



January 16, 2004

---

---

## SENATE BILL No. 217

---

DIGEST OF SB 217 (Updated January 13, 2004 12:15 pm - DI 71)

**Citations Affected:** IC 9-13; IC 9-21; noncode.

**Synopsis:** Electronic devices and traffic signals. Provides that a person may not use a device to alter the lighting sequence of a traffic control signal, unless the person is a public safety officer responding to an emergency or a technician installing, testing, or repairing a traffic control signal. Prohibits the sale of such devices to a nongovernmental entity. Increases the penalty for use of a counterfeit traffic control device or railroad crossing signal.

**Effective:** July 1, 2004.

---

---

Wyss, Howard

---

---

January 8, 2004, read first time and referred to Committee on Transportation and Homeland Security.  
January 15, 2004, amended, reported favorably — Do Pass.

---

---

C  
o  
p  
y

SB 217—LS 6549/DI 105+



January 16, 2004

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.

C  
o  
p  
y

## SENATE BILL No. 217



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 9-13-2-99.7 IS ADDED TO THE INDIANA CODE  
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2004]: **Sec. 99.7. "Medical, firefighting, or law enforcement  
4 emergency", for purposes of IC 9-21-3-7.5, means the following:**  
5 (1) **A medical condition that requires immediate medical  
6 attention.**  
7 (2) **The occurrence of an event or the expected occurrence of  
8 an event that presumably requires immediate firefighting,  
9 medical, or law enforcement attention.**  
10 (3) **The commission or the alleged commission of a crime that  
11 requires immediate intervention or investigation by a law  
12 enforcement officer (as defined in IC 35-41-1-17).**  
13 SECTION 2. IC 9-13-2-111.5 IS ADDED TO THE INDIANA  
14 CODE AS A NEW SECTION TO READ AS FOLLOWS  
15 [EFFECTIVE JULY 1, 2004]: **Sec. 111.5. "Nongovernmental entity",  
16 for purposes of IC 9-21-3-7.5, means a person or legal entity that  
17 is not the state or a political subdivision.**

SB 217—LS 6549/DI 105+



1 SECTION 3. IC 9-13-2-117.3 IS ADDED TO THE INDIANA  
2 CODE AS A NEW SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2004]: **Sec. 117.3. "OPED", for purposes of**  
4 **IC 9-21-3-7.5, means a mobile transmitting device that:**

- 5 (1) emits a visible or nonvisible light source or an electronic
- 6 signal; and
- 7 (2) is intended to be used to alter the movement of traffic by
- 8 changing the sequence or interval on a traffic control signal.

9 SECTION 4. IC 9-13-2-128 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 128. (a)** "Political  
11 subdivision" means a county, a township, a city, a town, a public school  
12 corporation, or any other subdivision of the state recognized in any law,  
13 including any special taxing district or entity and any public  
14 improvement district authority or entity authorized to levy taxes or  
15 assessments.

16 (b) "Political subdivision", for purposes of IC 9-13-2-111.5,  
17 means a county, city, town, or township.

18 SECTION 5. IC 9-13-2-144.2 IS ADDED TO THE INDIANA  
19 CODE AS A NEW SECTION TO READ AS FOLLOWS  
20 [EFFECTIVE JULY 1, 2004]: **Sec. 144.2. "Public safety officer", for**  
21 **purposes of IC 9-21-3-7.5, means a:**

- 22 (1) law enforcement officer (as defined in IC 35-41-1-17);
- 23 (2) certified paramedic;
- 24 (3) certified emergency medical technician; or
- 25 (4) full-time or volunteer firefighter.

26 SECTION 6. IC 9-21-3-7.5 IS ADDED TO THE INDIANA CODE  
27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
28 1, 2004]: **Sec. 7.5. (a)** A person may not knowingly or intentionally  
29 use an OPED to change the sequence or interval on a traffic  
30 control signal, unless the person is:

- 31 (1) a public safety officer who is:
  - 32 (A) a passenger in; or
  - 33 (B) operating;
- 34 an authorized emergency motor vehicle that is responding to  
35 a medical, firefighting, or law enforcement emergency; or
- 36 (2) a technician in the course of installing, testing, or repairing  
37 a traffic control signal.

38 (b) A person may not knowingly or intentionally sell or offer for  
39 sale an OPED to a nongovernmental entity.

40 SECTION 7. IC 9-21-3-11 IS AMENDED TO READ AS  
41 FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 11. (a)** A person who  
42 violates section 7, 8, 9, or 10 of this chapter commits a Class C

C  
o  
p  
y



1       infraction.

2           **(b) A person who violates section 7.5(a) of this chapter commits**  
3 **a Class A infraction. However, the offense is a Class C**  
4 **misdemeanor if the person has a prior unrelated judgment for a**  
5 **violation of section 7.5 of this chapter.**

6           **(c) A person who violates section 7.5(b) of this chapter commits**  
7 **a Class D felony.**

8       SECTION 8. IC 9-21-4-19 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 19. **(a) A person who**  
10 **violates section 4 of this chapter commits a Class A infraction.**  
11 **However, the offense is a Class C misdemeanor if the person has a**  
12 **prior unrelated judgment for a violation of section 4 of this**  
13 **chapter.**

14           **(b) A person who violates section ~~4~~, 5, 6, 16, 17, or 18 of this**  
15 **chapter commits a Class C infraction.**

16       SECTION 9. [EFFECTIVE JULY 1, 2004] **IC 9-21-3-7.5, as added**  
17 **by this act, applies only to offenses committed after June 30, 2004.**

**C**  
**O**  
**P**  
**Y**



SENATE MOTION

Madam President: I move that Senator Howard be added as coauthor of Senate Bill 217.

WYSS

**C  
o  
p  
y**



COMMITTEE REPORT

Madam President: The Senate Committee on Transportation and Homeland Security, to which was referred Senate Bill No. 217, 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 1, delete lines 13 through 17.

Page 2, delete lines 1 through 2.

Page 2, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 3. IC 9-13-2-117.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 117.3. "OPED", for purposes of IC 9-21-3-7.5, means a mobile transmitting device that:**

**(1) emits a visible or nonvisible light source or an electronic signal; and**

**(2) is intended to be used to alter the movement of traffic by changing the sequence or interval on a traffic control signal."**

Page 2, line 28, delete "a MIRET" and insert "**an OPED**".

Page 2, line 28, delete "lighting" and insert "**sequence or interval**".

Page 2, line 38, delete "a MIRET" and insert "**an OPED**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 217 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 7, Nays 0.

C  
O  
P  
Y

