

SENATE BILL No. 244

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-4-32-4.

Synopsis: Allocation of seat belt violation judgments. Provides that \$5 of each \$25 fine imposed by a city or town court for a seat belt violation (a Class D infraction) is to be retained by the political division entering the judgment.

Effective: July 1, 1998.

Craycraft

January 7, 1998, read first time and referred to Committee on Finance.

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Introduced

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

SENATE BILL No. 244

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

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

- 1 SECTION 1. IC 34-4-32-4, AS AMENDED BY P.L.43-1996,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 1998]: Sec. 4. (a) A judgment of up to ten thousand dollars
4 (\$10,000) may be entered for a violation constituting a Class A
5 infraction.
6 (b) A judgment of up to one thousand dollars (\$1,000) may be
7 entered for a violation constituting a Class B infraction.
8 (c) A judgment of up to five hundred dollars (\$500) may be entered
9 for a violation constituting a Class C infraction.
10 (d) A judgment of up to twenty-five dollars (\$25) may be entered for
11 a violation constituting a Class D infraction.
12 (e) A judgment:
13 (1) up to the amount requested in the complaint; and
14 (2) not exceeding any limitation under IC 36-1-3-8;
15 may be entered for an ordinance violation.
16 (f) A defendant against whom a judgment is entered is liable for
17 costs. Costs are part of the judgment and may not be suspended except

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1 under IC 9-30-3-12. Whenever a judgment is entered against a person
 2 for the commission of two (2) or more civil violations (infractions or
 3 ordinance violations), the court may waive the person's liability for
 4 costs for all but one (1) of the violations. This subsection does not
 5 apply to judgments entered for violations constituting:

6 (1) Class D infractions; or

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

10 (g) If a judgment is entered:

11 (1) for a violation constituting:

12 (A) a Class D infraction; or

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

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

17 the defendant is not liable for costs.

18 (h) If a defendant fails to satisfy a judgment entered against him for
 19 the violation of a traffic ordinance or for a traffic infraction by a date
 20 fixed by the court, the court may suspend the defendant's drivers
 21 license. When a court suspends a person's drivers license under this
 22 section, the court shall forward notice of the suspension to the bureau
 23 of motor vehicles.

24 (i) Except for costs **and five dollars (\$5) of each judgment for a**
 25 **Class D infraction**, the funds collected as judgments for violations of
 26 statutes defining infractions shall be deposited in the state general fund.
 27 **Five dollars (\$5) of each judgment for a Class D infraction shall be**
 28 **retained and deposited in:**

29 (1) **the county general fund, if the adjudicating court is a**
 30 **circuit, superior, or county court; or**

31 (2) **the city or town general fund, if the adjudicating court is**
 32 **a city or town court.**

33 (j) A judgment may be entered against a defendant under this
 34 section upon a finding by the court that the defendant:

35 (1) violated:

36 (A) a statute defining an infraction; or

37 (B) an ordinance; or

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

40 **SECTION 2. [EFFECTIVE JULY 1, 1998] IC 34-4-32-4, as**
 41 **amended by this act, applies to all judgments imposed for Class D**
 42 **infractions after June 30, 1998, regardless of when the infractions**



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1 **were committed.**

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