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# HOUSE BILL No. 1087

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-21; IC 9-30-13-1.

**Synopsis:** Motor vehicle operation penalties. Increases penalties for a person who violates certain laws concerning motor vehicle operation if the violation results in: (1) an injury to another person; (2) a serious bodily injury to another person; or (3) the death of another person.

**Effective:** July 1, 2011.

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**Pelath**

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

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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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# HOUSE BILL No. 1087



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 9-21-8-49, AS AMENDED BY P.L.65-2010,  
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2011]: Sec. 49. (a) Except as provided in **subsection (b) and**  
4 **sections 50, 51, 52, 54, 55, 56, and 58** of this chapter, a person who  
5 violates this chapter commits a Class C infraction.

6 **(b) However, except as provided in sections 50, 51, 52, 54, 55, 56,**  
7 **and 58 of this chapter, a person who violates this chapter commits**  
8 **a Class B infraction if the violation results in the death of another**  
9 **person.**

10 **(c) Except as provided in sections 50, 51, 52, 54, 55, 56, and 58**  
11 **of this chapter, in addition to any other penalty imposed, if a**  
12 **violation of this chapter results in:**

13 **(1) injury to another person, the court shall recommend that**  
14 **the person's driving privileges be suspended for thirty (30)**  
15 **days;**

16 **(2) serious bodily injury to another person, the court shall**  
17 **recommend that the person's driving privileges be suspended**



1           **for ninety (90) days; or**  
2           **(3) the death of another person, the court shall recommend**  
3           **that the person's driving privileges be suspended for one**  
4           **hundred eighty (180) days.**

5           SECTION 2. IC 9-21-8-50 IS AMENDED TO READ AS  
6           FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 50. (a) A person who  
7           operates a tractor-trailer combination in a reckless or deliberate attempt  
8           to:

9                   (1) endanger the safety or property of others; or  
10                   (2) block the proper flow of traffic;  
11           commits a Class B misdemeanor. **However, the offense is a Class A**  
12           **misdemeanor if it results in the death of another person.**

13           **(b) In addition to any other penalty imposed, if an offense under**  
14           **subsection (a) results in:**

15                   **(1) injury to another person, the court shall recommend that**  
16                   **the person's driving privileges be suspended for one (1) year;**  
17                   **or**  
18                   **(2) the death of another person, the court shall recommend**  
19                   **that the person's driving privileges be suspended for three (3)**  
20                   **years.**

21           SECTION 3. IC 9-21-8-51 IS AMENDED TO READ AS  
22           FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 51. (a) A person who:  
23                   (1) operates a vehicle; and

24                   (2) fails to dim bright or blinding lights when meeting another  
25                   vehicle or pedestrian;  
26           commits a Class B infraction.

27           **(b) In addition to any other penalty imposed, if a violation of**  
28           **subsection (a) results in:**

29                   **(1) injury to another person, the court shall recommend that**  
30                   **the person's driving privileges be suspended for thirty (30)**  
31                   **days;**  
32                   **(2) serious bodily injury to another person, the court shall**  
33                   **recommend that the person's driving privileges be suspended**  
34                   **for ninety (90) days; or**  
35                   **(3) the death of another person, the court shall recommend**  
36                   **that the person's driving privileges be suspended for one**  
37                   **hundred eighty (180) days.**

38           SECTION 4. IC 9-21-8-52, AS AMENDED BY P.L.70-2009,  
39           SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40           JULY 1, 2011]: Sec. 52. (a) A person who operates a vehicle and who  
41           recklessly:

42                   (1) drives at such an unreasonably high rate of speed or at such an

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- 1           unreasonably low rate of speed under the circumstances as to:
- 2           (A) endanger the safety or the property of others; or
- 3           (B) block the proper flow of traffic;
- 4           (2) passes another vehicle from the rear while on a slope or on a
- 5           curve where vision is obstructed for a distance of less than five
- 6           hundred (500) feet ahead;
- 7           (3) drives in and out of a line of traffic, except as otherwise
- 8           permitted; or
- 9           (4) speeds up or refuses to give one-half (1/2) of the roadway to
- 10          a driver overtaking and desiring to pass;

11 commits a Class B misdemeanor. **However, the offense is a Class A**  
 12 **misdemeanor if it results in the death of another person.**

13           (b) A person who operates a vehicle and who recklessly passes a  
 14 school bus stopped on a roadway when the arm signal device specified  
 15 in IC 9-21-12-13 is in the device's extended position commits a Class  
 16 B misdemeanor. However, the offense is a Class A misdemeanor if it  
 17 causes bodily injury to a person.

