



Reprinted  
April 5, 2005

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# ENGROSSED SENATE BILL No. 217

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DIGEST OF SB 217 (Updated April 4, 2005 4:44 pm - DI 106)

**Citations Affected:** IC 8-15; IC 9-13; IC 9-21; IC 9-26; IC 35-42; noncode.

**Synopsis:** Speed limits and aggressive driving. Establishes a maximum speed limit on the Indiana toll road of 70 mph or 65 mph for certain vehicles. Increases the speed limit on a section of U.S. 20 located in Elkhart and St. Joseph counties, a section of U.S. 31 in St. Joseph county, and a highway classified by the Indiana department of transportation as an INDOT Freeway. Establishes a maximum speed limit of 60 mph on certain highways located outside an urbanized area. Makes conforming amendments. Increases the speed limit from 65 miles per hour to 70 miles per hour and from 60 miles per hour to 65 miles per hour for certain vehicles on interstate highways outside urbanized areas with a population of at least 50,000. Requires the state police department to report the number of fatalities from traffic accidents to the legislative council and the chairpersons of the committees dealing with transportation issues in the house of representatives and the senate if the number of fatalities increases by seven percent over the average number of accidents from the previous five years. Defines "aggressive driving", and makes aggressive driving a Class A misdemeanor if it is done knowingly or intentionally. Makes criminal recklessness: (1) a Class D felony instead of a Class B misdemeanor if the offense is done by a person who committed aggressive driving and caused serious bodily injury to another person; and (2) a Class C felony instead of a Class B misdemeanor if the offense is done by a person who committed aggressive driving and caused the death of another person. Makes criminal recklessness a Class C felony instead of a Class B misdemeanor if it is committed by shooting a firearm into an inhabited dwelling or other building or place where people are likely to gather.

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**Effective:** July 1, 2005.

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**Server, Lutz L, Antich-Carr, Howard**

(HOUSE SPONSORS — WOLKINS, STUTZMAN)

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January 4, 2005, read first time and referred to Committee on Commerce and Transportation.

February 3, 2005, reported favorably — Do Pass.

February 7, 2005, read second time, ordered engrossed.

February 8, 2005, engrossed.

February 10, 2005, read third time, passed. Yeas 34, nays 15.

HOUSE ACTION

March 14, 2005, read first time and referred to Committee on Public Policy and Veterans Affairs.

March 31, 2005, amended, reported — Do Pass.

April 4, 2005, reported — Do Pass.

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ES 217—LS 6382/DI 96+



Reprinted  
April 5, 2005

First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 217

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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 8-15-2-17.2 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17.2. (a)  
3 Notwithstanding IC 9, the authority may adopt rules:

4 (1) Establishing weight and size limitations for vehicles using a  
5 toll road project, subject to the following:

6 (A) The operator of any vehicle exceeding any of the  
7 maximum allowable dimensions or weights as set out by the  
8 authority in rules and regulations shall apply to the authority  
9 in writing, for an application for a special hauling permit,  
10 which application must be in compliance with all the terms  
11 thereof, and which application must be received at least seven

12 (7) days prior to the time of permitted entry should such permit  
13 be granted. Such permit, if granted, will be returned to the  
14 applicant in duplicate, properly completed and numbered, and  
15 the driver of the vehicle shall have a copy to present to the toll  
16 attendant on duty at the point of entry.

