



Reprinted  
February 19, 2013

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## HOUSE BILL No. 1368

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DIGEST OF HB 1368 (Updated February 18, 2013 4:42 pm - DI 96)

**Citations Affected:** IC 9-13; IC 9-14; IC 9-17; IC 9-18; IC 9-19; IC 9-21; IC 9-29; IC 9-30; IC 16-18; IC 16-21; IC 20-27; IC 27-1; IC 33-37; IC 34-6; IC 34-28; IC 34-30; IC 36-1.

**Synopsis:** Automated traffic enforcement safety devices. Authorizes a county, city, or town to adopt and enforce an ordinance (ordinance) that regulates the placement and use of automated traffic enforcement safety devices (devices) to detect certain traffic offenses (offenses). Authorizes the department of transportation and the Indiana finance authority to use devices and to adopt rules concerning devices concerning violations of highway work zone speed limits. Authorizes a school corporation to contract with an agent and to enter into interlocal agreements concerning devices for detection and prosecution of school bus stop arm violations (violations). Provides for civil penalties for offenses and violations. Specifies that the civil penalty must be applied first to defray the cost of the installation, operation, and maintenance of the devices, and specifies the manner in which the remaining funds are distributed. Prohibits the: (1) reporting of offenses and violations on a driving record; (2) use of offenses and violations to determine rates for motor vehicle insurance; and (3) assessment of points under the point system by the bureau of motor vehicles (bureau) for offenses and violations. Requires notification to the bureau if offenses and violations have not been paid timely. Requires the bureau to suspend the registration of a vehicle and deny the transfer of the title of the vehicle when the offenses and violations have not been paid. Makes other changes and conforming amendments. Repeals and replaces the definition of local law enforcement agency.

**Effective:** July 1, 2013.

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### Soliday, Friend, DeLaney

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January 22, 2013, read first time and referred to Committee on Roads and Transportation.  
February 14, 2013, amended, reported — Do Pass.  
February 18, 2013, read second time, amended, ordered engrossed.

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HB 1368—LS 7458/DI 96+



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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

## HOUSE BILL No. 1368

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 9-13-2-1.6 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2013]: **Sec. 1.6. "Agent", for purposes of IC 9-21-3.5 or**  
4 **IC 9-21-3.6, has the meaning set forth in IC 9-21-3.6-1.**
- 5 SECTION 2. IC 9-13-2-6.2 IS ADDED TO THE INDIANA CODE  
6 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY  
7 1, 2013]: **Sec. 6.2. "Automated traffic enforcement safety device"**  
8 **means a device that:**
- 9 (1) **is capable of producing a photographically recorded still**  
10 **or video image, or a combination of the photographically**  
11 **recorded still and video images, of the rear of a motor vehicle**  
12 **or of the rear of a vehicle being towed by a motor vehicle;**  
13 (2) **includes an image of the rear license plate of the vehicle**  
14 **but does not include an image of the face of the driver or a**  
15 **passenger in the vehicle or motor vehicle;**  
16 (3) **indicates on one (1) or more of the images produced the**  
17 **date, time, and location of the image; and**

HB 1368—LS 7458/DI 96+



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1 (4) undergoes an annual calibration check, the results of  
2 which are kept on file with the county, municipality, or school  
3 corporation that uses the automated traffic enforcement  
4 safety device.

5 SECTION 3. IC 9-13-2-94.2, AS ADDED BY P.L.83-2008,  
6 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2013]: Sec. 94.2. "Local law enforcement agency" for  
8 purposes of IC 9-29-11.5, has the meaning set forth in IC 9-29-11.5-2.  
9 means a political subdivision's department or agency whose  
10 principal function is the apprehension of criminal offenders.

11 SECTION 4. IC 9-13-2-110 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 110. "Moving traffic  
13 offense", for purposes of IC 9-25-9-1, IC 9-30-3-12(b)(1), and  
14 IC 9-30-3-14, has the meaning set forth in IC 9-30-3-14(a).  
15 IC 9-30-3-14(b).

16 SECTION 5. IC 9-13-2-110.7 IS ADDED TO THE INDIANA  
17 CODE AS A NEW SECTION TO READ AS FOLLOWS  
18 [EFFECTIVE JULY 1, 2013]: Sec. 110.7. "Municipality", for  
19 purposes of IC 9-21-3.6, has the meaning set forth in IC 36-1-2-11.

20 SECTION 6. IC 9-13-2-121, AS AMENDED BY P.L.125-2012,  
21 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
22 JULY 1, 2013]: Sec. 121. (a) Except as otherwise provided in this  
23 section, "owner", when used in reference to a motor vehicle, means:

- 24 (1) a person who holds the legal title of a motor vehicle; or
- 25 (2) if a motor vehicle is the subject of an agreement for the  
26 conditional sale or lease vested in the conditional vendee or  
27 lessee, or in the event the mortgagor, with the right of purchase  
28 upon the performance of the conditions stated in the agreement  
29 and with an immediate right of possession of a vehicle is entitled  
30 to possession, the conditional vendee or lessee or mortgagor.

31 (b) "Owner", for purposes of IC 9-21 (except IC 9-21-3.6) and  
32 IC 9-25, means, when used in reference to a motor vehicle, a person  
33 who holds the legal title of a motor vehicle, or if a:

- 34 (1) motor vehicle is the subject of an agreement for the  
35 conditional sale or lease of the motor vehicle with the right of  
36 purchase upon performance of the conditions stated in the  
37 agreement and with an immediate right of possession vested in  
38 the conditional vendee or lessee; or
- 39 (2) mortgagor of a motor vehicle is entitled to possession;

40 the conditional vendee or lessee or mortgagor is considered to be the  
41 owner for the purpose of IC 9-21 and IC 9-25.

42 (c) "Owner", for purposes of IC 9-21-3.6, has the meaning set

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1 **forth in IC 9-21-3.6-3.**

2 ~~(c)~~ (d) "Owner", for purposes of IC 9-22-1, means the last known  
3 record titleholder of a vehicle according to the records of the bureau  
4 under IC 9-17.

5 ~~(d)~~ (e) "Owner", for purposes of IC 9-31, means a person, other than  
6 a lienholder, having the property in or title to a motorboat. The term  
7 includes a person entitled to the use or possession of a motorboat  
8 subject to an interest in another person reserved or created by  
9 agreement and securing payment or performance of an obligation. The  
10 term excludes a lessee under a lease not intended as security.

11 SECTION 7. IC 9-13-2-128.5 IS ADDED TO THE INDIANA  
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 2013]: **Sec. 128.5. "Postsecondary**  
14 **educational institution", for purposes of IC 9-21-3.6, has the**  
15 **meaning set forth in IC 9-21-3.6-4.**

16 SECTION 8. IC 9-14-3.5-10, AS AMENDED BY P.L.125-2012,  
17 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 JULY 1, 2013]: Sec. 10. The bureau may disclose certain personal  
19 information that is not highly restricted information if the person  
20 requesting the information provides proof of identity and represents  
21 that the use of the personal information will be strictly limited to at  
22 least one (1) of the following:

23 (1) For use by a government agency, including a court or law  
24 enforcement agency, in carrying out its functions, or a person  
25 acting on behalf of a government agency in carrying out its  
26 functions, **including a contractor in carrying out the duties of**  
27 **the contractor in IC 9-21-3.5-15 or an agent in carrying out**  
28 **the responsibilities of the agent in IC 9-21-3.6.**

29 (2) For use in connection with matters concerning:

30 (A) motor vehicle or driver safety and theft;

31 (B) motor vehicle emissions;

32 (C) motor vehicle product alterations, recalls, or advisories;

33 (D) performance monitoring of motor vehicles, motor vehicle  
34 parts, and dealers;

35 (E) motor vehicle market research activities, including survey  
36 research;

37 (F) the removal of nonowner records from the original owner  
38 records of motor vehicle manufacturers; and

39 (G) motor fuel theft under IC 24-4.6-5.

