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# SENATE BILL No. 473

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 8-15-3; IC 8-15.5-1-2; IC 8-15.7-1-5; IC 8-23-7-22; IC 9-18-2-17; IC 9-21-3.5.

**Synopsis:** Various transportation issues. Removes certain provisions requiring legislative approval or review by the budget committee for public private agreements, toll roads, and tollways. Retains provisions requiring legislative approval for certain projects concerning the construction of Interstate Highway 69 and the designation of a toll road on a part of an interstate highway south of Indianapolis. Provides that the owner of a motor vehicle that passes through a toll collection facility without payment of the proper toll commits a moving violation, a Class C infraction. Authorizes the bureau of motor vehicles (BMV) to withhold the registration of a vehicle used in the commission of a moving violation until the owner pays any applicable fines and fees. Requires the Indiana department of transportation (department) or Indiana finance authority to adopt rules to establish deadlines to issue citations for, and payment of fines imposed for, moving violations. Requires the department to establish a procedure to notify the BMV of unpaid fines for moving violations. Requires the BMV to remit the amount of any moving violation fines paid to the BMV to the entity that imposed the fines.

**Effective:** July 1, 2011.

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**Wyss, Rogers**

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January 13, 2011, read first time and referred to Committee on Homeland Security, Transportation & Veterans Affairs.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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## SENATE BILL No. 473



A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

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

1 SECTION 1. IC 8-15-3-7, AS AMENDED BY P.L.85-2010,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2011]: Sec. 7. As used in this chapter, "tollway" includes: ~~any~~  
4 ~~combination or part of:~~

5 (1) an express highway, limited access facility, superhighway,  
6 bridge, tunnel, or motor way, including express lanes and  
7 managed lanes, constructed under this chapter or IC 8-15.7 or,  
8 subject to section 10 of this chapter, converted to a tollway under  
9 IC 8-23-7-22;

10 (2) any bridge, tunnel, overpass, underpass, interchange,  
11 structure, ramp, access road, service road, entrance plaza,  
12 approach, tollhouse, utility corridor, toll gantry, rest stop, service  
13 station, or administration, storage, or other buildings or facilities,  
14 including temporary facilities and buildings, facilities, and  
15 structures that will not be tolled, that the department considers  
16 appurtenant to or necessary or desirable for the financing,  
17 construction, operation, or maintenance of one (1) or more of the



1 items described in subdivision (1);  
 2 (3) any subsequent improvement, betterment, enlargement,  
 3 extension, or reconstruction of one (1) or more items described in  
 4 this section, including any nontolled part, that are separately  
 5 designated by name or number; ~~and~~  
 6 (4) a project connecting the state of Indiana with an adjacent  
 7 state; **or**  
 8 **(5) any combination of items or projects described in**  
 9 **subdivisions (1) through (4).**  
 10 SECTION 2. IC 8-15-3-9, AS AMENDED BY P.L.85-2010,  
 11 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2011]: Sec. 9. (a) Subject to subsection (e), the governor must  
 13 approve the location of any tollway.  
 14 (b) The department may, in any combination, plan, design, develop,  
 15 construct, reconstruct, maintain, repair, police, finance, and operate  
 16 tollways, public improvements, and arterial streets and roads at those  
 17 locations that the governor approves.  
 18 (c) The department may, in any combination, plan, design, develop,  
 19 construct, reconstruct, improve, finance, operate, repair, or maintain  
 20 public improvements such as roads and streets, sewer lines, water lines,  
 21 and other utilities if these improvements are:  
 22 (1) adjacent or appurtenant to a tollway; or  
 23 (2) necessary or desirable for the financing, construction,  
 24 operation, or maintenance of a tollway.  
 25 (d) The department may, in any combination, plan, design, develop,  
 26 construct, reconstruct, improve, maintain, repair, operate, or finance  
 27 the construction or reconstruction of an arterial highway or an arterial  
 28 street that:  
 29 (1) is adjacent to, appurtenant to, or interchanges with a tollway;  
 30 or  
 31 (2) intersects with a road or street that interchanges with a  
 32 tollway.  
 33 (e) Notwithstanding any other law, the governor, the department, or  
 34 an operator may not carry out any of the following activities under this  
 35 chapter unless the general assembly enacts a statute authorizing that  
 36 activity:  
 37 ~~(1) Approve the location of a tollway, other than:~~  
 38 ~~(A) Interstate Highway 69 between Interstate Highway 64 and~~  
 39 ~~a city having a population of more than eleven thousand five~~  
 40 ~~hundred (11,500) but less than eleven thousand seven hundred~~  
 41 ~~forty (11,740);~~  
 42 ~~(B) the Hliana Expressway, a limited access facility connecting~~