17 (B) The authority shall assess a fee for issuing a special

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ES 217—LS 6382/DI 96+



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- hauling permit. In assessing the fee, the authority shall take into consideration the following factors:
  - (i) The administrative cost of issuing the permit.
  - (ii) The potential damage the vehicle represents to the project.
  - (iii) The potential safety hazard the vehicle represents.
- (2) Establishing the ~~speed at which a vehicle may be driven on a toll road project, including a~~ minimum speed ~~and that a~~ maximum speed not in excess of the maximum provided in ~~IC 9~~ **for motor vehicle may be driven on** the interstate defense network of dual highways.
- (3) Designating one-way traffic lanes on a toll road project.
- (4) Determining the manner of operation of **motor** vehicles entering and leaving traffic lanes on a toll road project.
- (5) Determining the regulation of U-turns, of crossing or entering medians, of stopping, parking, or standing, and of passing **motor** vehicles on a toll road project.
- (6) Determining the establishment and enforcement of traffic control signs and signals for **motor** vehicles in traffic lanes, acceleration and deceleration lanes, toll plazas, and interchanges on a toll road project.
- (7) Determining the limitation of entry to and exit from a toll road project to designated entrances and exits.
- (8) Determining the limitation on use of a toll road project by pedestrians and aircraft and by vehicles of a type specified in such rules and regulations.
- (9) Regulating commercial activity on a toll road project, including but not limited to:
  - (A) the offering or display of goods or services for sale;
  - (B) the posting, distributing, or displaying of signs, advertisements, or other printed or written material; and
  - (C) the operation of a mobile or stationary public address system.
- (b) A person who violates a rule adopted under this section commits a Class C infraction. However, a violation of a weight limitation established by the authority under this section is:
  - (1) a Class B infraction if the total of all excesses of weight under those limitations is more than five thousand (5,000) pounds but not more than ten thousand (10,000) pounds; and
  - (2) a Class A infraction if the total of all excesses of weight under those limitations is more than ten thousand (10,000) pounds.
- (c) It is a defense to the charge of violating a weight limitation

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1 established by the authority under this section that the total of all  
2 excesses of weight under those limitations is less than one thousand  
3 (1,000) pounds.

4 (d) The court may suspend the registration of a vehicle that violated  
5 a size or weight limitation established by the authority under this  
6 section for a period of not more than ninety (90) days.

7 (e) Upon the conviction of a person for a violation of a weight or  
8 size limitation established by the authority under this section, the court  
9 may recommend suspension of **his the person's** current chauffeur's  
10 license only if the violation was committed knowingly.

11 SECTION 2. IC 9-13-2-1.7 IS ADDED TO THE INDIANA CODE  
12 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**  
13 **1, 2005]: Sec. 1.7. "Aggressive driving", for purposes of**  
14 **IC 9-21-8-55, has the meaning set forth in IC 9-21-8-55(a).**

15 SECTION 3. IC 9-21-5-2 IS AMENDED TO READ AS FOLLOWS  
16 [EFFECTIVE JULY 1, 2005]: Sec. 2. Except when a special hazard  
17 exists that requires lower speed for compliance with section 1 of this  
18 chapter, the slower speed limit specified in this section or established  
19 as authorized by section 3 of this chapter is the maximum lawful speed.  
20 A person may not drive a vehicle on a highway at a speed in excess of  
21 the following maximum limits:

- 22 (1) Thirty (30) miles per hour in an urban district.
- 23 (2) Fifty-five (55) miles per hour, except as provided in
- 24 subdivisions (1), (3), ~~and (4)~~, **(5), (6), and (7).**
- 25 (3) ~~Sixty-five (65)~~ **Seventy (70)** miles per hour on a highway on
- 26 the national system of interstate and defense highways located
- 27 outside of an urbanized area (as defined in 23 U.S.C. 101) with a
- 28 population of at least fifty thousand (50,000), except as provided
- 29 in subdivision (4).
- 30 (4) ~~Sixty (60)~~ **Sixty-five (65)** miles per hour for a vehicle (other
- 31 than a bus) having a declared gross weight greater than twenty-six
- 32 thousand (26,000) pounds on a highway on the national system of
- 33 interstate and defense highways located outside an urbanized area
- 34 (as defined in 23 U.S.C. 101) with a population of at least fifty
- 35 thousand (50,000).
- 36 **(5) Sixty-five (65) miles per hour on:**
- 37 **(A) U.S. 20 from the intersection of U.S. 20 and County**
- 38 **Road 17 in Elkhart County to the intersection of U.S. 20**
- 39 **and U.S. 31 in St. Joseph County;**
- 40 **(B) U.S. 31 from the intersection of U.S. 31 and U.S. 20 in**
- 41 **St. Joseph County to the boundary line between Indiana**
- 42 **and Michigan; and**

