
SENATE BILL No. 440

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2-192; IC 9-21; IC 21-2-15-4.

Synopsis: Traffic control signals near high schools. Requires the department of transportation to erect a traffic control signal in the school zone on the state highway on which a high school is located if: (1) the school corporation that maintains the high school; (2) the law enforcement agency with jurisdiction over the high school; and (3) the executive of a unit of local government that contains the high school; jointly petition the department for erection of the traffic control signal. Requires the school corporation to pay 50% of the total cost of erecting the traffic control signal. Allows a school corporation to use capital project fund money to pay the school corporation's share of the cost.

Effective: July 1, 2004.

Hershman

January 12, 2004, read first time and referred to Committee on Transportation and Homeland Security.

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Second Regular Session 113th General Assembly (2004)

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 2003 Regular Session of the General Assembly.

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SENATE BILL No. 440



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 9-13-2-192 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 192. "Unit", for
3 purposes of IC 9-21-18 **and IC 9-21-3-2**, has the meaning set forth in
4 IC 9-21-18-3.

5 SECTION 2. IC 9-21-3-2 IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) **Except as provided in**
7 **subsection (c)**, each traffic signal installation on a street or highway
8 within Indiana may be erected only after the completion of traffic
9 engineering studies that verify that the traffic ~~signal~~ control **signal** is
10 necessary as set forth in the Indiana Manual on Uniform Traffic
11 Control Devices for Streets and Highways.

12 (b) If:
13 (1) the proposed installation is in the immediate vicinity of a
14 school; and
15 (2) the installation does not meet the requirements of this section;
16 the governmental unit responsible for the control of traffic at the
17 location shall grant a special hearing on the question to a person who



has properly petitioned for the installation of a traffic signal.

(c) If:

(1) a school corporation that maintains a high school that is located on a state highway;

(2) the law enforcement agency with jurisdiction over the high school described in subdivision (1); and

(3) the executive of a unit that contains the high school described in subdivision (1);

jointly petition the Indiana department of transportation to erect a traffic control signal in the school zone on the state highway on which the high school is located, the Indiana department of transportation shall erect the traffic control signal. The school corporation shall pay fifty percent (50%) of the total cost of erecting a traffic control signal under this subsection.

SECTION 3. IC 9-21-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) The Indiana department of transportation shall place and, except as otherwise provided in this section and IC 9-21-3-2(c), maintain traffic control devices conforming to the state manual and specifications upon all state highways, including the state maintained routes through a city or town, as necessary to indicate and to carry out this article or to regulate, warn, or guide traffic.

(b) A local authority may not place or maintain a traffic control device upon a highway in the state highway system or the state maintained routes through a city or town until the authority has received written permission from the Indiana department of transportation.

(c) Except as provided in IC 9-21-3-2(c), if the Indiana department of transportation determines, upon the basis of an engineering and traffic investigation, that any traffic control signal is not necessary for the safe, convenient, economical, and orderly movement of traffic, the signal shall be removed by the Indiana department of transportation and be returned to the authority responsible for the signal's erection. If the Indiana department of transportation determines, based on an engineering and traffic investigation, that a traffic control signal now in place is necessary for the safe, convenient, economical, and orderly movement of traffic, the signal must remain in place, and the Indiana department of transportation shall affix a tag or seal to the signal showing that the signal has been approved by the Indiana department of transportation.

SECTION 4. IC 21-2-15-4, AS AMENDED BY P.L.224-2003, SECTION 148, IS AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) As used in this subsection,
2 "calendar year distribution" means the sum of:

3 (1) all distributions to a school corporation under:

4 (A) IC 6-1.1-19-1.5;

5 (B) IC 21-1-30;

6 (C) IC 21-3-1.7;

7 (D) IC 21-3-2.1; and

8 (E) IC 21-3-12;

9 for the calendar year; plus

10 (2) ~~plus~~ the school corporation's excise tax revenue (as defined in
11 IC 21-3-1.7-2) for the immediately preceding calendar year.