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- 1 Interstate Highway 65 in northwestern Indiana with an
- 2 interstate highway in Illinois; or
- 3 ~~(C)~~ a project that is located within a metropolitan planning
- 4 area (as defined by 23 U.S.C. 134) and that connects the state
- 5 of Indiana with the commonwealth of Kentucky.
- 6 ~~(2)~~ (1) Carry out construction for Interstate Highway 69 in a
- 7 township having a population of more than seventy-five thousand
- 8 (75,000) and less than ninety-three thousand five hundred
- 9 (93,500).
- 10 ~~(3)~~ (2) Impose tolls on motor vehicles for use of the part of an
- 11 interstate highway that connects a consolidated city and a city
- 12 having a population of more than eleven thousand five hundred
- 13 (11,500) but less than eleven thousand seven hundred forty
- 14 (11,740).

15 SECTION 3. IC 8-15.5-1-2, AS AMENDED BY P.L.85-2010,  
 16 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2011]: Sec. 2. (a) This article contains full and complete  
 18 authority for public-private agreements between the authority and a  
 19 private entity. Except as provided in this article, no law, procedure,  
 20 proceeding, publication, notice, consent, approval, order, or act by the  
 21 authority or any other officer, department, agency, or instrumentality  
 22 of the state or any political subdivision is required for the authority to  
 23 enter into a public-private agreement with a private entity under this  
 24 article, or for a toll road project that is the subject of a public-private  
 25 agreement to be constructed, acquired, maintained, repaired, operated,  
 26 financed, transferred, or conveyed.

27 (b) This subsection does not apply to a project for the construction  
 28 of the Iliana Expressway, a limited access facility connecting Interstate  
 29 Highway 65 in northwestern Indiana with an interstate highway in  
 30 Illinois; or a project that is located within a metropolitan planning area  
 31 (as defined by 23 U.S.C. 134) and that connects the state of Indiana  
 32 with the commonwealth of Kentucky. Notwithstanding any other law,  
 33 after August 1, 2006, neither the authority nor the department may:

- 34 (1) issue a request for proposals for; or
  - 35 (2) enter into;
- 36 a public-private agreement under this article that would authorize an  
 37 operator to impose tolls for the operation of motor vehicles on all or  
 38 part of a project; unless the general assembly adopts a statute  
 39 authorizing the imposition of tolls.

40 ~~(c)~~ (b) Notwithstanding any other law, neither the authority nor an  
 41 operator may carry out any of the following activities under this article  
 42 unless the general assembly enacts a statute authorizing that activity:

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1 (1) Carrying out construction for Interstate Highway 69 in a  
2 township having a population of more than seventy-five thousand  
3 (75,000) and less than ninety-three thousand five hundred  
4 (93,500).

5 (2) Imposing tolls on motor vehicles for use of the part of an  
6 interstate highway that connects a consolidated city and a city  
7 having a population of more than eleven thousand five hundred  
8 (11,500) but less than eleven thousand seven hundred forty  
9 (11,740).

10 SECTION 4. IC 8-15.7-1-5, AS AMENDED BY P.L.85-2010,  
11 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2011]: Sec. 5. (a) This article contains full and complete  
13 authority for agreements and leases with private entities to carry out the  
14 activities described in this article. Except as provided in this article, no  
15 procedure, proceeding, publication, notice, consent, approval, order, or  
16 act by the authority, the department, or any other state or local agency  
17 or official is required to enter into an agreement or lease, and no law to  
18 the contrary affects, limits, or diminishes the authority for agreements  
19 and leases with private entities, except as provided by this article.