40 (3) For use in the normal course of business by a business or its  
41 agents, employees, or contractors, but only:

42 (A) to verify the accuracy of personal information submitted

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- 1 by an individual to the business or its agents, employees, or
- 2 contractors; and
- 3 (B) if information submitted to a business is not correct or is
- 4 no longer correct, to obtain the correct information only for
- 5 purposes of preventing fraud by, pursuing legal remedies
- 6 against, or recovering on a debt or security interest against, the
- 7 individual.
- 8 (4) For use in connection with a civil, a criminal, an
- 9 administrative, or an arbitration proceeding in a court or
- 10 government agency or before a self-regulatory body, including the
- 11 service of process, investigation in anticipation of litigation, and
- 12 the execution or enforcement of judgments and orders, or under
- 13 an order of a court.
- 14 (5) For use in research activities, and for use in producing
- 15 statistical reports, as long as the personal information is not
- 16 published, re-disclosed, or used to contact the individuals who are
- 17 the subject of the personal information.
- 18 (6) For use by an insurer, an insurance support organization, or a
- 19 self-insured entity, or the agents, employees, or contractors of an
- 20 insurer, an insurance support organization, or a self-insured entity
- 21 in connection with claims investigation activities, anti-fraud
- 22 activities, rating, or underwriting.
- 23 (7) For use in providing notice to the owners of towed or
- 24 impounded vehicles.
- 25 (8) For use by a licensed private investigative agency or licensed
- 26 security service for a purpose allowed under this section.
- 27 (9) For use by an employer or its agent or insurer to obtain or
- 28 verify information relating to a holder of a commercial driver's
- 29 license that is required under the Commercial Motor Vehicle
- 30 Safety Act of 1986 (49 U.S.C. 2710 et seq.).
- 31 (10) For use in connection with the operation of private toll
- 32 transportation facilities.
- 33 (11) For any use in response to requests for individual motor
- 34 vehicle records when the bureau has obtained the written consent
- 35 of the person to whom the personal information pertains.
- 36 (12) For bulk distribution for surveys, marketing, or solicitations
- 37 when the bureau has obtained the written consent of the person to
- 38 whom the personal information pertains.
- 39 (13) For use by any person, when the person demonstrates, in a
- 40 form and manner prescribed by the bureau, that written consent
- 41 has been obtained from the individual who is the subject of the
- 42 information.

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1 (14) For any other use specifically authorized by law that is  
2 related to the operation of a motor vehicle or public safety.

3 However, this section does not affect the use of anatomical gift  
4 information on a person's driver's license or identification document  
5 issued by the bureau, nor does this section affect the administration of  
6 anatomical gift initiatives in the state.

7 SECTION 9. IC 9-14-3.5-13, AS AMENDED BY P.L.1-2006,  
8 SECTION 159, IS AMENDED TO READ AS FOLLOWS  
9 [EFFECTIVE JULY 1, 2013]: Sec. 13. (a) An authorized recipient of  
10 personal information, except a recipient under section 10(11) or 10(12)  
11 of this chapter and **except as provided in subsection (e)**, may resell or  
12 re-disclose the information for any use allowed under section 10 of this  
13 chapter, except for a use under section 10(11) or 10(12) of this chapter.

14 (b) An authorized recipient of a record under section 10(11) of this  
15 chapter may resell or re-disclose personal information for any purpose.

16 (c) An authorized recipient of personal information under  
17 IC 9-14-3-6 and section 10(12) of this chapter may resell or re-disclose  
18 the personal information for use only in accordance with section 10(12)  
19 of this chapter.

20 (d) Except for a recipient under section 10(11) of this chapter, a  
21 recipient who resells or re-discloses personal information is required  
22 to maintain and make available for inspection to the bureau, upon  
23 request, for at least five (5) years, records concerning:

- 24 (1) each person that receives the information; and  
25 (2) the permitted use for which the information was obtained.

26 **(e) A contractor in carrying out the duties of the contractor in**  
27 **IC 9-21-3.5-15 or an agent carrying out the responsibilities of the**  
28 **agent set forth in IC 9-21-3.6 that is a recipient of personal**  
29 **information under section 10(1) of this chapter may not resell or**  
30 **re-disclose the personal information for any purpose.**

31 SECTION 10. IC 9-17-3-10 IS ADDED TO THE INDIANA CODE  
32 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
33 1, 2013]: Sec. 10. (a) Upon receiving notice, as set forth in  
34 IC 9-21-3.5-15(c), of the failure of the registered owner of a vehicle  
35 to pay the judgment for a worksite temporary maximum speed  
36 violation infraction assessed under IC 9-21-5-11(d), the bureau  
37 may not transfer the certificate of title of the vehicle that was used  
38 in the commission of the violation of IC 9-21-5-11(a) until:

- 39 (1) the registered owner pays the judgment for the infraction  
40 assessed under IC 9-21-5-11(d) and rules adopted under  
41 IC 9-21-3.5-15(a); and  
42 (2) the bureau is presented with adequate proof of payment.



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1           **(b) Upon receiving a referral, as set forth in IC 9-21-3.6-19, of**  
 2 **the failure of the registered owner of a vehicle to pay any civil**  
 3 **penalty or civil judgment assessed and associated fees under**  
 4 **IC 9-21-3.6, the bureau may not transfer the certificate of title of**  
 5 **the vehicle that was used in the commission of the ordinance**  
 6 **violation until:**

- 7           **(1) the registered owner pays the civil penalty or civil**  
 8 **judgment assessed and associated fees under IC 9-21-3.6; and**  
 9 **(2) the bureau is presented with adequate proof of payment**  
 10 **under IC 9-21-3.6-21.**

11           SECTION 11. IC 9-18-2-17, AS AMENDED BY P.L.125-2012,  
 12 SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2013]: Sec. 17. (a) Upon receiving the information under  
 14 section 16 of this chapter, the bureau shall:

- 15           (1) determine:  
 16               (A) the genuineness and regularity of the information; and  
 17               (B) that the person applying for registration is entitled to  
 18               register the vehicle;  
 19           (2) subject to subsection (b), register the vehicle described in the  
 20           application; and  
 21           (3) keep a record of the registration of the vehicle under a  
 22           distinctive registration number assigned to the vehicle in a  
 23           manner the bureau considers desirable for the convenience of the  
 24           bureau.

25           (b) Upon receiving notice, as described in IC 9-21-3.5-10(c), of the  
 26           failure of an owner of a vehicle to pay a fine, charge, or other  
 27           assessment for a toll violation documented under IC 9-21-3.5-12, the  
 28           bureau shall withhold the annual registration of the vehicle that was  
 29           used in the commission of the toll violation until the owner pays the  
 30           fine, charge, or other assessment, plus any applicable fees, to:

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

35           If the owner pays the fine, charge, or assessment, plus any applicable  
 36           fees, to the bureau as described in subdivision (1), the bureau shall  
 37           remit the appropriate amount to the appropriate authority under  
 38           IC 9-21-3.5 that is responsible for the collection of fines, charges,  
 39           assessments, or fees for toll violations under IC 9-21-3.5.

40           **(c) Upon receiving notice, as set forth in IC 9-21-3.5-15(c), of the**  
 41 **failure of the registered owner of a vehicle to pay the judgment for**  
 42 **a worksite temporary maximum speed violation infraction assessed**



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1 under IC 9-21-5-11(d), the bureau shall suspend the registration of  
 2 the vehicle that was used in the commission of the violation of the  
 3 infraction under IC 9-21-5-11(a) until:

4 (1) the registered owner pays the judgment for the infraction  
 5 assessed under IC 9-21-5-11(d) and rules adopted under  
 6 IC 9-21-3.5-15(a); and

7 (2) the bureau is presented with adequate proof of payment  
 8 under IC 9-21-3.6-21.

