
HOUSE BILL No. 1113

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-19; IC 9-30-2-2; IC 35-44-3-3.

Synopsis: Authorized emergency vehicles. Provides that a police vehicle must be equipped with a siren and a red and blue emergency signal lamp in order for certain traffic stops to be valid. Provides that an authorized emergency vehicle must use a siren when the authorized emergency vehicle is operated in the immediate pursuit of an actual or suspected violator of the law. Provides that an individual commits resisting law enforcement if the individual flees from a law enforcement officer after the officer has, by visible and audible means, including operation of the law enforcement officer's siren and emergency lights, identified himself or herself as a law enforcement officer and ordered the individual to stop. (Current law requires only identification by visible or audible means.) Adds a person's conviction for resisting law enforcement through operation of a motor vehicle resulting in the death of a law enforcement officer to the list of convictions for which a court may order the bureau of motor vehicles to suspend any or all of the person's operator's license, certificates of registration, and license plates to reconcile a conflict created by P.L.100-2010, SECTION 6 and P.L.102-2010, SECTION 2.

Effective: July 1, 2011.

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January 6, 2011, read first time and referred to Committee on Veterans Affairs and Public Safety.

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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. 1113



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 9-19-5-3 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) Except as provided in
3 subsection (b):
4 (1) a vehicle may not be equipped with; and
5 (2) a person may not use upon a vehicle;
6 a siren, whistle, or bell.
7 (b) An authorized emergency vehicle may be equipped with a siren,
8 whistle, or bell that is capable of emitting sound audible under normal
9 conditions from a distance of not less than five hundred (500) feet and
10 of a type approved by the department. A siren authorized under this
11 section may not be used except when, **during the operation of the**
12 **authorized emergency** vehicle ~~is operated~~ in response to an
13 emergency call, or in the immediate pursuit of an actual or suspected
14 violation of the law. ~~The person who drives a vehicle equipped with a~~
15 ~~siren under this section shall sound the siren when it is~~ reasonably
16 necessary to warn pedestrians and other persons who are driving
17 vehicles of the approach of the authorized vehicle.



1 **(c) The siren of an authorized emergency vehicle must be used**
 2 **when the authorized emergency vehicle is operated in the**
 3 **immediate pursuit of an actual or suspected violator of the law.**

4 SECTION 2. IC 9-19-14-3 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. An authorized
 6 emergency vehicle may be equipped with a siren, whistle, or bell
 7 capable of emitting sound audible under normal conditions from a
 8 distance of not less than five hundred (500) feet and of a type approved
 9 by the state police department. The siren:

10 **(1) may not be used except when the authorized emergency**
 11 **vehicle is operated as follows:**

12 ~~(1)~~ **in response to an emergency call; and**

13 **(2) must be used when the authorized emergency vehicle is**
 14 **operated** in the immediate pursuit of an actual or suspected
 15 **violation violator** of the law. ~~In this case, the driver of the vehicle~~
 16 ~~shall sound the vehicle's siren when reasonably necessary to warn~~
 17 ~~pedestrians and other drivers of the vehicle's approach.~~

18 SECTION 3. IC 9-30-2-2 IS AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2011]: Sec. 2. **(a) This section does not apply**
 20 **to a law enforcement officer:**

21 **(1) making an arrest; or**

22 **(2) issuing:**

23 **(A) a traffic information and summons; or**

24 **(B) an ordinance violation citation;**

25 **concerning a violation of an Indiana law or a city or town**
 26 **ordinance regulating the use and operation of a motor vehicle on**
 27 **an Indiana highway when there is a uniformed officer present at**
 28 **the time of the arrest or issuance.**

29 **(b) A law enforcement officer may not arrest or issue a traffic**
 30 **information and summons to a person for a violation of an Indiana law**
 31 **regulating the use and operation of a motor vehicle on an Indiana**
 32 **highway or an ordinance of a city or town regulating the use and**
 33 **operation of a motor vehicle on an Indiana highway unless at the time**
 34 **of the arrest or issuance the officer: is:**

35 **(1) is wearing a distinctive uniform and a badge of authority; or**

36 **(2) immediately identifies himself or herself as an officer with**
 37 **an authorized departmental identification card and a badge**
 38 **of authority; or**

39 ~~(2)~~ **(3) is operating a motor vehicle that is clearly marked as a**
 40 **police vehicle;**

41 **that will clearly show the officer or the officer's vehicle to casual**
 42 **observations to be an officer or a police vehicle. This section does not**