20 (b) Notwithstanding any other law, the department, the authority, or  
21 an operator may not carry out any of the following activities under this  
22 article unless the general assembly enacts a statute authorizing that  
23 activity:

24 ~~(1) Issuing a request for proposals for, or entering into, a~~  
25 ~~public-private agreement concerning a project other than:~~

26 ~~(A) Interstate Highway 69 between Interstate Highway 465~~  
27 ~~and Interstate Highway 64;~~

28 ~~(B) the Ellettsville Expressway; a limited access facility connecting~~  
29 ~~Interstate Highway 65 in northwestern Indiana with an~~  
30 ~~interstate highway in Illinois; or~~

31 ~~(C) a project that is located within a metropolitan planning~~  
32 ~~area (as defined by 23 U.S.C. 134) and that connects the state~~  
33 ~~of Indiana with the commonwealth of Kentucky.~~

34 ~~(2) (1) Carrying out construction for Interstate Highway 69 in a~~  
35 ~~township having a population of more than seventy-five thousand~~  
36 ~~(75,000) and less than ninety-three thousand five hundred~~  
37 ~~(93,500).~~

38 ~~(3) (2) Imposing user fees on motor vehicles for use of the part of~~  
39 ~~an interstate highway that connects a consolidated city and a city~~  
40 ~~having a population of more than eleven thousand five hundred~~  
41 ~~(11,500) but less than eleven thousand seven hundred forty~~  
42 ~~(11,740).~~

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(c) Notwithstanding subsection (b) or any other law, the department or the authority may enter into a public-private agreement concerning a project consisting of a passenger or freight railroad system described in IC 8-15.7-2-14(a)(4). Such an agreement is subject to review and appropriation by the general assembly. However, this subsection does not prohibit the department from:

- (1) conducting preliminary studies that the department considers necessary to determine the feasibility of such a project; or
- (2) issuing a request for qualifications or a request for proposals, or both, under IC 8-15.7-4 for such a project.

SECTION 5. IC 8-23-7-22, AS AMENDED BY P.L.85-2010, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 22. (a) Subject to subsection (b), the department may, after issuing an order and receiving the governor's approval, determine that a state highway should become a tollway. After the order becomes effective, the department shall maintain and operate the tollway and levy and collect tolls as provided in IC 8-15-3 or enter into a public-private agreement with an operator with respect to the tollway under IC 8-15.7. Before issuing an order under this section, the department shall submit to the governor a plan to bring the tollway to the current design standards of the department for new state highways within a specified period. The specified period may not exceed five (5) years.

(b) Notwithstanding any other law, the governor, the department, or an operator may not carry out any of the following activities under this section unless the general assembly enacts a statute authorizing that activity:

- (1) ~~Determine that a highway, other than~~
  - (A) ~~Interstate Highway 69 between Interstate Highway 64 and a city having a population of more than eleven thousand five hundred (11,500) but less than eleven thousand seven hundred forty (11,740);~~
  - (B) ~~the Illiana Expressway, a limited access facility connecting Interstate Highway 65 in northwestern Indiana with an interstate highway in Illinois; or~~
  - (C) ~~a project that is located within a metropolitan planning area (as defined by 23 U.S.C. 134) and that connects the state of Indiana with the commonwealth of Kentucky;~~
- ~~should become a tollway.~~
- (2) (1) Carry out construction for Interstate Highway 69 in a township having a population of more than seventy-five thousand (75,000) and less than ninety-three thousand five hundred

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1 (93,500).  
 2 ~~(3)~~ **(2)** Impose tolls on motor vehicles for use of the part of an  
 3 interstate highway that connects a consolidated city and a city  
 4 having a population of more than eleven thousand five hundred  
 5 (11,500) but less than eleven thousand seven hundred forty  
 6 (11,740).