9 (d) Upon receiving a referral, as set forth in IC 9-21-3.6-19, of  
 10 the failure of the registered owner of a vehicle to pay any civil  
 11 penalty or civil judgment assessed and associated fees under  
 12 IC 9-21-3.6, the bureau shall suspend the registration of the vehicle  
 13 that was used in the commission of the ordinance violation until:

14 (1) the registered owner pays the civil penalty or civil  
 15 judgment assessed and associated fees under IC 9-21-3.6; and

16 (2) the bureau is presented with adequate proof of payment  
 17 under IC 9-21-3.6-21.

18 SECTION 12. IC 9-19-13-1, AS AMENDED BY P.L.1-2005,  
 19 SECTION 101, IS AMENDED TO READ AS FOLLOWS  
 20 [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) The state school bus  
 21 committee established by IC 20-27-3-1 shall adopt and enforce rules  
 22 under IC 4-22-2 not inconsistent with this chapter to govern the design  
 23 and operation of all school buses used for the transportation of school  
 24 children when owned and operated by a school corporation or privately  
 25 owned and operated under contract with an Indiana school corporation.  
 26 The rules must by reference be made a part of such a contract with a  
 27 school corporation. Each school corporation, officer and employee of  
 28 the school corporation, and person employed under contract by a  
 29 school district is subject to those rules.

30 (b) Notwithstanding subsection (a), a school corporation may  
 31 use an automated traffic enforcement safety device on a school bus  
 32 under IC 9-21-3.6-5.

33 SECTION 13. IC 9-21-3.5-14 IS ADDED TO THE INDIANA  
 34 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 35 [EFFECTIVE JULY 1, 2013]: Sec. 14. The owner of a motor vehicle  
 36 that is driven through a worksite with a temporary maximum  
 37 speed limit as set forth in IC 9-21-5-11 at a speed higher than the  
 38 temporary maximum speed limit established under IC 9-21-5-11(a)  
 39 shall ensure that the judgment for the infraction set forth in  
 40 IC 9-21-5-11(d) is paid.

41 SECTION 14. IC 9-21-3.5-15 IS ADDED TO THE INDIANA  
 42 CODE AS A NEW SECTION TO READ AS FOLLOWS



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1 [EFFECTIVE JULY 1, 2013]: **Sec. 15. (a) If the department or the**  
2 **authority chooses to establish a traffic enforcement program**  
3 **utilizing automatic traffic enforcement safety devices in locations**  
4 **subject to the jurisdiction of the department or the authority, the**  
5 **department or authority may adopt and enforce rules under**  
6 **IC 4-22-2 concerning the use of automated traffic enforcement**  
7 **safety devices to enforce the collection of judgments for violations**  
8 **of speed limits established under IC 9-21-5-11(a).**

9 (b) The rules must provide that the department, the authority,  
10 or an agent of the department or the authority shall mail to the  
11 owner of a motor vehicle driven in violation of a speed limit  
12 established under IC 9-21-5-11(a) (or a vehicle being towed by a  
13 motor vehicle driven in violation of a speed limit established under  
14 IC 9-21-5-11(a)) notice of the violation by first class mail  
15 postmarked not later than thirty (30) days after obtaining the  
16 name and address of the owner of the motor vehicle or the vehicle  
17 being towed by a motor vehicle and not more than sixty (60) days  
18 after the date of the alleged violation. The notice must include the  
19 following:

- 20 (1) The name and address of the owner of the motor vehicle or
- 21 the vehicle being towed by a motor vehicle.
- 22 (2) The license plate number of the motor vehicle or the
- 23 vehicle being towed by a motor vehicle.
- 24 (3) The violation charged.
- 25 (4) The location of the violation.
- 26 (5) The date and time of the violation.
- 27 (6) A copy of, and information on how to view through
- 28 electronic means, the recorded image of the violation.
- 29 (7) A signed statement or electronically generated affirmation
- 30 by a police officer who has:
  - 31 (A) reviewed the recorded image; and
  - 32 (B) determined that the motor vehicle or the vehicle being
  - 33 towed by a motor vehicle violated a speed limit established
  - 34 under IC 9-21-5-11(a).
- 35 (8) The amount of the civil penalty imposed for the violation.
- 36 (9) The date by which the civil penalty must be paid if the
- 37 owner of the vehicle:
  - 38 (A) does not desire to contest the violation; and
  - 39 (B) wishes to avoid paying court costs.
- 40 The civil penalty must be paid not later than thirty (30) days
- 41 after the issuance date of the violation notice if a defense does
- 42 not apply, or not later than forty-five (45) days after the

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1 issuance date of the violation notice if a defense requires the  
 2 violation notice to be sent to another person.  
 3 (10) A statement that the recorded image of the violation is  
 4 prima facie evidence of a violation.  
 5 (11) The procedure under which the notice of violation may be  
 6 contested, and the procedure and conditions under which the  
 7 responsibility for payment of the civil penalty may be  
 8 transferred to another individual who was operating the  
 9 motor vehicle at the time of the violation.  
 10 (c) The department shall establish a process by which the  
 11 department, authority, or agent, as applicable, shall notify the  
 12 bureau of an owner's failure to pay a fine, charge, or other  
 13 assessment for a worksite temporary maximum speed violation  
 14 following the expiration of the deadline determined under rules  
 15 adopted under subsection (b)(9).  
 16 SECTION 15. IC 9-21-3.5-16 IS ADDED TO THE INDIANA  
 17 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 18 [EFFECTIVE JULY 1, 2013]: **Sec. 16. Before enforcing a rule**  
 19 **adopted under section 15 of this chapter, the department or the**  
 20 **authority must install a warning sign notifying the traveling public,**  
 21 **at least five hundred (500) feet in advance, as to the location at**  
 22 **which an automated traffic enforcement safety device is located,**  
 23 **along with the signs required by IC 9-21-5-11(a).**  
 24 SECTION 16. IC 9-21-3.5-17 IS ADDED TO THE INDIANA  
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 26 [EFFECTIVE JULY 1, 2013]: **Sec. 17. (a) In the prosecution of a**  
 27 **worksite temporary maximum speed limit violation under this**  
 28 **chapter and IC 9-21-5-11, proof that the motor vehicle was driven**  
 29 **in violation of the worksite temporary maximum speed may be**  
 30 **shown by a video recording, a photograph, an electronic recording,**  
 31 **or other appropriate evidence, including evidence obtained by an**  
 32 **automated traffic enforcement safety device.**  
 33 (b) In the prosecution of a worksite temporary maximum speed  
 34 limit violation:  
 35 (1) it is presumed that any notice of nonpayment was received  
 36 on the fifth day after the date of mailing; and  
 37 (2) a computer record of the department, the authority, or the  
 38 operator or the registered owner of the motor vehicle is prima  
 39 facie evidence of its contents and that the worksite temporary  
 40 maximum speed limit violator was the registered owner of the  
 41 motor vehicle at the time of the underlying event of  
 42 nonpayment.

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1 SECTION 17. IC 9-21-3.6 IS ADDED TO THE INDIANA CODE  
 2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2013]:

4 **Chapter 3.6. Automated Traffic Enforcement Safety Devices**

5 **Sec. 1. As used in this chapter, "agent" means a person that:**

- 6 (1) provides services to a county, municipality, or school  
 7 corporation;  
 8 (2) operates, maintains, leases, or licenses automated traffic  
 9 enforcement safety devices as authorized by a county,  
 10 municipality, or school corporation;  
 11 (3) is authorized to review and assemble the recorded images  
 12 captured by an automated traffic enforcement safety device  
 13 for review by a law enforcement officer or agency; or  
 14 (4) is any combination of subdivisions (1) through (3).