18           (c) **In addition to any other penalty imposed**, if an offense under  
 19 subsection (a) or (b) results in:

20           (1) damage to the property of another person or bodily injury to  
 21 another person, the court shall recommend ~~that the suspension of~~  
 22 ~~the current driving license of the person~~ **person's driving**  
 23 **privileges be suspended** for a fixed period of:

- 24           ~~(1) (A)~~ not less than thirty (30) days; and
- 25           ~~(2) (B)~~ not more than one (1) year;

26           **(2) injury to another person, the court shall recommend that**  
 27 **the person's driving privileges be suspended for one (1) year;**  
 28 **or**

29           **(3) the death of another person, the court shall recommend**  
 30 **that the person's driving privileges be suspended for three (3)**  
 31 **years.**

32           SECTION 5. IC 9-21-8-54 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 54. (a) A person who  
 34 violates section 35(b) or section 35(c) of this chapter commits a Class  
 35 A infraction.

36           (b) If a violation of section 35(b) of this chapter results in damage  
 37 to the property of another person, in addition to any other penalty  
 38 imposed, the court shall recommend that the person's driving privileges  
 39 be suspended for a fixed period of not less than ninety (90) days and  
 40 not more than one (1) year.

41           (c) If a violation of section 35(c) of this chapter results in damage  
 42 to the property of another person of at least two hundred fifty dollars

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1 (\$250), in addition to any other penalty imposed, the court shall  
 2 recommend that the person's driving privileges be suspended for a  
 3 fixed period of not less than ninety (90) days and not more than one (1)  
 4 year.

5 (d) If a violation of section 35(b) or section 35(c) of this chapter  
 6 results in injury to another person, in addition to any other penalty  
 7 imposed, the court shall recommend that the person's driving privileges  
 8 be suspended for a fixed period of not less than one ~~hundred eighty~~  
 9 ~~(180) days~~ **(1) year** and not more than two (2) years.

10 (e) If a violation of section 35(b) or section 35(c) of this chapter  
 11 results in the death of another person, in addition to any other penalty  
 12 imposed, the court shall recommend that the person's driving privileges  
 13 be suspended for ~~two (2)~~ **three (3)** years.

14 (f) The bureau shall, upon receiving a record of a judgment entered  
 15 against a person under this section:

16 (1) suspend the person's driving privileges for a mandatory  
 17 period; or

18 (2) extend the period of an existing suspension for a fixed period;  
 19 of not less than ninety (90) days and not more than ~~two (2)~~ **three (3)**  
 20 years. The bureau shall fix this period in accordance with the  
 21 recommendation of the court that entered the judgment.

22 SECTION 6. IC 9-21-8-55, AS AMENDED BY P.L.40-2007,  
 23 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2011]: Sec. 55. (a) This section does not apply to a law  
 25 enforcement official engaged in the law enforcement official's official  
 26 duties.

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

30 (1) Following a vehicle too closely in violation of IC 9-21-8-14.

31 (2) Unsafe operation of a vehicle in violation of IC 9-21-8-24.

32 (3) Overtaking another vehicle on the right by driving off the  
 33 roadway in violation of IC 9-21-8-6.

34 (4) Unsafe stopping or slowing a vehicle in violation of  
 35 IC 9-21-8-26.

36 (5) Unnecessary sounding of the horn in violation of IC 9-19-5-2.

37 (6) Failure to yield in violation of IC 9-21-8-29 through  
 38 IC 9-21-8-34.

39 (7) Failure to obey a traffic control device in violation of  
 40 IC 9-21-8-41.

41 (8) Driving at an unsafe speed in violation of IC 9-21-5.

42 (9) Repeatedly flashing the vehicle's headlights.