7 SECTION 6. IC 9-18-2-17 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 17. **(a) Upon receiving**  
 9 **an application under section 16 of this chapter**, the bureau shall:

- 10 ~~(1) file each application received;~~ and  
 11 ~~(2) when satisfied:~~  
 12 **(1) determine:**  
 13 (A) ~~of~~ the genuineness and regularity of the application; and  
 14 (B) that the person applying for registration is entitled to  
 15 register the vehicle;  
 16 **(2) file the application;**  
 17 **(3) subject to subsection (b)**, register the vehicle described in the  
 18 application; and  
 19 **(4)** keep a record of the application on suitable index cards under  
 20 a distinctive registration number assigned to the vehicle and in  
 21 any other manner the bureau considers desirable for the  
 22 convenience of the bureau.

23 **(b) Upon receiving notice, as described in IC 9-21-3.5-10(c), of**  
 24 **an owner's failure to pay a fine, charge, or other assessment for a**  
 25 **moving violation documented under IC 9-21-3.5-12, the bureau**  
 26 **shall withhold the annual registration of the vehicle that the owner**  
 27 **was operating when the owner committed the moving violation**  
 28 **until the applicant pays the fine, charge, or assessment, plus any**  
 29 **applicable fees, to:**

- 30 **(1) the bureau; or**  
 31 **(2) the appropriate authority under IC 9-21-3.5 that is**  
 32 **responsible for collection of fines, charges, or assessments for**  
 33 **moving violations under IC 9-21-3.5.**

34 **If the applicant pays the fine, charge, or assessment, plus any**  
 35 **applicable fees, to the bureau as described in subsection (b)(2), the**  
 36 **bureau shall remit the appropriate amount to the appropriate**  
 37 **authority under IC 9-21-3.5 that is responsible for collection of**  
 38 **fines, charges, or assessments for moving violations under**  
 39 **IC 9-21-3.5.**

40 SECTION 7. IC 9-21-3.5-9, AS ADDED BY P.L.47-2006,  
 41 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2011]: Sec. 9. **(a)** The owner of a motor vehicle, other than an

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1 authorized emergency vehicle, that is driven or towed through a toll  
 2 collection facility on a toll road, tollway, or qualifying project shall pay  
 3 the proper toll.

4 **(b) A person who violates subsection (a) commits a moving**  
 5 **violation, a Class C infraction.**

6 SECTION 8. IC 9-21-3.5-10, AS ADDED BY P.L.47-2006,  
 7 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2011]: Sec. 10. (a) The department or the authority may adopt  
 9 and enforce rules concerning:

10 (1) the placement and use of automated traffic law enforcement  
 11 systems to enforce collection of user fees;

12 (2) required notification **in the form of a citation to owners of**  
 13 **toll violations; the owner of a vehicle used in the commission**  
 14 **of a moving violation under section 9 of this chapter;**

15 (3) the process for collection and enforcement of unpaid amounts;

16 (4) the amount of fines, charges, and assessments for toll  
 17 violations; and

18 (5) other matters relating to automated traffic law enforcement  
 19 systems that the department or the authority considers  
 20 appropriate.

21 **(b) A rule adopted under subsection (a)(2) must establish:**

22 **(1) a deadline for the department, authority, or operator, as**  
 23 **applicable, to issue a citation to an owner of a vehicle used in**  
 24 **the commission of a moving violation under section 9 of this**  
 25 **chapter; and**

26 **(2) a deadline, not to exceed thirty (30) days following receipt**  
 27 **of the citation as determined under section 12(b)(1) of this**  
 28 **chapter, for the owner to pay a fine, charge, or other**  
 29 **assessment for the toll violation.**

30 **(c) The department shall establish a process by which the**  
 31 **department, authority, or operator, as applicable, shall notify the**  
 32 **bureau of an owner's failure to pay a fine, charge, or other**  
 33 **assessment for a toll violation following the expiration of the**  
 34 **deadline described in subsection (b)(2).**

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