15 **Sec. 2. As used in this chapter, "municipality" has the meaning**  
 16 **set forth in IC 36-1-2-11.**

17 **Sec. 3. As used in this chapter, "owner" means a person in**  
 18 **whose name a motor vehicle is registered under any of the**  
 19 **following:**

- 20 (1) IC 9-18.  
 21 (2) The law of another state.  
 22 (3) The law of a foreign country.  
 23 (4) The International Registration Plan.

24 **Sec. 4. As used in this chapter, "postsecondary educational**  
 25 **institution" means a postsecondary school that provides an**  
 26 **organized two (2) year or longer program of collegiate grade**  
 27 **directly creditable toward a baccalaureate degree.**

28 **Sec. 5. A school corporation may use an automated traffic**  
 29 **enforcement safety device on a school bus to detect and enforce**  
 30 **violations of IC 9-21-12-1(a). A school corporation may enter into**  
 31 **an interlocal agreement with a county or municipality for the**  
 32 **installation, use, and enforcement of an automated traffic**  
 33 **enforcement safety device on a school bus used to transport**  
 34 **children to and from school. A county or municipality may pass an**  
 35 **ordinance regarding the use of automated traffic enforcement**  
 36 **safety devices that are the subject of an interlocal agreement. A**  
 37 **school corporation may enter into an agreement with an agent for**  
 38 **the placement of automated traffic enforcement safety devices on**  
 39 **school buses and enforcement to carry out this chapter.**

40 **Sec. 6. Notwithstanding IC 36-1-3-8(a)(8):**

- 41 (1) a county, with respect to highways located in  
 42 unincorporated areas, including state highways within its

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1 jurisdiction; and  
 2 (2) a municipality, with respect to highways located within the  
 3 respective jurisdictions, including state highways;  
 4 may adopt and enforce an ordinance that complies with this  
 5 chapter and allows for the use of automated traffic enforcement  
 6 safety devices to enforce the traffic violations set forth in section 10  
 7 of this chapter.

8 Sec. 7. A municipality, county, or school corporation that uses  
 9 an automated traffic enforcement safety device may enter into a  
 10 contract with an agent for the installation, operation, notice  
 11 processing, and administration and maintenance of the automated  
 12 traffic enforcement safety device.

13 Sec. 8. A municipality, county, or school corporation may act  
 14 under IC 36-1-7 to carry out this chapter.

15 Sec. 9. A municipality or county that uses an automated traffic  
 16 enforcement safety device for the purposes of traffic enforcement  
 17 must adopt an ordinance concerning the use of the automated  
 18 traffic enforcement safety devices and publish notice of the location  
 19 of the automated traffic enforcement safety devices on the Internet  
 20 web site of the municipality or county. The ordinance must provide  
 21 that:

- 22 (1) a challenge to the implementation of an automated traffic  
 23 enforcement safety device or the adoption of an ordinance  
 24 under this chapter against a municipality may be brought  
 25 only in accordance with IC 34-13-6;
- 26 (2) an automated traffic enforcement safety device placed in  
 27 the municipality or county under the authority of this chapter  
 28 may be operated only between the hours of 6 a.m. and 8 p.m.;
- 29 (3) an automated traffic enforcement safety device placed in  
 30 the municipality or county must comply with an international  
 31 standard for operating the speed monitoring system, if the  
 32 device is capable of monitoring speed;
- 33 (4) the municipality or county that places an automated traffic  
 34 enforcement safety device:
  - 35 (A) that is capable of monitoring speed; and
  - 36 (B) in a school speed zone or highway work zone;  
 37 must maintain a speed monitoring system in accordance with  
 38 specified self test performance standards;
- 39 (5) an amount of any money collected for the violation of the  
 40 ordinance must be applied to the costs of the installation,  
 41 operation, and maintenance of the automated traffic  
 42 enforcement safety devices in the municipality;

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- (6) a police officer:**
  - (A) must review and approve a recorded image before the recorded image of the ordinance violation may be forwarded to the registered owner of the motor vehicle or the vehicle being towed by a motor vehicle; and**
  - (B) may not forward notice to the registered owner if, in the opinion of the police officer, it was not possible for the operator of the vehicle to safely avoid committing the violation due to inclement weather conditions; and**
- (7) a notice of the ordinance violation may be contested according to certain procedures that permit the owner that has received the notice of ordinance violation to:**
  - (A) request a hearing, within twenty-five (25) days after the mailing of the notice of the ordinance violation, by:**
    - (i) mailing a request in writing; or**
    - (ii) appearing during regular office hours of the county or municipality, either in person or by an authorized agent of the owner;**
  - (B) have the matter scheduled for a hearing before a court or a hearing officer designated by the municipality or county at a date, time, and place of which the owner will be notified in a writing sent by first class mail to the owner;**
  - (C) attend an informal hearing on the ordinance violation; and**
  - (D) appeal an adverse ruling in a proceeding at which the ordinance violation shall be heard and decided de novo.**

**Sec. 10. An ordinance adopted under section 6 of this chapter may provide for the use of an automated traffic enforcement safety device only in the following instances:**

- (1) A municipality or county, after consultation with the Indiana department of transportation, may establish speed limits by ordinance on state highways upon which an elementary school (as defined in IC 20-18-2-4), high school (as defined in IC 20-18-2-7), or a postsecondary educational institution is located, if the detection of violations of this subdivision will be performed by an automated traffic enforcement safety device. However, a speed limit established under this subdivision is valid only if the following conditions exist:**
  - (A) The speed limit is not less than twenty (20) miles per hour.**
  - (B) The speed zone does not exceed two thousand five**

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hundred (2,500) feet from the perimeter of the school or institution.

(C) The speed zone is properly signed. There must be a sign located where the speed zone begins or as near as practical to the point where the speed zone begins indicating the speed limit.

(D) The automated traffic enforcement safety device may not be used after 8 p.m. and before 6 a.m.

(E) The Indiana department of transportation has been notified by certified mail regarding the location and speed limit of the speed zone.

(2) A municipality or county may establish speed limits on a street or highway upon which an elementary school (as defined in IC 20-18-2-4), a high school (as defined in IC 20-18-2-7), or a postsecondary educational institution is located, if the detection of violations of this subdivision will be performed by an automated traffic enforcement safety device on the street or highway under the jurisdiction of the municipality or county, respectively. However, a speed limit established under this subdivision is valid only if the following conditions exist:

(A) The speed limit is not less than twenty (20) miles per hour within an urban district and not less than thirty (30) miles per hour outside an urban district.

(B) The speed zone does not exceed two thousand five hundred (2,500) feet from the perimeter of the school or institution.

(C) The speed zone is properly signed. There must be a sign located where the speed zone begins or as near as practical to the point where the speed zone begins indicating the speed limit and if the school operates on a twelve (12) month schedule, there must be a sign indicating that the school is an all year school.

(D) The automated traffic enforcement safety device may not be used after 8 p.m. and before 6 a.m.

(3) In accordance with IC 9-21-5-11, a municipality or a county may establish temporary maximum speed limits in their respective jurisdictions and in the vicinity of a worksite without conducting an engineering study and investigation required under IC 9-21-5. The municipality or county must post signs notifying the traveling public of the temporary maximum speed limits established under this subdivision.

