



February 2, 2005

HOUSE BILL No. 1789

DIGEST OF HB 1789 (Updated January 31, 2005 1:15 pm - DI 96)

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

Synopsis: Electronic devices and traffic signals. Prohibits a person from using 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 an authorized technician who is installing, testing, or repairing a traffic control signal. Prohibits the sale of such devices to a nongovernmental entity. Makes it a Class A misdemeanor for a person to illegally sell or use a device to alter the sequence of a traffic control signal.

Effective: July 1, 2005.

Aguilera

January 19, 2005, read first time and referred to Committee on Roads and Transportation.
February 1, 2005, reported — Do Pass.

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HB 1789—LS 6910/DI 69+



February 2, 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.

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HOUSE BILL No. 1789

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 9-13-2-92 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 92. (a) "Law
3 enforcement officer", except as provided in subsection (b), includes the
4 following:

- 5 (1) A state police officer.
6 (2) A city, town, or county police officer.
7 (3) A sheriff.
8 (4) A county coroner.
9 (5) A conservation officer.
10 (b) "Law enforcement officer", for purposes of **IC 9-21-3-7.5**,
11 IC 9-30-5, IC 9-30-6, IC 9-30-7, IC 9-30-8, and IC 9-30-9, has the
12 meaning set forth in IC 35-41-1.

13 SECTION 2. IC 9-13-2-99.7 IS ADDED TO THE INDIANA CODE
14 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
15 1, 2005]: **Sec. 99.7. "Medical, firefighting, or law enforcement
16 emergency", for purposes of IC 9-21-3, has the meaning set forth
17 in IC 9-21-3-7.5.**

HB 1789—LS 6910/DI 69+



1 SECTION 3. IC 9-13-2-111.5 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2005]: **Sec. 111.5. "Nongovernmental entity",**
4 **for purposes of IC 9-21-3, has the meaning set forth in**
5 **IC 9-21-3-7.5.**

6 SECTION 4. IC 9-13-2-117.3 IS ADDED TO THE INDIANA
7 CODE AS A NEW SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2005]: **Sec. 117.3. "OPED", for purposes of**
9 **IC 9-21-3, has the meaning set forth in IC 9-21-3-7.5.**

10 SECTION 5. IC 9-13-2-128 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 128. **(a) Except as**
12 **provided in subsection (b), "political subdivision" means a county, a**
13 **township, a city, a town, a public school corporation, or any other**
14 **subdivision of the state recognized in any law, including any special**
15 **taxing district or entity and any public improvement district authority**
16 **or entity authorized to levy taxes or assessments.**

17 **(b) "Political subdivision", for purposes of IC 9-21-3-7.5, means**
18 **the following:**

- 19 (1) **A unit.**
- 20 (2) **A township.**
- 21 (3) **A school corporation (as defined in IC 36-1-2-17).**
- 22 (4) **A local hospital authority that meets the definition of**
23 **"authority" in IC 5-1-4-3.**
- 24 (5) **A local airport authority established under IC 8-22-3-1.**
- 25 (6) **A public transportation corporation established under**
26 **IC 36-9-4-10.**

27 SECTION 6. IC 9-13-2-144.2 IS ADDED TO THE INDIANA
28 CODE AS A NEW SECTION TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2005]: **Sec. 144.2. "Public safety officer", for**
30 **purposes of IC 9-21-3, has the meaning set forth in IC 9-21-3-7.5.**

31 SECTION 7. IC 9-13-2-192 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 192. "Unit", for
33 purposes of **section 128 of this chapter and IC 9-21-18**, has the
34 meaning set forth in IC 9-21-18-3.

35 SECTION 8. IC 9-21-3-7.5 IS ADDED TO THE INDIANA CODE
36 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
37 1, 2005]: **Sec. 7.5. (a) As used in this section, "medical, firefighting,**
38 **or law enforcement emergency" means the following:**

- 39 (1) **A medical condition that requires immediate medical**
40 **attention.**
- 41 (2) **The occurrence or expected occurrence of an event that**
42 **presumably requires immediate firefighting, medical, or law**

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enforcement attention.

(3) The commission or alleged commission of a criminal act that requires immediate intervention or investigation by a law enforcement officer.

(b) As used in this section, "nongovernmental entity" means a person or legal entity that is not:

- (1) the state; or
- (2) a political subdivision.

(c) As used in this section, "OPED" means an optical preemption emitter 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 of the lights on a traffic control signal.

(d) As used in this section, "public safety officer" means a:

- (1) law enforcement officer;
- (2) certified paramedic;
- (3) certified emergency medical technician;
- (4) certified medical service driver;
- (5) certified medical service first responder;
- (6) member of a fire department (as defined in IC 36-8-1-8); or
- (7) volunteer firefighter (as defined in IC 36-8-12-2).

(e) An individual may not knowingly or intentionally use an OPED to change the sequence or interval of the lights on a traffic control signal unless the individual is:

- (1) a public safety officer who is:
 - (A) a passenger in or operating an authorized emergency vehicle; and
 - (B) responding and in direct route to a medical, firefighting, or law enforcement emergency;
- (2) an authorized traffic control technician who is:
 - (A) installing an OPED; or
 - (B) testing or repairing a malfunctioning OPED; or
- (3) an employee of a public transportation corporation who is operating:
 - (A) an official public transportation motor vehicle; and
 - (B) on a scheduled route.

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

SECTION 9. IC 9-21-3-11 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) A person who
2 violates section 7, 8, 9, or 10 of this chapter commits a Class C
3 infraction.

4 (b) A person that knowingly or intentionally violates section
5 7.5(e) or 7.5(f) of this chapter commits a Class A misdemeanor.

6 SECTION 10. [EFFECTIVE JULY 1, 2005] IC 9-21-3-7.5, as
7 added by this act, and IC 9-21-3-11, as amended by this act, apply
8 only to offenses committed after June 30, 2005.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1789, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

DUNCAN, Chair

Committee Vote: yeas 10, nays 0.

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