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- 1 (C) a highway classified by the Indiana department of
- 2 transportation as an INDOT Freeway.
- 3 (6) On a highway that is the responsibility of the Indiana
- 4 transportation finance authority established by IC 8-9.5-8-2:
- 5 (A) seventy (70) miles per hour for:
- 6 (i) a motor vehicle having a declared gross weight of not
- 7 more than twenty-six thousand (26,000) pounds; or
- 8 (ii) a bus; or
- 9 (B) sixty-five (65) miles per hour for a motor vehicle
- 10 having a declared gross weight greater than twenty-six
- 11 (26,000) thousand pounds.
- 12 (7) Sixty (60) miles per hour on a highway that:
- 13 (A) is not designated as a part of the national system of
- 14 interstate and defense highways;
- 15 (B) has four (4) or more lanes;
- 16 (C) is divided into two (2) or more roadways by:
- 17 (i) an intervening space that is unimproved and not
- 18 intended for vehicular travel;
- 19 (ii) a physical barrier; or
- 20 (iii) a dividing section constructed to impede vehicular
- 21 traffic; and
- 22 (D) is located outside an urbanized area (as defined in 23
- 23 U.S.C. 101) with a population of at least fifty thousand
- 24 (50,000).

25 ~~(5)~~ (8) Fifteen (15) miles per hour in an alley.

26 SECTION 4. IC 9-21-5-3 IS AMENDED TO READ AS FOLLOWS  
27 [EFFECTIVE JULY 1, 2005]: Sec. 3. The maximum speed limits set  
28 forth in section 2 of this chapter may be altered as follows:

- 29 (1) By local jurisdictions under section 6 of this chapter.
- 30 (2) By the Indiana department of transportation under section 12
- 31 of this chapter.
- 32 ~~(3) By the transportation finance authority under IC 8-15-2-17.2.~~
- 33 ~~(4)~~ (3) For the purposes of speed limits on a highway on the
- 34 national system of interstate and defense highways, by order of
- 35 the commissioner of the Indiana department of transportation to
- 36 conform to any federal regulation concerning state speed limit
- 37 laws.

38 ~~(5)~~ (4) In worksites, by all jurisdictions under section 11 of this  
39 chapter.

40 SECTION 5. IC 9-21-8-55 IS ADDED TO THE INDIANA CODE  
41 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
42 1, 2005]: Sec. 55. (a) For purposes of this section, a person engages

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1 in aggressive driving if, during one (1) episode of continuous  
2 driving of a vehicle, the person does at least three (3) of the  
3 following:

- 4 (1) Following a vehicle too closely in violation of IC 9-21-8-14.
- 5 (2) Unsafe operation of a vehicle in violation of IC 9-21-8-24.
- 6 (3) Overtaking another vehicle on the right by driving off the  
7 roadway in violation of IC 9-21-8-6.
- 8 (4) Unsafe stopping or slowing a vehicle in violation of  
9 IC 9-21-8-26.
- 10 (5) Unnecessary sounding of the horn in violation of  
11 IC 9-19-5-2.
- 12 (6) Failure to yield in violation of IC 9-21-8-29 through  
13 IC 9-21-8-34.
- 14 (7) Failure to obey a traffic control device in violation of  
15 IC 9-21-8-41.
- 16 (8) Driving at an unsafe speed in violation of IC 9-21-5.
- 17 (9) Repeatedly flashing the vehicle's headlights.

18 (b) A person who knowingly or intentionally engages in  
19 aggressive driving commits aggressive driving, a Class A  
20 misdemeanor.

21 SECTION 6. IC 9-26-3-5 IS AMENDED TO READ AS FOLLOWS  
22 [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The state police department  
23 shall tabulate and may analyze all accident reports and shall publish  
24 annually or at more frequent intervals statistical information based on  
25 the reports as to the number and circumstances of traffic accidents,  
26 including:

- 27 (1) the total number of accidents; and
- 28 (2) the total number of fatalities resulting from traffic  
29 accidents.

30 (b) Beginning April 30, 2006, and on April 30 of each year  
31 thereafter, if the number of fatalities reported in subsection (a)  
32 exceeds the average annual number of fatalities in traffic accidents  
33 from the previous five (5) years by at least seven percent (7%), the  
34 state police department shall submit the report to the legislative  
35 council and to the chairpersons of the committees of the house of  
36 representatives and the senate that consider transportation issues.  
37 The reports required under this subsection must be in an electronic  
38 format under IC 5-14-6.