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1 apply to an officer making an arrest when there is a uniformed officer
2 present at the time of the arrest: **equipped with:**

- 3 (A) **at least one (1) signal lamp equipped with a red beam**
- 4 **and a blue beam in the manner provided in IC 9-19-14-5;**
- 5 **and**
- 6 **(B) a siren under IC 9-19-14-3.**

7 **Upon request, the law enforcement officer shall allow the person**
8 **who is the subject of the arrest or issuance to contact a law**
9 **enforcement agency or emergency dispatcher to verify the identity**
10 **of the law enforcement officer.**

11 SECTION 4. IC 35-44-3-3, AS AMENDED BY P.L.100-2010,
12 SECTION 6, AND AS AMENDED BY P.L.102-2010, SECTION 2, IS
13 CORRECTED AND AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) A person who knowingly or
15 intentionally:

- 16 (1) forcibly resists, obstructs, or interferes with a law enforcement
- 17 officer or a person assisting the officer while the officer is
- 18 lawfully engaged in the execution of the officer's duties;
- 19 (2) forcibly resists, obstructs, or interferes with the authorized
- 20 service or execution of a civil or criminal process or order of a
- 21 court; or
- 22 (3) flees from a law enforcement officer after the officer has, by
- 23 visible ~~or~~ **and** audible means, including operation of the law
- 24 enforcement officer's siren ~~or~~ **and** emergency lights, identified
- 25 himself or herself **as a law enforcement officer** and ordered the
- 26 person to stop;

27 commits resisting law enforcement, a Class A misdemeanor, except as
28 provided in subsection (b).

29 (b) The offense under subsection (a) is a:

- 30 (1) Class D felony if:
 - 31 (A) the offense is described in subsection (a)(3) and the person
 - 32 uses a vehicle to commit the offense; or
 - 33 (B) while committing any offense described in subsection (a),
 - 34 the person draws or uses a deadly weapon, inflicts bodily
 - 35 injury on or otherwise causes bodily injury to another person,
 - 36 or operates a vehicle in a manner that creates a substantial risk
 - 37 of bodily injury to another person;
- 38 (2) Class C felony if, while committing any offense described in
- 39 subsection (a), the person operates a vehicle in a manner that
- 40 causes serious bodily injury to another person; ~~and~~
- 41 (3) Class B felony if, while committing any offense described in
- 42 subsection (a), the person operates a vehicle in a manner that

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1 causes the death of another person; and
 2 (4) Class A felony if, while committing any offense described in
 3 subsection (a), the person operates a vehicle in a manner that
 4 causes the death of a law enforcement officer while the law
 5 enforcement officer is engaged in the officer's official duties.
 6 (c) For purposes of this section, a law enforcement officer includes
 7 an enforcement officer of the alcohol and tobacco commission and a
 8 conservation officer of the department of natural resources.
 9 (d) If a person uses a vehicle to commit a felony offense under
 10 subsection (b)(1)(B), (b)(2), ~~or~~ (b)(3), or (b)(4), as part of the criminal
 11 penalty imposed for the offense, the court shall impose a minimum
 12 executed sentence of at least:
 13 (1) thirty (30) days, if the person does not have a prior unrelated
 14 conviction under this section;
 15 (2) one hundred eighty (180) days, if the person has one (1) prior
 16 unrelated conviction under this section; or
 17 (3) one (1) year, if the person has two (2) or more prior unrelated
 18 convictions under this section.
 19 (e) Notwithstanding IC 35-50-2-2 and IC 35-50-3-1, the mandatory
 20 minimum sentence imposed under subsection (d) may not be
 21 suspended.
 22 (f) If a person is convicted of an offense involving the use of a motor
 23 vehicle under:
 24 (1) subsection (b)(1)(A), if the person exceeded the speed limit by
 25 at least twenty (20) miles per hour while committing the offense;
 26 (2) subsection (b)(2); ~~or~~
 27 (3) subsection (b)(3); **or**
 28 **(4) subsection (b)(4);**
 29 the court may notify the bureau of motor vehicles to suspend or revoke
 30 the person's driver's license and all certificates of registration and
 31 license plates issued or registered in the person's name in accordance
 32 with IC 9-30-4-6(b)(3) for the period described in IC 9-30-4-6(d)(4) or
 33 IC 9-30-4-6(d)(5). The court shall inform the bureau whether the
 34 person has been sentenced to a term of incarceration. At the time of
 35 conviction, the court may obtain the person's current driver's license
 36 and return the license to the bureau of motor vehicles.

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