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**Worksite speed limits set under this subdivision must be at least ten (10) miles per hour below the maximum established speed limit and may be enforced by an automated traffic enforcement safety device only if:**

**(A) workers are present in the immediate vicinity of the worksite; or**

**(B) workers are not present in the immediate vicinity of the worksite, and the municipality or county determines that the safety of the traveling public requires enforcement of the worksite speed limit.**

**Sec. 11. (a) An ordinance adopted under section 6 of this chapter must specify the following:**

**(1) That, except as provided in subdivision (2), the owner of a motor vehicle commits a violation of the ordinance when the automated traffic enforcement safety device produces a recorded image of the motor vehicle or the vehicle being towed by a motor vehicle proceeding at a speed in violation of a speed limit established under section 10 of this chapter.**

**(2) That, if the owner of a motor vehicle establishes a defense under section 15 or 16 of this chapter, the person:**

**(A) identified as having the care, custody, or control of the motor vehicle under section 15 of this chapter; or**

**(B) identified as the person driving the motor vehicle under section 16 of this chapter;**

**at the time of the violation commits the violation of the ordinance if the automated traffic enforcement safety device produces a recorded image of the motor vehicle or the vehicle being towed by a motor vehicle proceeding at a speed in violation of a speed limit established under section 10 of this chapter.**

**(3) That payment of a civil penalty for the violation of the ordinance adopted under section 6 of this chapter may be made by electronic means.**

**(4) That the failure to pay timely a violation of an ordinance adopted under section 6 of this chapter will result in the suspension of the person's motor vehicle registration and the inability of the person to transfer the title to the motor vehicle that was used to commit the ordinance violation.**

**(b) The county, municipality, or the agent shall mail the owner of a motor vehicle or a vehicle being towed by a motor vehicle committing a violation of an ordinance adopted under section 6 of this chapter notice of the ordinance violation by first class mail**

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1 postmarked not later than thirty (30) days after obtaining the  
2 name and address of the owner of the motor vehicle or the vehicle  
3 being towed by a motor vehicle and not more than sixty (60) days  
4 after the date of the alleged violation. The notice must include the  
5 following:

- 6 (1) The name and address of the owner of the motor vehicle or  
7 the vehicle being towed by a motor vehicle.
- 8 (2) The license plate number of the motor vehicle or the  
9 vehicle being towed by a motor vehicle.
- 10 (3) The violation charged.
- 11 (4) The location of the violation of the ordinance.
- 12 (5) The date and time of the violation.
- 13 (6) A copy of, and information on how to view through  
14 electronic means, the recorded image of the ordinance  
15 violation.
- 16 (7) A signed statement or electronically generated affirmation  
17 by a local police officer who has:
  - 18 (A) reviewed the recorded image; and
  - 19 (B) determined that the motor vehicle or the vehicle being  
20 towed by a motor vehicle violated the ordinance.
- 21 (8) The amount of the civil penalty imposed for the violation.
- 22 (9) The date by which the civil penalty must be paid if the  
23 owner of the vehicle:
  - 24 (A) does not desire to contest the violation; and
  - 25 (B) wishes to avoid paying court costs.
- 26 The civil penalty must be paid not later than thirty (30) days  
27 after the issuance date of the violation notice if a hearing has  
28 not been requested under the procedures described in section  
29 9(7) of this chapter or a defense described in section 15, 16, or  
30 17 of this chapter does not apply, or not later than forty-five  
31 (45) days after the issuance date of the violation notice if a  
32 defense described in section 15, 16, or 17 of this chapter  
33 requires the violation notice to be sent to another person.
- 34 (10) A statement that the recorded image of the violation of  
35 the ordinance is prima facie evidence of a violation of the  
36 ordinance.
- 37 (11) The procedure under which the notice of violation may be  
38 contested, and the procedure and conditions under which the  
39 responsibility for payment of the civil penalty may be  
40 transferred to another individual who was operating the  
41 motor vehicle at the time of the ordinance violation.

42 Sec. 12. Before enforcing an ordinance adopted under section 6

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1 of this chapter, the municipality or county that uses an automated  
2 traffic enforcement safety device for purposes of detecting a  
3 violation of this chapter must install a warning sign at least five  
4 hundred (500) feet in advance of the location at which an  
5 automated traffic enforcement safety device is located. An advance  
6 warning sign must:

- 7 (1) notify the operators of vehicles of the existence of the
- 8 automated traffic enforcement safety devices; and
- 9 (2) be in conformance with the Indiana Manual on Uniform
- 10 Traffic Control Devices for Streets and Highways adopted
- 11 under IC 9-21-2-1.

12 **Sec. 13. (a)** A school corporation that uses an automatic traffic  
13 enforcement safety device under this chapter must forward the  
14 recorded image to the local law enforcement agency for review and  
15 approval by a police officer of the local law enforcement agency  
16 who:

- 17 (1) must review and approve a recorded image before the
- 18 recorded image of the infraction violation may be forwarded
- 19 to the registered owner of the motor vehicle or the vehicle
- 20 being towed by a motor vehicle; and
- 21 (2) may not forward notice to the registered owner if, in the
- 22 opinion of the police officer, it was not possible for the
- 23 operator of the vehicle to safely avoid committing the
- 24 violation due to inclement weather conditions.

25 (b) The local law enforcement agency shall mail the owner of a  
26 motor vehicle or a vehicle being towed by a motor vehicle that has  
27 committed a violation of IC 9-21-12-1(a) a complaint and summons  
28 in conformance with IC 9-30-3-6 stating the notice of the violation  
29 by first class mail postmarked not later than thirty (30) days after  
30 obtaining the name and address of the owner of the motor vehicle  
31 or the vehicle being towed by a motor vehicle and not more than  
32 sixty (60) days after the date of the alleged violation. The complaint  
33 and summons must include the following:

- 34 (1) The name and address of the owner of the motor vehicle or
- 35 the vehicle being towed by a motor vehicle.
- 36 (2) The license plate number of the motor vehicle or the
- 37 vehicle being towed by a motor vehicle.
- 38 (3) The violation charged.
- 39 (4) The location of the violation of IC 9-21-12-1(a).
- 40 (5) The date and time of the violation.
- 41 (6) A copy of, and information on how to view through
- 42 electronic means, the recorded image of the violation.

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- (7) A signed statement or electronically generated affirmation by the local police officer who has:**
  - (A) reviewed the recorded image; and**
  - (B) determined that the motor vehicle or the vehicle being towed by a motor vehicle violated IC 9-21-12-1(a).**
- (8) The amount of the civil judgment imposed for the infraction.**
- (9) The date by which the civil judgment for the infraction must be paid if the owner of the vehicle does not desire to contest the violation. The civil judgment must be paid not later than thirty (30) days after the issuance date of the complaint and summons if a defense described in section 15 or 16 of this chapter does not apply, or not later than forty-five (45) days after the issuance date of the complaint and summons if a defense described in section 15 or 16 of this chapter requires the complaint and summons to be sent to another person.**
- (10) A statement that the recorded image of the violation of IC 9-21-12-1(a) is prima facie evidence of a violation of IC 9-21-12-1(a).**
- (11) The procedure under which the complaint and summons may be contested, and the procedure and conditions under which the responsibility for payment of the civil judgment may be transferred to another individual who was operating the motor vehicle at the time of the violation.**

**Sec. 14. (a) An ordinance adopted under section 6 of this chapter:**

- (1) notwithstanding IC 36-1-3-8(a)(10)(B), must impose a civil penalty:**
  - (A) of not more than two hundred fifty dollars (\$250) for a violation of speed limits established under section 10(1) or 10(2) of this chapter; and**
  - (B) for a violation of a temporary maximum speed limit established under section 10(3) of this chapter, the following:**
    - (i) If the person has not previously committed a violation of a speed limit established under section 10(3) of this chapter in the municipality, a civil penalty of at least three hundred dollars (\$300).**
    - (ii) If the person has committed one (1) violation of a speed limit established under section 10(3) of this chapter in the municipality in the previous three (3)**

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years, a civil penalty of at least five hundred dollars (\$500);

(2) may impose a fee associated with the electronic processing of the payment of the civil penalty imposed for a violation of the ordinance; and

(3) must require that a part of the civil penalty imposed for a violation of the ordinance shall be applied to defray the cost of the installation, operation, and maintenance of the automatic traffic enforcement safety device first and the remaining funds from the civil penalty be distributed in the following manner:

(A) For a violation of section 10(1) or 10(2) of this chapter, the following distributions:

(i) Forty percent (40%) shall be transferred to the general fund of the local authority.