39 SECTION 7. IC 35-42-2-2 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) As used in this  
41 section, "hazing" means forcing or requiring another person:

- 42 (1) with or without the consent of the other person; and

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1 (2) as a condition of association with a group or organization;  
 2 to perform an act that creates a substantial risk of bodily injury.  
 3 (b) A person who recklessly, knowingly, or intentionally performs:  
 4 (1) an act that creates a substantial risk of bodily injury to another  
 5 person; or  
 6 (2) hazing;  
 7 commits criminal recklessness. Except as provided in subsection (c),  
 8 criminal recklessness is a Class B misdemeanor.  
 9 (c) The offense of criminal recklessness as defined in subsection (b)  
 10 is:  
 11 (1) a Class A misdemeanor if the conduct includes the use of a  
 12 vehicle;  
 13 (2) a Class D felony if:  
 14 (A) it is committed while armed with a deadly weapon; or  
 15 (B) **the person committed aggressive driving (as defined in**  
 16 **IC 9-21-8-55) and caused serious bodily injury to another**  
 17 **person; or**  
 18 (3) a Class C felony if:  
 19 (A) it is committed by shooting a firearm from a vehicle into  
 20 an inhabited dwelling or other building or place where people  
 21 are likely to gather; **or**  
 22 (B) **the person committed aggressive driving (as defined in**  
 23 **IC 9-21-8-55) and caused the death of another person.**  
 24 (d) A person who recklessly, knowingly, or intentionally:  
 25 (1) inflicts serious bodily injury on another person; or  
 26 (2) performs hazing that results in serious bodily injury to a  
 27 person;  
 28 commits criminal recklessness, a Class D felony. However, the offense  
 29 is a Class C felony if committed by means of a deadly weapon.  
 30 (e) A person, other than a person who has committed an offense  
 31 under this section or a delinquent act that would be an offense under  
 32 this section if the violator was an adult, who:  
 33 (1) makes a report of hazing in good faith;  
 34 (2) participates in good faith in a judicial proceeding resulting  
 35 from a report of hazing;  
 36 (3) employs a reporting or participating person described in  
 37 subdivision (1) or (2); or  
 38 (4) supervises a reporting or participating person described in  
 39 subdivision (1) or (2);  
 40 is not liable for civil damages or criminal penalties that might  
 41 otherwise be imposed because of the report or participation.  
 42 (f) A person described in subsection (e)(1) or (e)(2) is presumed to

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1 act in good faith.  
2 (g) A person described in subsection (e)(1) or (e)(2) may not be  
3 treated as acting in bad faith solely because the person did not have  
4 probable cause to believe that a person committed:  
5 (1) an offense under this section; or  
6 (2) a delinquent act that would be an offense under this section if  
7 the offender was an adult.  
8 **SECTION 8. [EFFECTIVE JULY 1, 2005] IC 9-21-8-55, as added**  
9 **by this act, and IC 9-21-8-55, as added by this act, and**  
10 **IC 35-42-2-2, as amended by this act, apply only to offenses**  
11 **committed after June 30, 2005.**

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SENATE MOTION

Madam President: I move that Senators Lutz, Antich-Carr and Howard be added as coauthors of Senate Bill 217.

SERVER

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, 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 DO PASS.

(Reference is made to Senate Bill 217 as introduced.)

SERVER, Chairperson

Committee Vote: Yeas 6, Nays 2.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy and Veterans Affairs, to which was referred Senate Bill 217, 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, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 8-15-2-17.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17.2. (a) Notwithstanding IC 9, the authority may adopt rules:

(1) Establishing weight and size limitations for vehicles using a toll road project, subject to the following:

(A) The operator of any vehicle exceeding any of the maximum allowable dimensions or weights as set out by the authority in rules and regulations shall apply to the authority in writing, for an application for a special hauling permit, which application must be in compliance with all the terms thereof, and which application must be received at least seven (7) days prior to the time of permitted entry should such permit be granted. Such permit, if granted, will be returned to the applicant in duplicate, properly completed and numbered, and

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the driver of the vehicle shall have a copy to present to the toll attendant on duty at the point of entry.

(B) The authority shall assess a fee for issuing a special hauling permit. In assessing the fee, the authority shall take into consideration the following factors:

- (i) The administrative cost of issuing the permit.
- (ii) The potential damage the vehicle represents to the project.
- (iii) The potential safety hazard the vehicle represents.

(2) Establishing the ~~speed at which a vehicle may be driven on a toll road project, including a minimum speed and that a maximum speed not in excess of the maximum provided in IC 9~~ **for motor vehicle may be driven on** the interstate defense network of dual highways.

