC 9-32 or used by a manufacturer must be displayed:

(1) in the manner required under subsection (a) for the type of vehicle on which the interim license plate is displayed; or

(2) in a location on the left side of a window that is:

(A) facing the rear of the motor vehicle; and

(B) clearly visible and unobstructed.

A plate displayed under subdivision (2) must be affixed to the window of the motor vehicle.

(d) Upon the renewal of a registration under this article, a license plate other than a temporary license plate must display a renewal sticker:

(1) that is securely affixed in the upper right corner of the



license plate; and

(2) that covers the previous registration expiration year.

~~(d)~~ **(e)** A person that violates this section commits a Class C infraction.

SECTION 3. IC 9-19-3-4, AS AMENDED BY P.L.221-2014, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) Except as provided in subsections (b) through (c), a new motor vehicle, trailer, or semitrailer sold in Indiana and operated upon the highways must be equipped with service brakes upon all wheels of the vehicle.

(b) A semitrailer **or trailer** of less than three thousand (3,000) pounds gross weight is not required to be equipped with brakes.

(c) A truck or truck-tractor having at least three (3) axles is not required to have service brakes on the front wheels. If a truck or truck-tractor is equipped with at least two (2) steerable axles, the wheels of one (1) steerable axle are not required to have service brakes although the truck or truck-tractor must be capable of complying with the performance requirements of sections 7 through 8 of this chapter.

SECTION 4. IC 9-19-6-3, AS AMENDED BY P.L.221-2014, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) A motor vehicle other than a motorcycle or motor driven cycle must be equipped with at least two (2) head lamps, with at least one (1) of the head lamps on each side of the front of the motor vehicle. The head lamps must comply with this chapter.

(b) Except as provided in subsection (c), a motorcycle and motor driven cycle must be equipped with at least one (1) and not more than two (2) head lamps that comply with this chapter.

(c) A motorcycle manufactured before January 1, 1956, is not required to be equipped with a head lamp if the motorcycle is not operated at the times when lighted head lamps and other illuminating devices are required under IC 9-21-7-2.

(d) A head lamp ~~upon a~~ **equipped on a** motor vehicle **as described in subsection (a)**, including a motorcycle and motor driven cycle, must be located at a height measured from the center of the head lamp of not less than twenty-four (24) inches and not more than fifty-four (54) inches to be measured as set forth in section 2(b) of this chapter.

(e) A head lamp required by this section must display white or amber light.

SECTION 5. IC 9-19-6-6, AS AMENDED BY P.L.221-2014, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) ~~Except as provided in subsection (b);~~ **This subsection does not apply to a motorcycle, motor vehicle**



manufactured before January 1, 1956, or motor driven cycle. A person may not:

- (1) sell; or
- (2) drive on the highways;

in Indiana a motor vehicle ~~including a motorcycle or motor driven cycle~~ unless the vehicle is equipped with at least ~~one (1) stoplight~~ **two (2) stoplights** meeting the requirements of section 17 of this chapter.

(b) Except as provided in subsection (c), a person may not:

- (1) sell; or
- (2) drive on highways;

in Indiana a motorcycle, motor vehicle manufactured before January 1, 1956, or motor driven cycle unless the vehicle is equipped with at least one (1) stoplight meeting the requirements of section 17 of this chapter.

~~(b)~~ (c) A motorcycle manufactured before January 1, 1956, is not required to be equipped with a stoplight under subsection ~~(a)~~ (b) if the motorcycle is not operated at the times when lighted head lamps and other illuminating devices are required under IC 9-21-7-2.

~~(c)~~ (d) This subsection does not apply to a motorcycle or motor driven cycle. A person may not:

- (1) sell;
- (2) offer for sale; or
- (3) operate on the highways;

a motor vehicle, trailer, or semitrailer registered in Indiana and manufactured or assembled after January 1, 1956, unless the vehicle is equipped with mechanical or electrical turn signals meeting the requirements of section 17 of this chapter.

SECTION 6. IC 9-19-6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8. (a) A front clearance lamp, marker lamp, and reflector mounted on the front or on the side near the front of a vehicle must display or reflect an amber color.

(b) A rear clearance lamp, marker lamp, and reflector mounted on the rear or on the sides near the rear of a vehicle must display or reflect a red color.