(ii) Thirty percent (30%) shall be transferred to the trauma care hospital fund established by IC 16-21-10-2.

(iii) Ten percent (10%) shall be transferred to the county law enforcement continuing education program established by IC 5-2-8-1(b).

(iv) Ten percent (10%) shall be transferred to the local law enforcement continuing education program established under IC 5-2-8-2(b), if the local authority in which the citation was issued has a local law enforcement continuing education program. If the local authority in which the citation was issued does not have a local law enforcement continuing education program, ten percent (10%) shall be transferred to the county law enforcement continuing education program established by IC 5-2-8-1(b).

(v) Ten percent (10%) shall be transferred to the regional public safety training fund established by IC 10-15-3-12.

(B) For a violation of section 10(3) of this chapter, the following distributions:

(i) Forty percent (40%) shall be transferred to the general fund of the local authority.

(ii) Twenty percent (20%) shall be transferred to the trauma care hospital fund established by IC 16-21-10-2.

(iii) Twenty percent (20%) shall be transferred to the motor vehicle highway account established under IC 8-14-1.

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(iv) Ten percent (10%) shall be transferred for deposit as a highway work zone fee under IC 33-37-7-8(d)(3).

(v) Ten percent (10%) shall be transferred to the Indiana department of transportation to pay the costs of hiring off duty police officers to perform the duties described in IC 8-23-2-15(b).

(b) Notwithstanding IC 34-28-5-4(a), a violation of IC 9-21-12-1(a) detected under this chapter:

(1) must impose a civil judgment of not more than two hundred fifty dollars (\$250) for a violation;

(2) may impose a fee associated with the electronic processing of the payment of the civil judgment imposed for a violation of IC 9-21-12-1(a); and

(3) must require that a part of the civil judgment imposed for a violation of IC 9-21-12-1(a) shall be applied to defray the cost of the installation, operation, and maintenance of the automatic traffic enforcement safety device first and the remaining funds from the civil judgment be distributed in the following manner:

(A) Forty percent (40%) shall be transferred to the general fund of the local authority.

(B) Thirty percent (30%) shall be transferred to the trauma care hospital fund established by IC 16-21-10-2.

(C) Ten percent (10%) shall be transferred to the county law enforcement continuing education program established by IC 5-2-8-1(b).

(D) Ten percent (10%) shall be transferred to the local law enforcement continuing education program established under IC 5-2-8-2(b), if the local authority in which the citation was issued has a local law enforcement continuing education program. If the local authority in which the citation was issued does not have a local law enforcement continuing education program, ten percent (10%) shall be transferred to the county law enforcement continuing education program established by IC 5-2-8-1(b).

(E) Ten percent (10%) shall be transferred to the regional public safety training fund established by IC 10-15-3-12.

Sec. 15. (a) It is a defense in a proceeding to enforce this chapter if the owner provides to the ordinance violations bureau, court, agent for the municipality or county, or local law enforcement agency an affidavit signed under the penalties of perjury stating:

(1) that, at the time of the alleged violation, the owner was

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1 engaged in the business of renting or leasing vehicles under  
 2 written agreements;  
 3 (2) that, at the time of the alleged violation, the vehicle was in  
 4 the care, custody, or control of a person (other than the owner  
 5 or an employee of the owner of the motor vehicle or the  
 6 vehicle being towed by a motor vehicle) under a written  
 7 agreement for the rental or lease of the motor vehicle or the  
 8 vehicle being towed by a motor vehicle for a period of not  
 9 more than sixty (60) days; and  
 10 (3) the name and address of the person who was renting or  
 11 leasing the motor vehicle or the vehicle being towed by a  
 12 motor vehicle at the time of the alleged violation.  
 13 (b) It is a defense in a proceeding to enforce this chapter if the  
 14 owner provides to the ordinance violations bureau, court, agent for  
 15 the municipality or county, or local law enforcement agency an  
 16 affidavit signed under the penalties of perjury stating that, at the  
 17 time of the alleged violation, the dealer plates that the vehicle bore  
 18 were issued to a person licensed under IC 9-23-2-1, and:  
 19 (1) that, at the time of the alleged violation, the vehicle was in  
 20 the care, custody, or control of a person (other than the owner  
 21 or an employee of the owner of the motor vehicle or the  
 22 vehicle being towed by a motor vehicle) using dealer license  
 23 plates as authorized under IC 9-18-26-6, IC 9-18-26-7, or  
 24 IC 9-18-26-8; and  
 25 (2) the name and address of the person who was using the  
 26 motor vehicle or the vehicle being towed by a motor vehicle at  
 27 the time of the alleged violation.  
 28 (c) If the owner of a motor vehicle or a vehicle being towed by  
 29 a motor vehicle meets the requirements of subsection (a) or (b), the  
 30 ordinance violations bureau, court, agent for the municipality or  
 31 county, or local law enforcement agency shall mail or electronically  
 32 transfer a notice of the ordinance violation citation or a summons  
 33 and complaint to the person having the care, custody, or control of  
 34 the motor vehicle or the vehicle being towed by a motor vehicle at  
 35 the time of the violation. The proof required under subsection (a)  
 36 or (b) creates a rebuttable presumption that the person having the  
 37 care, custody, or control of the motor vehicle or the vehicle being  
 38 towed by a motor vehicle at the time of the violation was the  
 39 operator of the motor vehicle at the time of the violation. The  
 40 notice required under this subsection must contain the following:  
 41 (1) The information described in section 11(b) of this chapter.  
 42 (2) A statement that the person receiving the notice was

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1 identified by the owner of the motor vehicle or the vehicle  
2 being towed by a motor vehicle as the person having the care,  
3 custody, or control of the motor vehicle at the time of the  
4 violation.

5 (3) A statement that a person may offer a defense as described  
6 in this section and sections 16 and 17 of this chapter.

7 Sec. 16. (a) It is a defense to a proceeding to enforce this chapter  
8 if the owner provides to the ordinance violations bureau, court,  
9 agent for the local authority, or local law enforcement agency an  
10 affidavit signed under the penalties of perjury stating:

11 (1) that the owner was not operating the motor vehicle or the  
12 motor vehicle towing a vehicle at the time of the alleged  
13 violation and the name and address of the person operating  
14 the motor vehicle or the vehicle being towed by a motor  
15 vehicle at the time of the alleged violation; or

16 (2) that:  
17 (A) the motor vehicle; or  
18 (B) the license plate of the motor vehicle or the vehicle  
19 being towed by the motor vehicle;

20 had been stolen before the alleged violation occurred and was  
21 not under the control or possession of the owner at the time of  
22 the alleged violation. In addition to the affidavit described in  
23 this subsection, the owner must submit proof that a police  
24 report was filed concerning the stolen motor vehicle or stolen  
25 license plate.