12 (b) A school corporation may establish a capital projects fund.

13 (c) With respect to any facility used or to be used by the school
14 corporation (other than a facility used or to be used primarily for
15 interscholastic or extracurricular activities, except as provided in
16 subsection (j)), the fund may be used to pay for the following:

17 (1) Planned construction, repair, replacement, or remodeling.

18 (2) Site acquisition.

19 (3) Site development.

20 (4) Repair, replacement, or site acquisition that is necessitated by
21 an emergency.

22 (d) The fund may be used to pay for the purchase, lease, repair, or
23 maintenance of equipment to be used by the school corporation (other
24 than vehicles to be used for any purpose and equipment to be used
25 primarily for interscholastic or extracurricular activities, except as
26 provided in subsection (j)).

27 (e) The fund may be used for any of the following purposes:

28 (1) To purchase, lease, upgrade, maintain, or repair one (1) or
29 more of the following:

30 (A) Computer hardware.

31 (B) Computer software.

32 (C) Wiring and computer networks.

33 (D) Communication access systems used to connect with
34 computer networks or electronic gateways.

35 (2) To pay for the services of full-time or part-time computer
36 maintenance employees.

37 (3) To conduct nonrecurring inservice technology training of
38 school employees.

39 (4) To fund the payment of advances, together with interest on the
40 advances, from the common school fund for educational
41 technology programs under IC 21-1-5.

42 (5) To fund the acquisition of any equipment or services

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1 necessary:

2 (A) to implement the technology preparation curriculum under

3 IC 20-10.1-5.6;

4 (B) to participate in a program to provide educational

5 technologies, including computers, in the homes of students

6 (commonly referred to as "the buddy system project") under

7 IC 20-10.1-25, the 4R's technology program under

8 IC 20-10.1-25, or any other program under the educational

9 technology program described in IC 20-10.1-25; or

10 (C) to obtain any combination of equipment or services

11 described in clauses (A) and (B).

12 (f) The fund may be used to purchase:

13 (1) building sites;

14 (2) buildings in need of renovation;

15 (3) building materials; and

16 (4) equipment;

17 for the use of vocational building trades classes to construct new

18 buildings and to remodel existing buildings.

19 (g) The fund may be used for leasing or renting of existing real

20 estate, excluding payments authorized under IC 21-5-11 and

21 IC 21-5-12.

22 (h) The fund may be used to pay for services of the school

23 corporation employees that are bricklayers, stone masons, cement

24 masons, tile setters, glaziers, insulation workers, asbestos removers,

25 painters, paperhangers, drywall applicators and tapers, plasterers, pipe

26 fitters, roofers, structural and steel workers, metal building assemblers,

27 heating and air conditioning installers, welders, carpenters, electricians,

28 or plumbers, as these occupations are defined in the United States

29 Department of Labor, Employment and Training Administration,

30 Dictionary of Occupational Titles, Fourth Edition, Revised 1991, if:

31 (1) the employees perform construction of, renovation of,

32 remodeling of, repair of, or maintenance on the facilities and

33 equipment specified in subsections (b) and (c);

34 (2) the school corporation's total annual salary and benefits paid

35 by the school corporation to employees described in this

36 subsection are at least six hundred thousand dollars (\$600,000);

37 and

38 (3) the payment of the employees described in this subsection is

39 included as part of the proposed capital projects fund plan

40 described in section 5(a) of this chapter.

41 However, the number of employees that are covered by this subsection

42 is limited to the number of employee positions described in this

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1 subsection that existed on January 1, 1993. For purposes of this
 2 subsection, maintenance does not include janitorial or comparable
 3 routine services normally provided in the daily operation of the
 4 facilities or equipment.

5 (i) The fund may be used to pay for energy saving contracts entered
 6 into by a school corporation under IC 36-1-12.5.