(c) A ~~lighting device and~~ reflector mounted on the rear of a vehicle must display or reflect a red color. ~~except as follows:~~

- ~~(1) The stoplight or other signal device may be red, amber, or yellow.~~
- ~~(2) The light illuminating the license plate must be white.~~
- ~~(3) The light emitted by a back-up lamp must be white or amber.~~

SECTION 7. IC 9-19-6-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 17. (a) A motor vehicle



may be equipped, and when required under this chapter must be equipped, with a stop lamp or lamps on the rear of the vehicle that:

- (1) displays **only a red or an amber light, or any shade of color between red and amber, light**, visible from a distance of not less than one hundred (100) feet to the rear in normal sunlight;
- (2) will be actuated upon application of the service (foot) brake; and
- (3) may be incorporated with at least one (1) other rear lamp.

(b) A motor vehicle may be equipped and when required under this chapter must be equipped with lamps or mechanical signal devices showing to the front and rear for the purpose of indicating an intention to turn either to the right or left. If lamps are used for this purpose, the lamps showing to the front must be located on the same level and as widely spaced laterally as practicable and when in use must display **only a white or an amber light, or any shade of color between white and amber**, visible from a distance of not less than one hundred (100) feet to the front in normal sunlight. The lamps showing to the rear must be located at the same level and as widely spaced laterally as practicable and when in use must display **only a red or an amber light, or any shade of color between red and amber**, visible from a distance of not less than one hundred (100) feet to the rear in normal sunlight. When actuated the lamps must indicate the intended direction of turning by flashing the lights showing to the front and rear on the side toward which the turn is made. If mechanical signal devices are used for this purpose, the devices must be self-illuminated when in use at the times required by IC 9-21-7-2.

(c) A stop lamp or signal lamp or device may not project a glaring light.

(d) A lighting device mounted on the rear of the vehicle may not display any color other than red except as follows:

- (1) A signal lamp or device must be red or amber or any shade of color between red and amber.**
- (2) The light illuminating the license plate must be white.**
- (3) The light emitted by a back-up lamp must be white or amber.**

SECTION 8. IC 9-19-11-1, AS AMENDED BY P.L.198-2016, SECTION 335, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. This chapter does not apply to a person who operates any of the following vehicles:

- (1) A **school bus**.
- (2) A **special purpose bus**.
- ~~(2)~~ (3) A **taxicab**.

SEA 266 — Concur



~~(3)~~ (4) A medical services vehicle.

~~(4)~~ (5) A **bus, motorcycle, motor driven cycle**, passenger motor vehicle or truck that was **originally** manufactured without a safety belt as a part of the standard equipment installed by the manufacturer at each designated seating position, before the requirement of the installation of safety belts in the motor vehicle according to the standards stated in the Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208).

~~(5)~~ A motorcycle.

~~(6)~~ A motor driven cycle.

~~(7)~~ (6) A motor vehicle that is owned or leased by a governmental unit and is being used in the performance of official law enforcement duties.

~~(8)~~ (7) A motor vehicle that is being used in an emergency.

~~(9)~~ (8) A motor vehicle that is funeral equipment used in the operation of funeral services when used in:

(A) a funeral procession;

(B) the return trip to a funeral home (as defined in IC 25-15-2-15); or

(C) both the funeral procession and return trip.

~~(10)~~ (9) **This subdivision applies only while a TNC driver is providing a prearranged ride to a TNC rider.** A motor vehicle used by a TNC driver to provide prearranged rides (as defined in IC 8-2.1-17-13.5).

SECTION 9. IC 9-19-19-4, AS AMENDED BY P.L.217-2014, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) This section does not apply to a manufacturer's tinting or glazing of motor vehicle windows or windshields that is otherwise in compliance with or permitted by FMVSS205 as promulgated in 49 CFR 571.205. Proof from the manufacturer, supplier, or installer that the tinting or glazing is in compliance with or permitted by FMVSS205 must be carried in the vehicle.

(b) This section does not apply to the driver of a vehicle:

(1) that is owned by an individual required for medical reasons to be shielded from the direct rays of the sun; or

(2) in which an individual required for medical reasons to be shielded from the direct rays of the sun is a habitual passenger.

The medical reasons must be attested to by a physician or optometrist licensed to practice in Indiana, and the physician's or optometrist's certification of that condition must be carried in the vehicle. The physician's or optometrist's certificate must be renewed annually.

SEA 266 — Concur



(c) A person may not drive a motor vehicle that has a:

- (1) windshield;
- (2) side wing;
- (3) side window that is part of a front door; or
- (4) rear back window;

that is covered by or treated with suncreening material or is tinted with material that has a total solar reflectance of visible light of more than twenty-five percent (25%) as measured on the nonfilm side and light transmittance of less than thirty percent (30%) in the visible light range.