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1 (c) A person who, with the intent to harass or intimidate a person in  
2 another vehicle, knowingly or intentionally engages in aggressive  
3 driving commits aggressive driving, a Class A misdemeanor, except as  
4 provided in IC 9-21-8-56(d), ~~(f)~~, ~~(g)~~, and ~~(h)~~. **IC 9-21-8-56(f),**  
5 **IC 9-21-8-56(g), and IC 9-21-8-56(h).**

6 **(d) In addition to any other penalty imposed, if an offense under**  
7 **this section results in:**

8 **(1) injury to another person, the court shall recommend that**  
9 **the person's driving privileges be suspended for one (1) year;**  
10 **or**

11 **(2) the death of another person, the court shall recommend**  
12 **that the person's driving privileges be suspended for three (3)**  
13 **years.**

14 SECTION 7. IC 9-21-8-56, AS ADDED BY P.L.40-2007,  
15 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2011]: Sec. 56. (a) For purposes of this section, "highway  
17 work zone" has the meaning set forth in IC 8-23-2-15.

18 (b) Except as provided in subsections (f) through (h), a person who  
19 recklessly operates a vehicle in the immediate vicinity of a highway  
20 work zone when workers are present commits a Class A misdemeanor.

21 (c) Except as provided in subsections (f) through (h), a person who  
22 knowingly, intentionally, or recklessly operates a motor vehicle in the  
23 immediate vicinity of a highway work zone when workers are present  
24 with the intent to:

25 (1) damage traffic control devices; or

26 (2) inflict bodily injury on a worker;  
27 commits a Class A misdemeanor.

28 (d) Except as provided in subsections (f) through (h), a person who  
29 knowingly, intentionally, or recklessly engages in:

30 (1) aggressive driving, as defined in section 55 of this chapter; or

31 (2) a speed contest, as prohibited under IC 9-21-6-1;  
32 in the immediate vicinity of a highway work zone when workers are  
33 present commits a Class A misdemeanor.

34 (e) Except as provided in subsections (f) through (h), a person who  
35 recklessly fails to obey a traffic control device or flagman, as  
36 prohibited under section 41 of this chapter, in the immediate vicinity  
37 of a highway work zone when workers are present commits a Class A  
38 misdemeanor.

39 (f) An offense under subsection (b), (c), (d), or (e) is a Class D  
40 felony if the person who commits the offense:

41 (1) has a prior unrelated conviction under this section in the  
42 previous five (5) years; or

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1 (2) is operating the vehicle in violation of IC 9-30-5-1 or  
2 IC 9-30-5-2.

3 (g) An offense under subsection (b), (c), (d), or (e) is a Class D  
4 felony if the offense results in bodily injury to a worker in the worksite.

5 (h) An offense under subsection (b), (c), (d), or (e) is a Class C  
6 felony if the offense results in the death of a worker in the worksite.

7 (i) **In addition to any other penalty imposed, if an offense under  
8 this section results in:**

9 (1) **injury to another person, the court shall recommend that  
10 the person's driving privileges be suspended for one (1) year;**

11 **or**

12 (2) **the death of another person, the court shall recommend  
13 that the person's driving privileges be suspended for three (3)  
14 years.**

15 SECTION 8. IC 9-21-10-6 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) A motorcycle is  
17 entitled to the full use of a traffic lane, and a vehicle may not be driven  
18 or operated in a manner that deprives another vehicle of the full use of  
19 a traffic lane. Motorcycles may, with the consent of both persons who  
20 operate the motorcycles, be operated with not more than two (2) abreast  
21 in a single traffic lane. **A person who violates this section commits  
22 a Class C infraction. However, a violation of this section is a Class  
23 B infraction if the violation results in the death of another person.**

24 (b) **In addition to any other penalty imposed, if a violation of  
25 subsection (a) results in:**

26 (1) **injury to another person, the court shall recommend that  
27 the person's driving privileges be suspended for thirty (30)  
28 days;**

29 (2) **serious bodily injury to another person, the court shall  
30 recommend that the person's driving privileges be suspended  
31 for ninety (90) days; or**

32 (3) **the death of another person, the court shall recommend  
33 that the person's driving privileges be suspended for one  
34 hundred eighty (180) days.**

35 SECTION 9. IC 9-21-10-13 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 13. **Except as  
37 provided in section 6 of this chapter, a person who violates this  
38 chapter commits a Class C infraction.**

39 SECTION 10. IC 9-30-13-1 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. **Except as provided  
41 in IC 9-21-8-55(d), for a person who uses a motor vehicle to commit  
42 recklessness under IC 35-42-2-2, the judge of the court in which the**

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1 person is convicted shall recommend that the current driver's license of  
2 the person be suspended for not less than sixty (60) days and not more  
3 than two (2) years.

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