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# HOUSE BILL No. 1471

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-30; IC 35-42-2-4.5.

**Synopsis:** Road rage. Provides that a driver who, with the intent to harass or intimidate another person: (1) operates a motor vehicle in an unsafe manner; and (2) in the same driving incident, performs at least two specified wrongful acts; commits road rage, a Class A misdemeanor. Increases the penalty for repeat offenders and for offenders who cause injury or death. Requires a court to suspend the license of a person convicted of road rage and makes road rage an underlying offense of the habitual traffic violator statute.

**Effective:** July 1, 2005.

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January 18, 2005, read first time and referred to Committee on Courts and Criminal Code.

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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. 1471



A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 9-30-10-4 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) A person who has  
 3 accumulated at least two (2) judgments within a ten (10) year period  
 4 for any of the following violations, singularly or in combination, not  
 5 arising out of the same incident, and with at least one (1) violation  
 6 occurring after March 31, 1984, is a habitual violator:  
 7 (1) Reckless homicide resulting from the operation of a motor  
 8 vehicle.  
 9 (2) Voluntary or involuntary manslaughter resulting from the  
 10 operation of a motor vehicle.  
 11 (3) Failure of the driver of a motor vehicle involved in an accident  
 12 resulting in death or injury to any person to stop at the scene of  
 13 the accident and give the required information and assistance.  
 14 (4) Operation of a vehicle while intoxicated resulting in death.  
 15 (5) Before July 1, 1997, operation of a vehicle with at least  
 16 ten-hundredths percent (0.10%) alcohol in the blood resulting in  
 17 death.



- 1 (6) After June 30, 1997, and before July 1, 2001, operation of a
- 2 vehicle with an alcohol concentration equivalent to at least
- 3 ten-hundredths (0.10) gram of alcohol per:
- 4 (A) one hundred (100) milliliters of the blood; or
- 5 (B) two hundred ten (210) liters of the breath;
- 6 resulting in death.
- 7 (7) After June 30, 2001, operation of a vehicle with an alcohol
- 8 concentration equivalent to at least eight-hundredths (0.08) gram
- 9 of alcohol per:
- 10 (A) one hundred (100) milliliters of the blood; or
- 11 (B) two hundred ten (210) liters of the breath;
- 12 resulting in death.
- 13 **(8) Road rage resulting in death under IC 35-42-2-4.5(d).**
- 14 (b) A person who has accumulated at least three (3) judgments
- 15 within a ten (10) year period for any of the following violations,
- 16 singularly or in combination, not arising out of the same incident, and
- 17 with at least one (1) violation occurring after March 31, 1984, is a
- 18 habitual violator:
- 19 (1) Operation of a vehicle while intoxicated.
- 20 (2) Before July 1, 1997, operation of a vehicle with at least
- 21 ten-hundredths percent (0.10%) alcohol in the blood.
- 22 (3) After June 30, 1997, and before July 1, 2001, operation of a
- 23 vehicle with an alcohol concentration equivalent to at least
- 24 ten-hundredths (0.10) gram of alcohol per:
- 25 (A) one hundred (100) milliliters of the blood; or
- 26 (B) two hundred ten (210) liters of the breath.
- 27 (4) After June 30, 2001, operation of a vehicle with an alcohol
- 28 concentration equivalent to at least eight-hundredths (0.08) gram
- 29 of alcohol per:
- 30 (A) one hundred (100) milliliters of the blood; or
- 31 (B) two hundred ten (210) liters of the breath.
- 32 (5) Operating a motor vehicle while the person's license to do so
- 33 has been suspended or revoked as a result of the person's
- 34 conviction of an offense under IC 9-1-4-52 (repealed July 1,
- 35 1991), IC 9-24-18-5(b) (repealed July 1, 2000), IC 9-24-19-3, or
- 36 IC 9-24-19-5.
- 37 (6) Operating a motor vehicle without ever having obtained a
- 38 license to do so.
- 39 (7) Reckless driving.
- 40 (8) Criminal recklessness involving the operation of a motor
- 41 vehicle.
- 42 (9) Drag racing or engaging in a speed contest in violation of law.

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1 (10) Violating IC 9-4-1-40 (repealed July 1, 1991), IC 9-4-1-46  
2 (repealed July 1, 1991), IC 9-26-1-1(1), IC 9-26-1-1(2),  
3 IC 9-26-1-1(4), IC 9-26-1-2(1), IC 9-26-1-2(2), IC 9-26-1-3, or  
4 IC 9-26-1-4.

5 **(11) Road rage.**

6 ~~(11)~~ **(12)** Any felony under an Indiana motor vehicle statute or  
7 any felony in the commission of which a motor vehicle is used.

8 A judgment for a violation enumerated in subsection (a) shall be added  
9 to the violations described in this subsection for the purposes of this  
10 subsection.

