

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Senate Bill 218 be amended to read as follows:

- 1 Page 2, after line 7, begin a new paragraph and insert:
- 2 "SECTION 2. IC 9-19-11-2 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) A person who:
- 4 (1) holds an Indiana driver's license; and
- 5 (2) operates a motor vehicle in which there is a child less than
- 6 eight (8) years of age who is not properly fastened and restrained
- 7 according to the child restraint system manufacturer's
- 8 instructions by a child restraint system;
- 9 commits a ~~Class D~~ **Class E** infraction, unless it is reasonably
- 10 determined that the child will not fit in a child passenger restraint
- 11 system.
- 12 (b) Notwithstanding IC 34-28-5-5(c), funds collected as judgments
- 13 for violations under this section shall be deposited in the child restraint
- 14 system account established by section 9 of this chapter.
- 15 SECTION 3. IC 9-19-11-3 IS AMENDED TO READ AS
- 16 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) A person who
- 17 holds an Indiana driver's license and operates a motor vehicle in which
- 18 there is a child commits a ~~Class D~~ **Class E** infraction if:
- 19 (1) the child is less than eight (8) years of age and it is
- 20 reasonably determined that the child will not fit in a child
- 21 restraint system; and
- 22 (2) the child is not properly fastened and restrained according to
- 23 the child restraint system manufacturer's instructions by a:
- 24 (A) child restraint system; or
- 25 (B) safety belt.
- 26 (b) Notwithstanding IC 34-28-5-5(c), funds collected as judgments
- 27 for violations under this section shall be deposited in the child restraint
- 28 system account established by section 9 of this chapter.
- 29 SECTION 4. IC 9-19-11-3.3 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3.3. (a) This section
2 does not apply to a person who holds an Indiana driver's license.
3 (b) A person who operates a motor vehicle in which there is a child
4 less than sixteen (16) years of age who is not properly fastened and
5 restrained according to the child restraint system manufacturer's
6 instructions by a:
7 (1) child restraint system; or
8 (2) safety belt;
9 commits a ~~Class D~~ **Class E** infraction.
10 (c) Notwithstanding IC 34-28-5-5(c), funds collected as judgments
11 for violations under this section shall be deposited in the child restraint
12 system account established by section 9 of this chapter.
13 SECTION 5. IC 9-19-11-3.6 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3.6. (a) A person who
15 operates a motor vehicle in which there is a child and that is equipped
16 with a safety belt meeting the standards stated in the Federal Motor
17 Vehicle Safety Standard Number 208 (49 CFR 571.208) commits a
18 ~~Class D~~ **Class E** infraction if:
19 (1) the child is at least eight (8) years of age but less than sixteen
20 (16) years of age; and
21 (2) the child is not properly fastened and restrained according to
22 the child restraint system manufacturer's instructions by a:
23 (A) child restraint system; or
24 (B) safety belt.
25 (b) Notwithstanding IC 34-28-5-5(c), funds collected as judgments
26 for violations under this section shall be deposited in the child restraint
27 system account established by section 9 of this chapter.
28 SECTION 6. IC 14-22-38-7 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) As used in this
30 section, "hunter orange" means a daylight fluorescent orange with the
31 dominant wavelength 595-605 nm, a purity of not less than eighty-five
32 percent (85%), and a luminance factor of not less than forty percent
33 (40%).
34 (b) As used in this section, "wear hunter orange" means to expose
35 on one's person as an outer garment one (1) or more of the following
36 articles of clothing that are solid hunter orange in color:
37 (1) A vest.
38 (2) A coat.
39 (3) A jacket.
40 (4) Coveralls.
41 (5) A hat.
42 (6) A cap.
43 However, articles of clothing specified under this section with logos,
44 patches, insignia, or printing that does not substantially hinder the
45 visibility of the hunter orange material are allowed under this section.
46 (c) This subsection applies only during the season when hunting
47 by firearms (as defined in IC 14-22-40-3) is permitted under 312 IAC.
48 A person who hunts for:
49 (1) deer by firearm or bow and arrow;
50 (2) cottontail rabbit;
51 (3) squirrel, unless from a boat, during the period:
52 (A) beginning on the first Friday that follows November 3;