(3) Designating one-way traffic lanes on a toll road project.

(4) Determining the manner of operation of **motor** vehicles entering and leaving traffic lanes on a toll road project.

(5) Determining the regulation of U-turns, of crossing or entering medians, of stopping, parking, or standing, and of passing **motor** vehicles on a toll road project.

(6) Determining the establishment and enforcement of traffic control signs and signals for **motor** vehicles in traffic lanes, acceleration and deceleration lanes, toll plazas, and interchanges on a toll road project.

(7) Determining the limitation of entry to and exit from a toll road project to designated entrances and exits.

(8) Determining the limitation on use of a toll road project by pedestrians and aircraft and by vehicles of a type specified in such rules and regulations.

(9) Regulating commercial activity on a toll road project, including but not limited to:

- (A) the offering or display of goods or services for sale;
- (B) the posting, distributing, or displaying of signs, advertisements, or other printed or written material; and
- (C) the operation of a mobile or stationary public address system.

(b) A person who violates a rule adopted under this section commits a Class C infraction. However, a violation of a weight limitation established by the authority under this section is:

- (1) a Class B infraction if the total of all excesses of weight under those limitations is more than five thousand (5,000) pounds but not more than ten thousand (10,000) pounds; and

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(2) a Class A infraction if the total of all excesses of weight under those limitations is more than ten thousand (10,000) pounds.

(c) It is a defense to the charge of violating a weight limitation established by the authority under this section that the total of all excesses of weight under those limitations is less than one thousand (1,000) pounds.

(d) The court may suspend the registration of a vehicle that violated a size or weight limitation established by the authority under this section for a period of not more than ninety (90) days.

(e) Upon the conviction of a person for a violation of a weight or size limitation established by the authority under this section, the court may recommend suspension of ~~his~~ **the person's** current chauffeur's license only if the violation was committed knowingly."

Page 1, line 10, strike "and".

Page 1, line 10, delete "." and insert ", (5), (6), and (7).".

Page 2, between lines 4 and 5, begin a new line block indented and insert:

**"(5) Sixty-five (65) miles per hour on:**

**(A) U.S. 20 from the intersection of U.S. 20 and County Road 17 in Elkhart County to the intersection of U.S. 20 and U.S. 31 in St. Joseph County;**

**(B) U.S. 31 from the intersection of U.S. 31 and U.S. 20 in St. Joseph County to the boundary line between Indiana and Michigan; and**

**(C) a highway classified by the Indiana department of transportation as an INDOT Freeway.**

**(6) On a highway that is the responsibility of the Indiana transportation finance authority established by IC 8-9.5-8-2:**

**(A) seventy (70) miles per hour for:**

**(i) a motor vehicle having a declared gross weight of not more than twenty-six thousand (26,000) pounds; or**

**(ii) a bus; or**

**(B) sixty-five (65) miles per hour for a motor vehicle having a declared gross weight greater than twenty-six (26,000) thousand pounds.**

**(7) Sixty (60) miles per hour on a highway that:**

**(A) is not designated as a part of the national system of interstate and defense highways;**

**(B) has four (4) or more lanes;**

**(C) is divided into two (2) or more roadways by:**

**(i) an intervening space that is unimproved and not intended for vehicular travel;**

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- (ii) a physical barrier; or**
- (iii) a dividing section constructed to impede vehicular traffic; and**
- (D) is located outside an urbanized area (as defined in 23 U.S.C. 101) with a population of at least fifty thousand (50,000)."**

Page 2, line 5, strike "(5)" and insert "(8)".

Page 2, after line 5, begin a new paragraph and insert:

"SECTION 3. IC 9-21-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. The maximum speed limits set forth in section 2 of this chapter may be altered as follows:

- (1) By local jurisdictions under section 6 of this chapter.
- (2) By the Indiana department of transportation under section 12 of this chapter.
- ~~(3) By the transportation finance authority under IC 8-15-2-17.2.~~
- (3)** For the purposes of speed limits on a highway on the national system of interstate and defense highways, by order of the commissioner of the Indiana department of transportation to conform to any federal regulation concerning state speed limit laws.
- ~~(5)~~ **(4)** In worksites, by all jurisdictions under section 11 of this chapter.

