



March 19, 1999

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## ENGROSSED HOUSE BILL No. 1427

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DIGEST OF HB 1427 (Updated March 17, 1999 3:52 pm - DI 71)

**Citations Affected:** IC 9-21.

**Synopsis:** Right-of-way for emergency vehicles. Requires the operator of a vehicle approaching a stationary emergency vehicle with flashing lights to change lanes or reduce the speed of the vehicle. Provides that a violation is a Class A infraction, and that an operator who fails to change lanes or reduce the speed of the operator's vehicle and who causes damage to the property of another, injury to another, or another's death is subject to the suspension of the operator's driving license.

**Effective:** Upon passage; July 1, 1999.

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### Duncan, Cook, Tincher, Cherry

(SENATE SPONSORS — MEEKS R, JACKMAN, NUGENT, CRAYCRAFT,  
LANDSKE)

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January 12, 1999, read first time and referred to Committee on Roads and Transportation.  
January 27, 1999, amended, reported — Do Pass.  
February 1, 1999, read second time, ordered engrossed. Engrossed.  
February 8, 1999, read third time, passed. Yeas 97, nays 0.

SENATE ACTION

February 22, 1999, read first time and referred to Committee on Public Policy.  
March 18, 1999, amended, reported favorably — Do Pass.

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EH 1427—LS 6458/DI 87+



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March 19, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

## ENGROSSED HOUSE BILL No. 1427

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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 9-21-8-35 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 35. (a) Upon the  
3 immediate approach of an authorized emergency vehicle, when the  
4 person who drives the authorized emergency vehicle is giving audible  
5 signal by siren or displaying alternately flashing red, red and white, or  
6 red and blue lights, a person who drives another vehicle shall do the  
7 following unless otherwise directed by a law enforcement officer:  
8 (1) Yield the right-of-way.  
9 (2) Immediately drive to a position parallel to and as close as  
10 possible to the right-hand edge or curb of the highway clear of any  
11 intersection.  
12 (3) Stop and remain in the position until the authorized  
13 emergency vehicle has passed.  
14 (b) **Upon approaching a stationary authorized emergency**  
15 **vehicle, when the authorized emergency vehicle is giving a signal**  
16 **by displaying alternately flashing red, red and white, or red and**

EH 1427—LS 6458/DI 87+



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1 **blue lights, a person who drives an approaching vehicle shall:**

2 **(1) proceeding with due caution, yield the right-of-way by**  
 3 **making a lane change into a lane not adjacent to that of the**  
 4 **authorized emergency vehicle, if possible with due regard to**  
 5 **safety and traffic conditions, if on a highway having at least**  
 6 **four (4) lanes with not less than two (2) lanes proceeding in**  
 7 **the same direction as the approaching vehicle; or**

8 **(2) proceeding with due caution, reduce the speed of the**  
 9 **vehicle, maintaining a safe speed for road conditions, if**  
 10 **changing lanes would be impossible or unsafe.**

11 ~~(b)~~ (c) **This section does not operate to relieve the person who drives**  
 12 **an authorized emergency vehicle from the duty to drive operate the**  
 13 **vehicle with due regard for the safety of all persons using the highway.**

14 **SECTION 2. IC 9-21-8-49 IS AMENDED TO READ AS**  
 15 **FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 49. Except as provided**  
 16 **in sections 50, 51, and 52, and 54 of this chapter, a person who violates**  
 17 **this chapter commits a Class C infraction.**

18 **SECTION 3. IC 9-21-8-54 IS ADDED TO THE INDIANA CODE**  
 19 **AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**  
 20 **1, 1999]: Sec. 54. (a) A person who violates section 35(b) of this**  
 21 **chapter commits a Class A infraction.**

22 **(b) If a violation of section 35(b) of this chapter results in**  
 23 **damage to the property of another person, in addition to any other**  
 24 **penalty imposed, the court shall recommend that the person's**  
 25 **driving privileges be suspended for a fixed period of not less than**  
 26 **ninety (90) days and not more than one (1) year.**

27 **(c) If a violation of section 35(b) of this chapter results in injury**  
 28 **to another person, in addition to any other penalty imposed, the**  
 29 **court shall recommend that the person's driving privileges be**  
 30 **suspended for a fixed period of not less than one hundred eighty**  
 31 **(180) days and not more than two (2) years.**

32 **(d) If a violation of section 35(b) of this chapter results in the**  
 33 **death of another person, in addition to any other penalty imposed,**  
 34 **the court shall recommend that the person's driving privileges be**  
 35 **suspended for two (2) years.**

36 **(e) The bureau shall, upon receiving a record of a judgment**  
 37 **entered against a person under this section:**

38 **(1) suspend the person's driving privileges for a mandatory**  
 39 **period; or**

40 **(2) extend the period of an existing suspension for a fixed**  
 41 **period;**

42 **of not less than ninety (90) days and not more than two (2) years.**



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1     **The bureau shall fix this period in accordance with the**  
2     **recommendation of the court that entered the judgment.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1427, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 2, delete "[EFFECTIVE UPON PASSAGE]" and insert "[EFFECTIVE JULY 1, 1999]".

Page 2, line 13, delete line 13.

and when so amended that said bill do pass.

(Reference is to HB 1427 as introduced.)

COOK, Chair

Committee Vote: yeas 14, nays 0.

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Public Policy, to which was referred House Bill No. 1427, 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 2, after line 12, begin a new paragraph and insert:

"SECTION 2. IC 9-21-8-49 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 49. Except as provided in sections 50, 51, and 52, and 54 of this chapter, a person who violates this chapter commits a Class C infraction.

SECTION 3. IC 9-21-8-54 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 54. (a) A person who violates section 35(b) of this chapter commits a Class A infraction.**

**(b) If a violation of section 35(b) of this chapter results in damage to the property of another person, in addition to any other penalty imposed, the court shall recommend that the person's driving privileges be suspended for a fixed period of not less than ninety (90) days and not more than one (1) year.**

**(c) If a violation of section 35(b) of this chapter results in injury to another person, in addition to any other penalty imposed, the court shall recommend that the person's driving privileges be suspended for a fixed period of not less than one hundred eighty (180) days and not more than two (2) years.**

**(d) If a violation of section 35(b) of this chapter results in the death of another person, in addition to any other penalty imposed, the court shall recommend that the person's driving privileges be suspended for two (2) years.**

**(e) The bureau shall, upon receiving a record of a judgment entered against a person under this section:**

- (1) suspend the person's driving privileges for a mandatory period; or**
- (2) extend the period of an existing suspension for a fixed period;**

**of not less than ninety (90) days and not more than two (2) years. The bureau shall fix this period in accordance with the recommendation of the court that entered the judgment."**

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Renumber all SECTIONS consecutively.  
and when so amended that said bill do pass.

(Reference is to HB 1427 as printed January 28, 1999.)

WYSS, Chairperson

Committee Vote: Yeas 10, Nays 0.

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