

# HOUSE BILL No. 1623

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-21.

**Synopsis:** Worksite safety. Requires the department of transportation to design and manufacture signs to inform drivers of offenses and penalties related to operating a vehicle in or near worksites. Establishes higher minimum penalties for exceeding posted worksite speed limits. Establishes various offenses related to operating a vehicle in or near worksites.

**Effective:** July 1, 2007.

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## Oxley, Stilwell

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January 23, 2007, read first time and referred to Committee on Roads and Transportation.

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First Regular Session 115th General Assembly (2007)

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 2006 Regular Session of the General Assembly.

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# HOUSE BILL No. 1623



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 9-21-4-20 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2007]: **Sec. 20. (a) The department shall design and manufacture**  
4 **or have manufactured signs that inform vehicle operators of the**  
5 **offenses and penalties under:**  
6 (1) **IC 9-21-5-11; and**  
7 (2) **IC 9-21-8-56.**  
8 (b) **A sign described in subsection (a) may be posted at a**  
9 **reasonable distance before a worksite, including a highway work**  
10 **zone (as defined in IC 8-23-2-15), by:**  
11 (1) **the department;**  
12 (2) **a political subdivision; or**  
13 (3) **a contractor of the:**  
14 (A) **department; or**  
15 (B) **political subdivision;**  
16 **that is working at the worksite.**  
17 **A sign that is posted before a highway work zone must be posted**



1 **in accordance with the Indiana Manual on Uniform Traffic**  
2 **Control Devices or the Indiana Work Site Traffic Control Manual.**

3 SECTION 2. IC 9-21-5-11, AS AMENDED BY P.L.235-2005,  
4 SECTION 125, IS AMENDED TO READ AS FOLLOWS  
5 [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) Subject to subsection (b),  
6 the Indiana department of transportation, the Indiana finance authority,  
7 or a local authority may establish temporary maximum speed limits in  
8 their respective jurisdictions and in the vicinity of a worksite without  
9 conducting an engineering study and investigation required under this  
10 article. The establishing authority shall post signs notifying the  
11 traveling public of the temporary maximum speed limits established  
12 under this section.

13 (b) Worksite speed limits set under this section must be ten (10)  
14 miles below the maximum established speed limit. A worksite speed  
15 limit may not exceed forty-five (45) miles per hour in any location.

16 (c) **Notwithstanding IC 34-28-5-4(b), a judgment for the**  
17 **infraction of violating a speed limit set under this section must be**  
18 **entered as follows:**

19 (1) **If the person has not previously committed the infraction**  
20 **of violating a speed limit set under this section, a judgment of**  
21 **at least three hundred dollars (\$300).**

22 (2) **If the person has committed one (1) infraction of violating**  
23 **a speed limit set under this section in the previous five (5)**  
24 **years, a judgment of at least five hundred dollars (\$500).**

25 (3) **If the person has committed two (2) or more infractions of**  
26 **violating a speed limit set under this section in the previous**  
27 **five (5) years, a judgment of at least seven hundred fifty**  
28 **dollars (\$750).**

29 SECTION 3. IC 9-21-5-13, AS AMENDED BY P.L.231-2005,  
30 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
31 JULY 1, 2007]: Sec. 13. (a) Except as provided in subsections (b) and  
32 (c) **and IC 9-21-8-56(b)(3)**, a person who violates this chapter  
33 commits a Class C infraction.

34 (b) A person who exceeds a speed limit that is:

35 (1) established under section 6 of this chapter and imposed only  
36 in the immediate vicinity of a school when children are present;  
37 or

38 (2) established under section 11 of this chapter and imposed only  
39 in the immediate vicinity of a worksite when workers are present;

40 commits a Class B infraction, **except as provided in**  
41 **IC 9-21-8-56(b)(3).**

42 (c) A person who while operating a school bus knowingly or

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1 intentionally exceeds a speed limit set forth in section 14 of this chapter  
2 commits a Class C misdemeanor, **except as provided in**  
3 **IC 9-21-8-56(b)(3).**

4 SECTION 4. IC 9-21-6-3 IS AMENDED TO READ AS FOLLOWS  
5 [EFFECTIVE JULY 1, 2007]: Sec. 3. A person who violates this  
6 chapter commits a Class B misdemeanor, **except as provided in**  
7 **IC 9-21-8-56(b)(5).**

8 SECTION 5. IC 9-21-8-49 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 49. Except as provided  
10 in sections 50, 51, 52, ~~and 54~~, **55, and 56** of this chapter, a person who  
11 violates this chapter commits a Class C infraction.

12 SECTION 6. IC 9-21-8-55, AS ADDED BY P.L.75-2006,  
13 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2007]: Sec. 55. (a) This section does not apply to a law  
15 enforcement official engaged in the law enforcement official's official  
16 duties.

17 (b) For purposes of this section, a person engages in aggressive  
18 driving if, during one (1) episode of continuous driving of a vehicle, the  
19 person does or commits at least three (3) of the following:

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

33 (c) A person who, with the intent to harass or intimidate a person in  
34 another vehicle, knowingly or intentionally engages in aggressive  
35 driving commits aggressive driving, a Class A misdemeanor, **except as**  
36 **provided in IC 9-21-8-56(b)(4).**

37 SECTION 7. IC 9-21-8-56 IS ADDED TO THE INDIANA CODE  
38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
39 1, 2007]: **Sec. 56. (a) For purposes of this section, "worksite"**  
40 **includes a highway work zone (as defined in IC 8-23-2-15).**

41 **(b) Except as provided in subsections (c) through (e), any of the**  
42 **following, if committed in the immediate vicinity of a worksite**

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1 when workers are present, is a Class A misdemeanor:  
 2 (1) Operating a vehicle in a reckless manner.  
 3 (2) Operating a vehicle in a reckless or deliberate attempt to:  
 4 (A) damage traffic control devices; or  
 5 (B) inflict bodily injury on a worker.  
 6 (3) Operating a vehicle at least fifteen (15) miles per hour  
 7 above the posted speed limit in violation of IC 9-21-5.  
 8 (4) Engaging in aggressive driving, as defined in section 55 of  
 9 this chapter.  
 10 (5) Engaging in a speed contest, as prohibited under  
 11 IC 9-21-6-1.  
 12 (6) Failure to obey a traffic control device or flagman, as  
 13 prohibited under section 41 of this chapter.  
 14 (c) An offense under subsection (b) is a Class D felony if the  
 15 person who commits the offense:  
 16 (1) has a prior unrelated conviction under this section; or  
 17 (2) is operating the vehicle in violation of IC 9-30-5-1 or  
 18 IC 9-30-5-2.  
 19 (d) An offense under subsection (b) is a Class C felony if the  
 20 offense results in bodily injury to a worker in the worksite.  
 21 (e) An offense under subsection (b) is a Class B felony if the  
 22 offense results in the death of a worker in the worksite.  
 23 SECTION 8. [EFFECTIVE JULY 1, 2007] (a) IC 9-21-5-11, as  
 24 amended by this act, applies to civil judgments entered for  
 25 infractions committed after June 30, 2007.  
 26 (b) IC 9-21-8-56, as added by this act, applies to offenses  
 27 committed after June 30, 2007.

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