



January 29, 2010

SENATE BILL No. 399

DIGEST OF SB 399 (Updated January 27, 2010 7:53 am - DI 73)

Citations Affected: IC 34-28.

Synopsis: Fines for moving violations. Provides the following caps on the amount that a person who has committed a moving violation that is a Class C infraction may be required to pay: (1) only court costs, if the person admits the violation before the person's court date; (2) court costs plus \$50.50, if the person admits the violation on the day of the person's court date; (3) court costs plus \$50.50, if the person contests the violation in court, is found to have committed the violation, and has not contested and been found to have committed another moving violation in the previous five years; (4) court costs plus \$250.50 if the person has contested and been found to have committed one moving violation in the previous five years; and (5) court costs plus \$500 if the person has contested and been found to have committed two or more moving violations in the previous five years.

Effective: July 1, 2010.

**Young R Michael, Taylor, Waltz,
Delph**

January 14, 2010, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

January 20, 2010, pursuant to Senate Rule 65(b), reassigned to Committee on Appropriations.

January 21, 2010, reported favorably — Do Pass.

January 28, 2010, reported favorably — Do Pass.

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January 29, 2010

Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

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SENATE BILL No. 399

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 34-28-5-4, AS AMENDED BY P.L.101-2009,
2 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2010]: Sec. 4. (a) A judgment of up to ten thousand dollars
4 (\$10,000) may be entered for a violation constituting a Class A
5 infraction.
6 (b) A judgment of up to one thousand dollars (\$1,000) may be
7 entered for a violation constituting a Class B infraction.
8 (c) **Except as provided in subsection (f)**, a judgment of up to five
9 hundred dollars (\$500) may be entered for a violation constituting a
10 Class C infraction.
11 (d) A judgment of up to twenty-five dollars (\$25) may be entered for
12 a violation constituting a Class D infraction.
13 (e) Subject to section 1(i) of this chapter, a judgment:
14 (1) up to the amount requested in the complaint; and
15 (2) not exceeding any limitation under IC 36-1-3-8;
16 may be entered for an ordinance violation.
17 (f) **A person who has admitted to a moving violation constituting**

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1 a Class C infraction, pleaded nolo contendere to a moving violation
2 constituting a Class C infraction, or has been found by a court to
3 have committed a moving violation constituting a Class C
4 infraction may not be required to pay more than the following
5 amounts for the violation:

6 (1) If, before the appearance date specified in the summons
7 and complaint, the person mails or delivers an admission of
8 the moving violation or a plea of nolo contendere to the
9 moving violation, the person may not be required to pay any
10 amount, except court costs.

11 (2) If the person admits the moving violation or enters a plea
12 of nolo contendere to the moving violation on the appearance
13 date specified in the summons and complaint, the person may
14 not be required to pay any amount, except court costs and a
15 judgment that does not exceed fifty dollars and fifty cents
16 (\$50.50).

17 (3) If the person contests the moving violation in court and is
18 found to have committed the moving violation, the person
19 may not be required to pay any amount, except:

20 (A) court costs and a judgment that does not exceed fifty
21 dollars and fifty cents (\$50.50) if, in the five (5) years
22 before the appearance date specified in the summons and
23 complaint, the person was not found by a court to have
24 committed a moving violation;

25 (B) court costs and a judgment that does not exceed two
26 hundred fifty dollars and fifty cents (\$250.50) if, in the five
27 (5) years before the appearance date specified in the
28 summons and complaint, the person was found by a court
29 to have committed one (1) moving violation; and

30 (C) court costs and a judgment that does not exceed five
31 hundred dollars (\$500) if, in the five (5) years before the
32 appearance date specified in the summons and complaint,
33 the person was found by a court to have committed two (2)
34 or more moving violations.

35 In a proceeding under subdivision (3), the court may require the
36 person to submit an affidavit or sworn testimony concerning
37 whether, in the five (5) years before the appearance date specified
38 in the summons and complaint, the person has been found by a
39 court to have committed one (1) or more moving violations.

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Report of the President
Pro Tempore

Madam President: Pursuant to Senate Rule 65(b), I hereby report that, subsequent to the adoption of the Corrections, Criminal, and Civil Matters Committee Report on January 21, 2010, Senate Bill 399 was reassigned to the Committee on Appropriations.

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 399, 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 399 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 10, Nays 1.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 399, 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 399 as printed January 22, 2010.)

DILLON, Ranking Member

Committee Vote: Yeas 12, Nays 0.

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