SECTION 4. IC 9-26-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. **(a)** The state police department shall tabulate and may analyze all accident reports and shall publish annually or at more frequent intervals statistical information based on the reports as to the number and circumstances of traffic accidents, **including:**

- (1) the total number of accidents; and**
- (2) the total number of fatalities resulting from traffic accidents.**

**(b) Beginning April 30, 2006, and on April 30 of each year thereafter, if the number of fatalities reported in subsection (a) exceeds the average annual number of fatalities in traffic accidents from the previous five (5) years by at least seven percent (7%), the state police department shall submit the report to the legislative council and to the chairpersons of the committees of the house of representatives and the senate that consider transportation issues. The reports required under this subsection must be in an electronic format under IC 5-14-6.**

SECTION 5. IC 35-42-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. **(a) As used in this**

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section, "aggressive driving" means one (1) episode of continuous driving of a vehicle by a person:

- (1) that results in:
  - (A) bodily injury to another person; or
  - (B) property damage to the vehicle of another person; and
- (2) during which at least three (3) of the following acts occur:
  - (A) Following a vehicle too closely in violation of IC 9-21-8-14.
  - (B) Unsafe operation of a vehicle in violation of IC 9-21-8-24.
  - (C) Overtaking another vehicle on the right by driving off the roadway in violation of IC 9-21-8-6.
  - (D) Unsafe stopping or slowing a vehicle in violation of IC 9-21-8-26.
  - (E) Unnecessary sounding of the horn in violation of IC 9-19-5-2.
  - (F) Failure to yield in violation of IC 9-21-8-29 through IC 9-21-8-34.
  - (G) Failure to obey a traffic control device in violation of IC 9-21-8-41.
  - (H) Driving at an unsafe speed in violation of IC 9-21-5.
  - (I) Repeatedly flashing the vehicle's headlights.

(b) As used in this section, "hazing" means forcing or requiring another person:

- (1) with or without the consent of the other person; and
  - (2) as a condition of association with a group or organization; to perform an act that creates a substantial risk of bodily injury.
- ~~(b)~~ (c) A person who recklessly, knowingly, or intentionally performs:

- (1) an act that creates a substantial risk of bodily injury to another person; or
- (2) hazing;

commits criminal recklessness. Except as provided in ~~subsection (c)~~; **subsections (d) and (e)**, criminal recklessness is a Class B misdemeanor.

~~(c)~~ (d) The offense of criminal recklessness as defined in subsection ~~(b)~~ (c) is:

- (1) a Class A misdemeanor if:
  - (A) the conduct includes the use of a vehicle; or
  - (B) **the person engaged in aggressive driving;**
- (2) a Class D felony if it is committed while:
  - (A) armed with a deadly weapon; or

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**(B) the person engaged in aggressive driving and caused serious bodily injury to another person; or**

(3) a Class C felony if:

**(A) it is committed by shooting a firearm from a vehicle into an inhabited dwelling or other building or place where people are likely to gather; or**

**(B) it:**

**(i) is committed while the person engaged in aggressive driving; and**

**(ii) caused the death of another person.**

~~(d)~~ **(e)** A person who recklessly, knowingly, or intentionally:

(1) inflicts serious bodily injury on another person; or

(2) performs hazing that results in serious bodily injury to a person;

commits criminal recklessness, a Class D felony. However, the offense is a Class C felony if committed by means of a deadly weapon.

~~(e)~~ **(f)** A person, other than a person who has committed an offense under this section or a delinquent act that would be an offense under this section if the violator was an adult, who:

(1) makes a report of hazing in good faith;

(2) participates in good faith in a judicial proceeding resulting from a report of hazing;

(3) employs a reporting or participating person described in subdivision (1) or (2); or

(4) supervises a reporting or participating person described in subdivision (1) or (2);

is not liable for civil damages or criminal penalties that might otherwise be imposed because of the report or participation.

~~(f)~~ **(g)** A person described in subsection ~~(e)~~~~(1)~~ **(f)(1)** or ~~(e)~~~~(2)~~ **(f)(2)** is presumed to act in good faith.

~~(g)~~ **(h)** A person described in subsection ~~(e)~~~~(1)~~ **(f)(1)** or ~~(e)~~~~(2)~~ **(f)(2)** may not be treated as acting in bad faith solely because the person did not have probable cause to believe that a person committed:

(1) an offense under this section; or

(2) a delinquent act that would be an offense under this section if the offender was an adult.

