

SENATE BILL No. 426

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-21-18; IC 33-24-6-13; IC 34-30-2-28.5.

Synopsis: Traffic enforcement in residential complexes. Extends (through 2025) the ability of a unit to enforce moving traffic ordinances on the property of a residential complex under certain circumstances. Extends (through 2026) the requirement that the office of judicial administration submit reports to the legislative council relating to the enforcement of moving traffic ordinances on the property of residential complexes.

Effective: July 1, 2020.

Buchanan

January 15, 2020, read first time and referred to Committee on Judiciary.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

SENATE BILL No. 426

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 9-21-18-1, AS AMENDED BY P.L.38-2016,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2020]: Sec. 1. This chapter applies to privately owned real
4 property on which the public is invited to travel for business or, before
5 January 1, ~~2021~~, **2026**, residential purposes.

6 SECTION 2. IC 9-21-18-4.1, AS ADDED BY P.L.38-2016,
7 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2020]: Sec. 4.1. (a) As used in this section, "electronic traffic
9 ticket" has the meaning set forth in IC 9-30-3-2.5.

10 (b) As used in this section, "legislative body" has the meaning set
11 forth in IC 36-1-2-9.

12 (c) As used in this section, "moving traffic ordinance" refers to an
13 ordinance regulating the operation of a motor vehicle only while the
14 motor vehicle is in motion.

15 (d) As used in this section, "residential complex traffic ordinance"
16 refers to an ordinance adopted under subsection (e).

17 (e) A unit may enforce a residential complex traffic ordinance on



the property of a residential complex if all the following conditions are met:

(1) The unit's legislative body adopts the ordinance under this section.

(2) The owner of the residential complex requests in writing from the unit's executive that the unit enforce the residential complex traffic ordinance adopted under subdivision (1) on the property of the residential complex.

(3) The owner of the residential complex enters into an enforcement contract with the unit.

(f) A residential complex traffic ordinance must satisfy the following:

(1) The ordinance must be a moving traffic ordinance.

(2) The ordinance may not duplicate or conflict with Indiana law that is otherwise enforceable on the property of a residential complex.

(3) The ordinance must be reasonably consistent with other ordinances adopted by the unit.

(4) The ordinance must require the owner of the residential complex to enter into an enforcement contract with the unit as provided in subsection (h).

(5) If the unit's law enforcement agency (as defined in IC 35-47-15-2) issues electronic traffic tickets, the ordinance must require the unit's law enforcement agency to issue an electronic traffic ticket for a violation of the unit's ordinance on the property of a residential complex.

(g) A residential complex traffic ordinance may do the following:

(1) Incorporate by reference other moving traffic ordinances of the unit if those other ordinances do not conflict with this section.

(2) Define the term "residential complex" for purposes of the ordinance.

(3) Require the unit's executive to report to the legislative body regarding enforcement contracts entered into with the unit and any other information required by the legislative body regarding the residential complex traffic ordinance.

(h) An enforcement contract must satisfy the following:

(1) The contract must require the owner of the residential complex to install signs notifying residents of and visitors to the residential complex of the relevant provisions of the residential complex traffic ordinance. Signs installed under this subdivision must be placed in a sufficient number of locations to clearly mark where the relevant provisions of the ordinance applies. A sign



placed at the entrance to the residential complex does not satisfy this subdivision.

(2) The unit may not charge the owner of the residential complex a fee for enforcing the residential complex traffic ordinance on the property of the residential complex.

(3) Enforcement of the residential complex traffic ordinance in the residential complex may not begin until both of the following have occurred:

(A) The enforcement contract is signed by the unit and the residential complex.

(B) The residential complex has complied with subdivision (1), as determined by the unit.

(i) If the owner of a residential complex enters into an enforcement contract with a unit, then neither the owner nor the residential complex is subject to or incurs any liability, sanction, or adverse legal consequence for any loss or injury resulting from the manner in which the unit's law enforcement agency discharged its duties under the enforcement contract.

(j) Neither a residential complex nor its owner is subject to or incurs any liability, sanction, or adverse legal consequence for the owner's decision not to enter into an enforcement contract with a unit. The failure to enter into an enforcement contract with a unit is not admissible in any legal proceeding brought against a residential complex or its owner.

(k) This section expires December 31, ~~2020~~ **2025**.

SECTION 3. IC 33-24-6-13, AS AMENDED BY P.L.161-2018, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13. (a) Beginning in 2018, not later than March 1 of each year, the office of judicial administration shall submit a report to the legislative council in an electronic format under IC 5-14-6 providing the following information relating to the enforcement of residential complex traffic ordinances on the property of residential complexes under contracts entered into under IC 9-21-18-4.1:

(1) The number of traffic stops.

(2) The number of citations issued.

(3) The number of traffic stops and citations issued.

(b) The report must set forth information required under subsection (a) by:

(1) each unit that has adopted a residential complex traffic ordinance:

(A) under IC 9-21-18-4.1; and

(B) through issuance of electronic traffic tickets (as defined in



- 1 IC 9-30-3-2.5); and
- 2 (2) the totals for all units described in subdivision (1).
- 3 (c) The office of judicial administration must issue a report under
- 4 this section for each of the following years:
- 5 (1) 2017.
- 6 (2) 2018.
- 7 (3) 2019.
- 8 (4) 2020.
- 9 **(5) 2021.**
- 10 **(6) 2022.**
- 11 **(7) 2023.**
- 12 **(8) 2024.**
- 13 **(9) 2025.**
- 14 (d) This section expires July 1, ~~2021~~. **2026.**
- 15 SECTION 4. IC 34-30-2-28.5, AS ADDED BY P.L.38-2016,
- 16 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 17 JULY 1, 2020]: Sec. 28.5. (a) IC 9-21-18-4.1 (Concerning residential
- 18 complexes and enforcement contracts for enforcement of moving
- 19 traffic ordinances).
- 20 (b) This section expires December 31, ~~2020~~. **2025.**