11 (c) A person who has accumulated at least ten (10) judgments  
12 within a ten (10) year period for any traffic violation, except a parking  
13 or an equipment violation, of the type required to be reported to the  
14 bureau, singularly or in combination, not arising out of the same  
15 incident, and with at least one (1) violation occurring after March 31,  
16 1984, is a habitual violator. However, at least one (1) of the judgments  
17 must be for a violation enumerated in subsection (a) or (b). A judgment  
18 for a violation enumerated in subsection (a) or (b) shall be added to the  
19 judgments described in this subsection for the purposes of this  
20 subsection.

21 SECTION 2. IC 9-30-13-1 IS AMENDED TO READ AS  
22 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. For a person who  
23 uses a motor vehicle to commit:

24 **(1) criminal** recklessness ~~under~~ (IC 35-42-2-2); **or**

25 **(2) road rage (IC 35-42-2-4.5);**

26 the judge of the court in which the person is convicted shall  
27 recommend that the current driver's license of the person be suspended  
28 for not less than sixty (60) days and not more than two (2) years.

29 SECTION 3. IC 35-42-2-4.5 IS ADDED TO THE INDIANA CODE  
30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
31 1, 2005]: **Sec. 4.5. (a) A person commits road rage, a Class A  
32 misdemeanor, if:**

33 **(1) the person, with the intent to harass or intimidate another  
34 person, operates a motor vehicle in a manner that creates a  
35 risk of:**

36 **(A) bodily injury to another person; or**

37 **(B) property damage to the vehicle (including a bicycle) of  
38 another person; and**

39 **(2) the person's operation of a vehicle described in subdivision  
40 (1) includes, in one (1) episode of continuous driving, at least  
41 two (2) of the following acts:**

42 **(A) Following a vehicle too closely in violation of**

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- 1           **IC 9-21-8-14.**
- 2           **(B) Unsafe operation of a vehicle in violation of**
- 3           **IC 9-21-8-24.**
- 4           **(C) Overtaking another vehicle on the right by driving off**
- 5           **the roadway in violation of IC 9-21-8-6.**
- 6           **(D) Unsafe stopping or slowing a vehicle in violation of**
- 7           **IC 9-21-8-26.**
- 8           **(E) Unnecessary sounding of the horn in violation of**
- 9           **IC 9-19-5-2.**
- 10          **(F) Failure to yield in violation of IC 9-21-8-29 through**
- 11          **IC 9-21-8-34.**
- 12          **(G) Failure to obey a traffic control device in violation of**
- 13          **IC 9-21-8-41.**
- 14          **(H) Driving at an unsafe speed in violation of IC 9-21-5.**
- 15          **(I) Repeatedly flashing the vehicle's headlights.**
- 16          **(J) Making an obscene or threatening gesture.**
- 17          **(K) Refusing to yield to a pedestrian or a person riding a**
- 18          **bicycle when the pedestrian or person riding the bicycle**
- 19          **has the right of way.**
- 20          **(L) Following a person riding a bicycle more closely than**
- 21          **is reasonable and prudent, having due regard for the speed**
- 22          **of both vehicles, the time interval between vehicles, and the**
- 23          **condition of the highway.**
- 24          **(M) Overtaking a person riding a bicycle without leaving**
- 25          **a safe distance between the vehicles.**
- 26          **(b) The offense under subsection (a) is a Class D felony if:**
- 27                **(1) the person has a prior unrelated conviction for road rage;**
- 28                **and**
- 29                **(2) the prior conviction for road rage occurred within the five**
- 30                **(5) years preceding the commission of the offense.**
- 31          **(c) The offense under subsection (a) is a Class D felony if it**
- 32          **results in serious bodily injury to another person. However, the**
- 33          **offense is a Class C felony if:**
- 34                **(1) it results in serious bodily injury to another person;**
- 35                **(2) the person who commits the offense has a prior unrelated**
- 36                **conviction for road rage; and**
- 37                **(3) the person's prior conviction for road rage occurred**
- 38                **within the five (5) years preceding the commission of the**
- 39                **offense.**
- 40          **(d) The offense under subsection (a) is a Class C felony if it**
- 41          **results in the death of another person. However, the offense is a**
- 42          **Class B felony if:**

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1           (1) it results in the death of another person; and  
2           (2) the person who commits the offense has a prior unrelated  
3           conviction for road rage; and  
4           (3) the prior conviction for road rage occurred within the five  
5           (5) years preceding the commission of the offense.  
6           (e) A person who commits road rage resulting in death under  
7           subsection (d) commits a separate offense for each person whose  
8           death is caused by the commission of the offense.  
9           SECTION 4. [EFFECTIVE JULY 1, 2005] IC 35-42-2-4.5, as  
10          added by this act, applies only to offenses committed after June 30,  
11          2005.

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