1 and
2 (B) ending on January 31 of the following year;
3 (4) woodcock;
4 (5) pheasant;
5 (6) quail; or
6 (7) ruffed grouse;
7 must wear hunter orange.
8 (d) A ~~violation of person who violates~~ this section ~~is~~ **commits a**
9 Class ~~D~~ **Class E** infraction.
10 SECTION 7. IC 22-11-18-5 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) An owner of a
12 hotel or motel who violates this chapter commits a Class A infraction,
13 except as provided by subsection (b).
14 (b) An owner of a hotel or motel commits a Class D felony if:
15 (1) the owner knowingly or intentionally violates section 3 of
16 this chapter; and
17 (2) bodily injury (as defined in IC 35-41-1) or loss of life occurs
18 as a result of a fire in the building.
19 (c) A person who violates section 3.5 of this chapter commits a
20 Class ~~D~~ **Class E** infraction.
21 SECTION 8. IC 34-28-5-4 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) A judgment of
23 up to ten thousand dollars (\$10,000) may be entered for a violation
24 constituting a Class A infraction.
25 (b) A judgment of up to one thousand dollars (\$1,000) may be
26 entered for a violation constituting a Class B infraction.
27 (c) A judgment of up to five hundred dollars (\$500) may be
28 entered for a violation constituting a Class C infraction.
29 (d) **A judgement up to seventy-five dollars (\$75) may be**
30 **entered for a violation constituting a Class D infraction.**
31 ~~(d)~~ (e) A judgment of up to twenty-five dollars (\$25) may be
32 entered for a violation constituting a Class ~~D~~ **Class E** infraction.
33 ~~(e)~~ (f) A judgment:
34 (1) up to the amount requested in the complaint; and
35 (2) not exceeding any limitation under IC 36-1-3-8;
36 may be entered for an ordinance violation.
37 SECTION 9. IC 34-28-5-5 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) A defendant
39 against whom a judgment is entered is liable for costs. Costs are part of
40 the judgment and may not be suspended except under IC 9-30-3-12.
41 Whenever a judgment is entered against a person for the commission
42 of two (2) or more civil violations (infractions or ordinance violations),
43 the court may waive the person's liability for costs for all but one (1) of
44 the violations. This subsection does not apply to judgments entered for
45 violations constituting:
46 **(1) Class E infractions;**
47 ~~(1)~~ **(2) Class D infractions; or**
48 ~~(2)~~ **(3) Class C infractions for unlawfully parking in a space**
49 **reserved for a person with a physical disability under IC 5-16-9-5**
50 **or IC 5-16-9-8.**

- 1 (b) If a judgment is entered:
- 2 (1) for a violation constituting:
- 3 (A) a Class E infraction;
- 4 ~~(A)~~ (B) a Class D infraction; or
- 5 ~~(B)~~ (C) a Class C infraction for unlawfully parking in a
- 6 space reserved for a person with a physical disability under
- 7 IC 5-16-9-5 or IC 5-16-9-8; or
- 8 (2) in favor of the defendant in any case;
- 9 the defendant is not liable for costs.
- 10 (c) Except for costs, the funds collected as judgments for violations
- 11 of statutes defining infractions shall be deposited in the state general
- 12 fund.
- 13 (d) A judgment may be entered against a defendant under this
- 14 section or section 4 of this chapter upon a finding by the court that the
- 15 defendant:
- 16 (1) violated:
- 17 (A) a statute defining an infraction; or
- 18 (B) an ordinance; or
- 19 (2) consents to entry of judgment for the plaintiff upon a
- 20 pleading of nolo contendere for a moving traffic violation."
(Reference is to ESB 218 as printed March 18, 2005.)

Representative WELCH