**SECTION 6. [EFFECTIVE JULY 1, 2005] IC 35-42-2-2, as amended by this act, applies only to offenses committed after June 30, 2005."**

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

(Reference is to SB 217 as printed February 4, 2005.)

ALDERMAN, Chair

Committee Vote: yeas 9, nays 2.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 217 be amended to read as follows:

Page 3, between lines 10 and 11, begin a new paragraph and insert:  
"SECTION 2. IC 9-13-2-1.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 1.7. "Aggressive driving", for purposes of IC 9-21-8-55, has the meaning set forth in IC 9-21-8-55(a).**

Page 4, between lines 35 and 36, begin a new paragraph and insert:  
"SECTION 5. IC 9-21-8-55 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 55. (a) For purposes of this section, a person engages in aggressive driving if, during one (1) episode of continuous driving of a vehicle, the person does at least three (3) of the following:**

- (1) Following a vehicle too closely in violation of IC 9-21-8-14.
- (2) Unsafe operation of a vehicle in violation of IC 9-21-8-24.
- (3) Overtaking another vehicle on the right by driving off the roadway in violation of IC 9-21-8-6.
- (4) Unsafe stopping or slowing a vehicle in violation of IC 9-21-8-26.
- (5) Unnecessary sounding of the horn in violation of IC 9-19-5-2.
- (6) Failure to yield in violation of IC 9-21-8-29 through IC 9-21-8-34.
- (7) Failure to obey a traffic control device in violation of IC 9-21-8-41.
- (8) Driving at an unsafe speed in violation of IC 9-21-5.
- (9) Repeatedly flashing the vehicle's headlights.

(b) A person who knowingly or intentionally engages in aggressive driving commits aggressive driving, a Class A misdemeanor."

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Page 5, delete lines 12 through 42, begin a new paragraph, and insert:

"SECTION 7. IC 35-42-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) As used in this section, "hazing" means forcing or requiring another person:

- (1) with or without the consent of the other person; and
- (2) as a condition of association with a group or organization; to perform an act that creates a substantial risk of bodily injury.

(b) A person who recklessly, knowingly, or intentionally performs:

- (1) an act that creates a substantial risk of bodily injury to another person; or
- (2) hazing;

commits criminal recklessness. Except as provided in subsection (c), criminal recklessness is a Class B misdemeanor.

(c) The offense of criminal recklessness as defined in subsection (b) is:

- (1) a Class A misdemeanor if the conduct includes the use of a vehicle;
- (2) a Class D felony if:
  - (A) it is committed while armed with a deadly weapon; or
  - (B) **the person committed aggressive driving (as defined in IC 9-21-8-55) and caused serious bodily injury to another person; or**

- (3) a Class C felony if:
  - (A) it is committed by shooting a firearm from a vehicle into an inhabited dwelling or other building or place where people are likely to gather; or
  - (B) **the person committed aggressive driving (as defined in IC 9-21-8-55) and caused the death of another person.**

(d) A person who recklessly, knowingly, or intentionally:

- (1) inflicts serious bodily injury on another person; or
- (2) performs hazing that results in serious bodily injury to a person;

commits criminal recklessness, a Class D felony. However, the offense is a Class C felony if committed by means of a deadly weapon.

(e) A person, other than a person who has committed an offense under this section or a delinquent act that would be an offense under this section if the violator was an adult, who:

- (1) makes a report of hazing in good faith;
- (2) participates in good faith in a judicial proceeding resulting from a report of hazing;
- (3) employs a reporting or participating person described in

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subdivision (1) or (2); or

(4) supervises a reporting or participating person described in subdivision (1) or (2);

is not liable for civil damages or criminal penalties that might otherwise be imposed because of the report or participation.

(f) A person described in subsection (e)(1) or (e)(2) is presumed to act in good faith.

(g) A person described in subsection (e)(1) or (e)(2) may not be treated as acting in bad faith solely because the person did not have probable cause to believe that a person committed:

(1) an offense under this section; or

(2) a delinquent act that would be an offense under this section if the offender was an adult."

Delete page 6.

Page 7, delete lines 1 through 7.

Page 7, line 8, after "2005]" insert "**IC 9-21-8-55, as added by this act, and**".

Page 7, line 9, delete "applies" and insert "**apply**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 217 as printed April 1, 2005.)

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