26 (b) If the owner of a motor vehicle or a vehicle being towed by  
27 a motor vehicle submits the evidence required under subsection  
28 (a)(1), the ordinance violations bureau, court, agent for the local  
29 authority, or local law enforcement agency shall mail a notice of  
30 the ordinance violation or an information to the person identified  
31 as the person operating the motor vehicle at the time of the  
32 violation. The proof required under subsection (a)(1) creates a  
33 rebuttable presumption that the person identified in the affidavit  
34 required under subsection (a) was the operator of the motor  
35 vehicle at the time of the violation. The notice required under this  
36 subsection must contain the following:

37 (1) The information described in section 11(b) of this chapter.  
38 (2) A statement that the person receiving the notice was  
39 identified by the owner of the motor vehicle as the person  
40 operating the motor vehicle at the time of the violation.

41 Sec. 17. It is a defense to a proceeding to enforce an ordinance  
42 adopted under section 6 of this chapter that any of the following

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- apply:
- (1) IC 9-21-1-8(b)(3) (a person driving an authorized emergency vehicle may exceed the maximum speed limits if the person who drives the vehicle does not endanger life or property).
  - (2) IC 9-21-8-1 (complying with a lawful order or direction of a law enforcement officer).
  - (3) IC 9-21-8-35(a) (yielding right-of-way to authorized emergency vehicles).
  - (4) IC 9-21-13-1 (funeral procession).
  - (5) A traffic citation was issued to the operator of the motor vehicle for the violation by a police officer.

**Sec. 18.** If it appears from the records of the municipality, county, or local law enforcement agency that a person has failed to pay a violation before the deadlines established by this chapter without notification of an intent to contest the violation, the municipality, county, or local law enforcement agency shall send a notice to the person who is the registered owner of the motor vehicle or the vehicle being towed by a motor vehicle. The notice must inform the registered owner of the following:

- (1) That the municipality or county will send a referral to the bureau if the violation is not paid within thirty (30) days after the notice was mailed.
- (2) That the referral will result in the suspension of the registration of the motor vehicle or the vehicle and the certificate of title of the motor vehicle or vehicle may not be transferred if the violation is not paid.

**Sec. 19.** A municipality, county, agent, or local law enforcement agency shall send a referral to the bureau not later than thirty (30) days after the notice referenced in section 18 of this chapter was mailed if a violation of this chapter has not been contested and has not been paid. The referral to the bureau must include the following:

- (1) Any information known or available to the municipality, county, or local law enforcement agency concerning the license plate number and year of registration and the name of the owner of the motor vehicle or the vehicle being towed by a motor vehicle.
- (2) The date on which the violation occurred.
- (3) The date when the notice required under section 18 of this chapter was mailed.
- (4) The seal of the local authority.

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1           **Sec. 20. If the bureau receives a referral under section 19 of this**  
 2 **chapter, the bureau shall suspend the registration of the motor**  
 3 **vehicle or the vehicle being towed by a motor vehicle and shall**  
 4 **place a notice in the records of the bureau that the certificate of**  
 5 **title for the motor vehicle or vehicle may not be transferred. The**  
 6 **bureau or agent shall mail a notice to the person in whose name the**  
 7 **motor vehicle or vehicle is registered within thirty (30) days that:**

8           **(1) informs the person that the registration of the motor**  
 9 **vehicle or vehicle has been suspended, that the certificate of**  
 10 **title for the motor vehicle or vehicle may not be transferred,**  
 11 **and that the reason for these actions was the failure to pay an**  
 12 **ordinance violation adopted under section 6 of this chapter;**  
 13 **and**

14           **(2) explains what the person must do to have the registration**  
 15 **reinstated and the records of the bureau amended.**

16           **Sec. 21. The bureau shall reinstate the registration of a motor**  
 17 **vehicle or vehicle that is suspended and shall allow the certificate**  
 18 **of title for the motor vehicle or vehicle to be transferred if the**  
 19 **following occur:**

20           **(1) Any person presents the bureau with adequate proof that**  
 21 **the violation notice has been paid.**

22           **(2) A reinstatement fee under IC 9-29-5 has been paid, if**  
 23 **applicable.**

24           **Sec. 22. (a) The county, municipality, agent, school corporation,**  
 25 **or local law enforcement agency shall destroy the recorded images**  
 26 **produced by an automated traffic enforcement safety device that**  
 27 **do not identify a violation of this chapter not more than thirty (30)**  
 28 **days after the image was recorded, unless otherwise ordered by a**  
 29 **court with jurisdiction.**

30           **(b) The county, municipality, agent, school corporation, or local**  
 31 **law enforcement agency shall destroy the recorded images**  
 32 **produced by an automated traffic enforcement safety device that**  
 33 **show an alleged violation of this chapter not more than ninety (90)**  
 34 **days after the final disposition of payment in full of the civil**  
 35 **penalty or civil judgment or final disposition of a court proceeding**  
 36 **to which the recorded image pertains, including any appeals, unless**  
 37 **otherwise ordered by a court with jurisdiction.**

38           **Sec. 23. (a) The acts of an agent performing the duties of an**  
 39 **agent do not require the agent to be licensed under IC 25-30-1.**

40           **(b) The records, documents, and books kept by an agent are not**  
 41 **considered to be public records as defined in IC 5-14-3-2(n).**

42           **Sec. 24. (a) The bureau may not assess points under the point**

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1 system for a violation of an ordinance adopted under section 6 of  
2 this chapter or of IC 9-21-12-1(a) enforced under this chapter.

3 (b) A violation of an ordinance adopted under section 6 of this  
4 chapter or of IC 9-21-12-1(a) enforced under this chapter is not  
5 considered to be a traffic offense or violation for purposes of  
6 IC 9-14-3-7(b)(1)(A), IC 9-24-18-9, or IC 9-30-3-14.

7 (c) Information concerning a violation of an ordinance adopted  
8 under section 6 of this chapter or of IC 9-21-12-1(a) enforced  
9 under this chapter may not be included on a driving record  
10 established and maintained by the bureau.

11 (d) A violation of an ordinance adopted under section 6 of this  
12 chapter or of IC 9-21-12-1(a) enforced under this chapter shall not  
13 be used to determine rates for motor vehicle insurance.

14 **Sec. 25. An employee of an agent, a local police officer, or an**  
15 **employee of the county or municipality is not liable for any loss**  
16 **while acting within the scope of the person's employment under**  
17 **this chapter or of an ordinance adopted under section 6 of this**  
18 **chapter.**

19 SECTION 18. IC 9-21-5-6, AS AMENDED BY P.L.52-2011,  
20 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 JULY 1, 2013]: Sec. 6. (a) Except as provided in subsections (e) and  
22 (f), whenever a local authority in the authority's jurisdiction determines  
23 that the maximum speed permitted under this chapter is greater or less  
24 than reasonable and safe under the conditions found to exist on a  
25 highway or part of a highway, the local authority may determine and  
26 declare a reasonable and safe maximum limit on the highway. The  
27 maximum limit declared under this section may do any of the  
28 following:

29 (1) Decrease the limit within urban districts, but not to less than  
30 twenty (20) miles per hour.

31 (2) Increase the limit within an urban district, but not to more than  
32 fifty-five (55) miles per hour during daytime and fifty (50) miles  
33 per hour during nighttime.

34 (3) Decrease the limit outside an urban district, but not to less  
35 than thirty (30) miles per hour.

36 (4) Decrease the limit in an alley, but to not less than five (5)  
37 miles per hour.

38 (5) Increase the limit in an alley, but to not more than thirty (30)  
39 miles per hour.

40 The local authority must perform an engineering and traffic  
41 investigation before a determination may be made to change a speed  
42 limit under subdivision (2), (3), (4), or (5) or before the speed limit

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1 within an urban district may be decreased to less than twenty-five (25)  
2 miles per hour under subdivision (1).