(d) Any treatment allowed under subsection (c) for a windshield may:

- (1) be applied only to the uppermost part of the windshield; and**
- (2) extend no further than the AS-1 line.**

~~(d)~~ (e) A person may not tint or otherwise cover or treat with sunscreening the parts of a vehicle described in subsection (c) **or (d)** so that operation of the vehicle after the tinting or suncreening is performed is a violation of subsection (c) **or (d)**. However, it is not a violation of this chapter if this work is performed for a person who submits a physician's or optometrist's statement as described in subsection (b) to the person who is to perform the work.

~~(e)~~ (f) A vehicle may be stopped to determine compliance with this section. However, a vehicle, the contents of a vehicle, the driver of a vehicle, or a passenger in a vehicle may not be inspected, searched, or detained solely because of a violation of this section.

SECTION 10. IC 9-19-19-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8. A person who violates section ~~4(d)~~ **4(e)** of this chapter commits a Class A infraction.

SECTION 11. IC 9-19-22-1, AS ADDED BY P.L.160-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. This chapter applies to a private bus that is:

- (1) designed or used to transport more than fifteen (15) passengers, including the driver; and**
- (2) registered or reregistered with the bureau after December 31, 2015.**

SECTION 12. IC 9-21-5-6, AS AMENDED BY P.L.188-2015, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) Except as provided in subsections (e) and (f), whenever a local authority in the authority's jurisdiction determines that the maximum speed permitted under this chapter is greater or less than reasonable and safe under the conditions found to exist on a



highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit on the highway. The maximum limit declared under this section may do any of the following:

- (1) Decrease the limit within urban districts, but not to less than twenty (20) miles per hour.
- (2) Increase the limit within an urban district, but not to more than fifty-five (55) miles per hour during daytime and fifty (50) miles per hour during nighttime.
- (3) Decrease the limit outside an urban district, but not to less than thirty (30) miles per hour.
- (4) Decrease the limit in an alley, but to not less than five (5) miles per hour.
- (5) Increase the limit in an alley, but to not more than thirty (30) miles per hour.

The local authority must perform an engineering and traffic investigation before a determination may be made to change a speed limit under subdivision (2), (3), (4), or (5) or before the speed limit within an urban district may be decreased to less than twenty-five (25) miles per hour under subdivision (1).

(b) Except as provided in subsection (f), a local authority in the authority's jurisdiction shall determine by an engineering and traffic investigation the proper maximum speed for all local streets and shall declare a reasonable and safe maximum speed permitted under this chapter for an urban district. However, an engineering and traffic study is not required to be performed for the local streets in an urban district under this subsection if the local authority determines that the proper maximum speed in the urban district is not less than twenty-five (25) miles per hour.

(c) An altered limit established under this section is effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice of the altered limit are erected on the street or highway.

(d) Except as provided in this subsection, a local authority may not alter a speed limit on a highway or extension of a highway in the state highway system. A city or town may establish speed limits on state highways upon which a school is located. ~~A person who violates the speed limit in a reduced speed zone commits a Class B infraction.~~ However, a speed limit established under this subsection is valid only if the following conditions exist:

- (1) The limit is not less than twenty (20) miles per hour.
- (2) The limit is imposed only in the immediate vicinity of the



school.

(3) Children are present.

(4) The speed zone is properly signed. There must be:

(A) a sign located:

(i) where the reduced speed zone begins; or

(ii) as near as practical to the point where the reduced speed zone begins;

indicating the reduced speed limit; and

(B) a sign located at the end of the reduced speed zone indicating:

(i) the speed limit for the section of highway that follows; or

(ii) the end of the reduced speed zone.

(5) The Indiana department of transportation has been notified of the limit imposed by certified mail.

(e) A local authority may decrease a limit on a street to not less than fifteen (15) miles per hour if the following conditions exist:

(1) The street is located within a park or playground established under IC 36-10.

(2) The:

(A) board established under IC 36-10-3;

(B) board established under IC 36-10-4; or

(C) park authority established under IC 36-10-5;

requests the local authority to decrease the limit.

(3) The speed zone is properly signed.

(f) A city, town, or county may establish speed limits on a street or highway upon which a school is located if the street or highway is under the jurisdiction of the city, town, or county, respectively. However, a speed limit established under this subsection is valid only if the following conditions exist:

(1) The limit is not less than twenty (20) miles per hour.

(2) The limit is imposed only in the immediate vicinity of the school.

(3) Children are present.