7 (j) Money from the fund may be used to pay for the construction,
 8 repair, replacement, remodeling, or maintenance of a school sports
 9 facility. However, a school corporation's expenditures in a calendar
 10 year under this subsection may not exceed five percent (5%) of the
 11 property tax revenues levied for the fund in the calendar year.

12 (k) Money from the fund may be used to carry out a plan developed
 13 under IC 20-10.1-33.

14 (l) This subsection applies during the period beginning January 1,
 15 2004, and ending December 31, 2005. Money from the fund may be
 16 used to pay for up to one hundred percent (100%) of the following
 17 costs of a school corporation:

- 18 (1) Utility services.
- 19 (2) Property or casualty insurance.
- 20 (3) Both utility services and property or casualty insurance.

21 In the 2004 calendar year, a school corporation's expenditures under
 22 this subsection may not exceed one percent (1%) of the school
 23 corporation's 2003 calendar year distribution. In the 2005 calendar
 24 year, a school corporation's expenditures under this subsection may not
 25 exceed two percent (2%) of the school corporation's 2003 calendar year
 26 distribution.

27 (m) Notwithstanding subsection (l), a school corporation's
 28 expenditures under subsection (l) in the 2004 calendar year may exceed
 29 one percent (1%) of the school corporation's 2003 calendar year
 30 distribution if the school corporation's 2004 calendar year distribution
 31 is less than the school corporation's 2003 calendar year distribution.
 32 The amount by which a school corporation's expenditures under
 33 subsection (l) in the 2004 calendar year may exceed one percent (1%)
 34 of the school corporation's 2003 calendar year distribution is the least
 35 of the following:

- 36 (1) One percent (1%) of the school corporation's 2003 calendar
 37 year distribution.
- 38 (2) The greater of zero (0) or the difference between:
 39 (A) the sum of:
 40 (i) the school corporation's calendar year distribution;
 41 (ii) the amount determined for the school corporation under
 42 subsection (l); plus

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1 (iii) the amount determined for the school corporation under
 2 this subsection, if any;
 3 for the immediately preceding calendar year; minus
 4 (B) the school corporation's calendar year distribution for the
 5 calendar year.
 6 (3) The difference between:
 7 (A) one hundred percent (100%) of the school corporation's
 8 costs for utility services and property or casualty insurance;
 9 minus
 10 (B) the amount determined for the school corporation under
 11 subsection (1) for the calendar year.
 12 (n) Notwithstanding subsection (l), a school corporation's
 13 expenditures under subsection (l) in the 2005 calendar year may exceed
 14 two percent (2%) of the school corporation's 2003 calendar year
 15 distribution if the school corporation's 2005 calendar year distribution
 16 is less than the school corporation's 2003 calendar year distribution.
 17 The amount by which a school corporation's expenditures under
 18 subsection (l) in the 2005 calendar year may exceed two percent (2%)
 19 of the school corporation's 2003 calendar year distribution is the least
 20 of the following:
 21 (1) Two percent (2%) of the school corporation's 2003 calendar
 22 year distribution.
 23 (2) The greater of zero (0) or the difference between:
 24 (A) the sum of:
 25 (i) the school corporation's calendar year distribution;
 26 (ii) the amount determined for the school corporation under
 27 subsection (1); plus
 28 (iii) the amount determined for the school corporation under
 29 this subsection, if any;
 30 for the immediately preceding calendar year; minus
 31 (B) the school corporation's calendar year distribution for the
 32 calendar year.
 33 (3) The difference between:
 34 (A) one hundred percent (100%) of the school corporation's
 35 costs for utility services and property or casualty insurance;
 36 minus
 37 (B) the amount determined for the school corporation under
 38 subsection (1) for the calendar year.
 39 (o) **Money from the fund may be used to pay the school**
 40 **corporation's share of the cost of erecting a traffic control signal**
 41 **under IC 9-21-3-2(c).**

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