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# HOUSE BILL No. 1044

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-13-2-127; IC 9-19.

**Synopsis:** Motor vehicle occupant restraint systems. Prohibits stopping, inspecting, or detaining a passenger motor vehicle solely to determine compliance with the law concerning safety belt use by front seat occupants who are at least 16 years of age. Authorizes a police officer to stop, inspect, or detain a motor vehicle solely to determine compliance with the law concerning the use of child passenger restraint systems when the police officer has probable cause to believe that an infraction is being committed under that law. Repeals: (1) provisions specifying that the failure to comply with the laws concerning safety belt and child passenger restraint system use does not constitute fault or contributory negligence; and (2) a prohibition against the admission of evidence of the failure to comply with the law concerning safety belt use in civil actions to mitigate damages.

**Effective:** July 1, 2011.

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January 5, 2011, read first time and referred to Committee on Roads and Transportation.

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Introduced

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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## HOUSE BILL No. 1044

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 9-13-2-127, AS AMENDED BY P.L.94-2006,  
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2011]: Sec. 127. (a) "Police officer" means, except as  
4 provided in subsection (b), the following:  
5 (1) A regular member of the state police department.  
6 (2) A regular member of a city or town police department.  
7 (3) A town marshal or town marshal deputy.  
8 (4) A regular member of a county sheriff's department.  
9 (5) A conservation officer of the department of natural resources.  
10 (6) An individual assigned as a motor carrier inspector under  
11 IC 10-11-2-26(a).  
12 (7) An excise police officer of the alcohol and tobacco  
13 commission.  
14 (b) "Police officer", for purposes of IC 9-19-11-3.9 and IC 9-21,  
15 means an officer authorized to direct or regulate traffic or to make  
16 arrests for violations of traffic regulations.  
17 SECTION 2. IC 9-19-10-3.1, AS ADDED BY P.L.214-2007,



1 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2011]: Sec. 3.1. (a) Except as provided in subsection (b), a  
3 vehicle may be stopped to determine compliance with this chapter.  
4 However, a vehicle, the contents of a vehicle, the driver of a vehicle,  
5 or a passenger in a vehicle may not be inspected, searched, or detained  
6 solely because of a violation of this chapter.

7 (b) A law enforcement agency may not use a safety belt checkpoint  
8 to detect and issue a citation for a person's failure to comply with this  
9 chapter. **A vehicle may not be stopped, inspected, or detained solely  
10 to determine compliance with this chapter.**

11 SECTION 3. IC 9-19-11-3.9 IS ADDED TO THE INDIANA CODE  
12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
13 1, 2011]: **Sec. 3.9. If a police officer has probable cause to believe  
14 that the operation of a motor vehicle constitutes an infraction  
15 under this chapter, the police officer may stop, inspect, or detain  
16 the motor vehicle solely to determine compliance with this chapter.**

17 SECTION 4. THE FOLLOWING ARE REPEALED [EFFECTIVE  
18 JULY 1, 2011]: IC 9-19-10-7; IC 9-19-11-8.

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