(4) The speed zone is properly signed. There must be:

(A) a sign located where the reduced speed zone begins or as near as practical to the point where the reduced speed zone begins indicating the reduced speed limit and a sign located at the end of the reduced speed zone indicating the end of the reduced speed zone; and

(B) if the school operates on a twelve (12) month schedule, a sign indicating that the school is an all year school.

(g) Except as provided in subsection (h), a person who exceeds



a speed limit established by a local authority under this section commits a Class C infraction.

(h) A person who exceeds a speed limit that is established under subsection (d) or (f) commits a Class B infraction.

SECTION 13. IC 9-21-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8. (a) Whenever the Indiana department of transportation within the department's jurisdiction or a local authority within the authority's jurisdiction determines, based on an engineering and traffic investigation, that slow speeds on a part of a highway consistently impede the normal and reasonable movement of traffic, the Indiana department of transportation or local authority may determine and declare a minimum speed limit below which a person may not drive a vehicle except when necessary for safe operation or in compliance with law. A limit determined under this subsection and declared by appropriate resolution, regulation, or ordinance becomes effective when appropriate sign or signals giving notice of the limit of speed are erected along the affected part of a highway.

(b) A person who fails to maintain a minimum speed limit established under this section commits a Class C infraction.

SECTION 14. IC 9-21-5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 12. (a) Whenever the Indiana department of transportation determines on the basis of an engineering and traffic investigation that a maximum speed set forth in this chapter is greater or less than is reasonable or safe under the conditions found to exist at an intersection or other place or on part of the state highway system, the Indiana department of transportation may determine and declare a reasonable and safe maximum limit at the intersection or on the part of the state highway system. The differing limit is effective when appropriate signs giving notice of the limit are erected.

(b) A maximum speed limit under this section may be declared to be effective at all times or at times indicated on the signs. Differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds. The differing limits are effective when posted on appropriate fixed or variable signs.

(c) A person who exceeds a speed limit established under this section commits a Class C infraction.

SECTION 15. IC 9-21-7-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 10. ~~This section does not apply to a vehicle required or authorized under this title to display~~



a red, red and white, or red and blue light that is visible from the front of the vehicle. **(a) Except as provided in subsection (b), a person may not drive or move a vehicle or equipment upon a highway with a lamp or device on the vehicle or equipment displaying a red, red and white, or red and blue light other than white or amber visible from directly in front of the center of the vehicle or equipment.**

(b) This section does not apply to a vehicle required or authorized under this title to display:

- (1) a blue;**
- (2) a green;**
- (3) a red;**
- (4) a red and white; or**
- (5) a red and blue;**

light that is visible from the front of the vehicle.

SECTION 16. IC 9-21-8-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 11. Whenever a roadway has been divided into three (3) or more clearly marked lanes for traffic, the following rules apply:

~~(1)~~ A vehicle shall be driven as nearly as practicable entirely within a single lane and may not be moved from the lane until the person who drives the vehicle has first ascertained that the movement can be made with safety.

~~(2)~~ **(1)** Upon a roadway that is divided into three (3) lanes, a vehicle may not be driven in the center lane except under any of the following conditions:

(A) When overtaking and passing another vehicle where the roadway is clearly visible and the center lane is clear of traffic within a safe distance.

(B) In preparation for a left turn.

(C) Where the center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of the allocation.

~~(3)~~ **(2)** Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction. A person who drives a vehicle shall obey the directions of each sign.

SECTION 17. IC 9-21-8-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 11.5. Whenever a roadway has been divided into two (2) or more clearly marked lanes for traffic, a vehicle:**

(1) shall be driven as nearly as practicable entirely between



the lines marking the single lane; and
(2) may not be moved from the lane until the person who drives the vehicle has first ascertained that the movement can be made with safety.

SECTION 18. IC 9-30-2-2, AS AMENDED BY P.L.198-2016, SECTION 592, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. **(a) Except as provided in subsection (b),** a law enforcement officer may not arrest or issue a traffic information and summons to a person for a violation of an Indiana law regulating the use and operation of a motor vehicle on a highway or an ordinance of a city or town regulating the use and operation of a motor vehicle on a highway unless at the time of the arrest the officer is:

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

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

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

- (1) when there is a uniformed officer present at the time of the arrest; or
- (2) for a violation of one (1) or more of the following:
 - (A) IC 9-21-8-52(a)(1)(A) (reckless driving causing endangerment).
 - (B) IC 9-21-8-52(b) as a Class A misdemeanor (recklessly passing a stopped school bus resulting in bodily injury).
 - (C) IC 9-30-5-2(b) as a Class A misdemeanor (operating while intoxicated in a manner that endangers a person).



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

SEA 266 — Concur