3 (b) Except as provided in subsection (f), a local authority in the  
4 authority's jurisdiction shall determine by an engineering and traffic  
5 investigation the proper maximum speed for all local streets and shall  
6 declare a reasonable and safe maximum speed permitted under this  
7 chapter for an urban district. However, an engineering and traffic study  
8 is not required to be performed for the local streets in an urban district  
9 under this subsection if the local authority determines that the proper  
10 maximum speed in the urban district is not less than twenty-five (25)  
11 miles per hour.

12 (c) An altered limit established under this section is effective at all  
13 times or during hours of darkness or at other times as may be  
14 determined when appropriate signs giving notice of the altered limit are  
15 erected on the street or highway.

16 (d) Except as provided in this subsection **and, notwithstanding**  
17 **IC 36-1-3-8(a), in IC 9-21-3.6**, a local authority may not alter a speed  
18 limit on a highway or extension of a highway in the state highway  
19 system. A city or town may establish speed limits on state highways  
20 upon which a school is located. However, a speed limit established  
21 under this subsection is valid only if the following conditions exist:

- 22 (1) The limit is not less than twenty (20) miles per hour.  
23 (2) The limit is imposed only in the immediate vicinity of the  
24 school.  
25 (3) Children are present.  
26 (4) The speed zone is properly signed. After June 30, 2011, there  
27 must be:  
28 (A) a sign located:  
29 (i) where the reduced speed zone begins; or  
30 (ii) as near as practical to the point where the reduced speed  
31 zone begins;  
32 indicating the reduced speed limit; and  
33 (B) a sign located at the end of the reduced speed zone  
34 indicating:  
35 (i) the speed limit for the section of highway that follows; or  
36 (ii) the end of the reduced speed zone.  
37 (5) The Indiana department of transportation has been notified of  
38 the limit imposed by certified mail.

39 (e) A local authority may decrease a limit on a street to not less than  
40 fifteen (15) miles per hour if the following conditions exist:

- 41 (1) The street is located within a park or playground established  
42 under IC 36-10.

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- 1 (2) The:
- 2 (A) board established under IC 36-10-3;
- 3 (B) board established under IC 36-10-4; or
- 4 (C) park authority established under IC 36-10-5;
- 5 requests the local authority to decrease the limit.
- 6 (3) The speed zone is properly signed.
- 7 (f) A city, town, or county may establish speed limits on a street or
- 8 highway upon which a school is located if the street or highway is
- 9 under the jurisdiction of the city, town, or county, respectively.
- 10 However, a speed limit established under this subsection is valid only
- 11 if the following conditions exist:
- 12 (1) The limit is not less than:
- 13 (A) twenty (20) miles per hour within an urban district; and
- 14 (B) thirty (30) miles per hour outside an urban district.
- 15 (2) The limit is imposed only in the immediate vicinity of the
- 16 school.
- 17 (3) Children are present.
- 18 (4) The speed zone is properly signed. After:
- 19 (A) June 30, 2011, there must be:
- 20 (i) a sign located where the reduced speed zone begins or as
- 21 near as practical to the point where the reduced speed zone
- 22 begins indicating the reduced speed limit; and
- 23 (ii) a sign located at the end of the reduced speed zone
- 24 indicating the end of the reduced speed zone; and
- 25 (B) June 30, 2012, if the school operates on a twelve (12)
- 26 month schedule, there must be a sign indicating that the school
- 27 is an all year school.
- 28 **Notwithstanding IC 36-1-3-8(a), a city, town, or county may**
- 29 **establish speed limits on a street or highway upon which a school**
- 30 **is located if the street or highway is under the jurisdiction of the**
- 31 **city, town, or county, respectively, under IC 9-21-3.6.**
- 32 SECTION 19. IC 9-21-12-1, AS AMENDED BY P.L.1-2005,
- 33 SECTION 104, IS AMENDED TO READ AS FOLLOWS
- 34 [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) A person who drives a vehicle
- 35 that:
- 36 (1) meets or overtakes from any direction a school bus stopped on
- 37 a roadway and is not stopped before reaching the school bus when
- 38 the arm signal device specified in IC 9-21-12-13 is in the device's
- 39 extended position; or
- 40 (2) proceeds before the arm signal device is no longer extended;
- 41 commits the offense described in section 9 of this chapter.
- 42 (b) This section is applicable only if the school bus is in substantial

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1 compliance with the markings required by the state school bus  
2 committee.

3 (c) There is a rebuttable presumption that the owner of the vehicle  
4 involved in the violation of this section committed the violation. This  
5 presumption does not apply to the owner of a vehicle involved in the  
6 violation of this section if the owner routinely engages in the business  
7 of renting the vehicle for periods of thirty (30) days or less.

8 **(d) A violation of subsection (a) may be enforced by means of an**  
9 **automated traffic enforcement safety device under IC 9-21-3.6.**

10 SECTION 20. IC 9-29-2-2, AS AMENDED BY P.L.198-2007,  
11 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2013]: Sec. 2. (a) The fee to obtain information regarding  
13 vehicle titles under IC 9-14-3-5 is:

- 14 (1) four dollars (\$4) for each record requested in writing; and  
15 (2) a fee to be determined by the bureau not to exceed four dollars  
16 (\$4), in conformance with IC 5-14-3-8, for each record requested  
17 electronically through the computer gateway administered under  
18 IC 4-13.1-2-2(a)(5) by the office of technology;

19 plus any service fee charged by the office of technology established by  
20 IC 4-13.1-2-1.

21 (b) The fee to obtain information regarding a license, vehicle  
22 registration, or permit under IC 9-14-3-5 is four dollars (\$4) for a  
23 record requested either:

- 24 (1) in writing; or  
25 (2) electronically through the computer gateway administered  
26 under IC 4-13.1-2-2(a)(5) by the office of technology;

27 plus any service fee charged by the office of technology established by  
28 IC 4-13.1-2-1.

29 (c) The fee imposed by this section and paid to the bureau is in lieu  
30 of fees established under IC 5-14-3-8 and does not apply to:

- 31 (1) a law enforcement agency; ~~or~~  
32 (2) an agency of government; ~~or~~  
33 **(3) a contractor in carrying out the duties of the contractor in**  
34 **IC 9-21-3.5-15 or an agent in carrying out the responsibilities**  
35 **of the agent in IC 9-21-3.6.**

36 SECTION 21. IC 9-29-11.5-2 IS REPEALED [EFFECTIVE JULY  
37 1, 2013]. Sec. 2: As used in this chapter, "local law enforcement  
38 agency" means a political subdivision's department or agency whose  
39 principal function is the apprehension of criminal offenders.

40 SECTION 22. IC 9-30-3-12, AS AMENDED BY P.L.125-2012,  
41 SECTION 326, IS AMENDED TO READ AS FOLLOWS  
42 [EFFECTIVE JULY 1, 2013]: Sec. 12. (a) If during any twelve (12)

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1 month period a person has committed moving traffic violations for  
 2 which the person has:  
 3 (1) been convicted of at least two (2) traffic misdemeanors;  
 4 (2) had at least two (2) traffic judgments entered against the  
 5 person; or  
 6 (3) been convicted of at least one (1) traffic misdemeanor and has  
 7 had at least one (1) traffic judgment entered against the person;  
 8 the bureau may require the person to attend and satisfactorily complete  
 9 a defensive driving school program approved by the bureau. The  
 10 person shall pay all applicable fees required by the bureau.

11 (b) This subsection applies to an individual who holds a  
 12 probationary license under IC 9-24-11-3.3 or is less than eighteen (18)  
 13 years of age. An individual is required to attend and satisfactorily  
 14 complete a defensive driving school program approved by the bureau  
 15 if either of the following occurs at least twice or if both of the following  
 16 have occurred when the individual was less than eighteen (18) years of  
 17 age:

- 18 (1) The individual has been convicted of a moving traffic offense  
 19 (as defined in section ~~14(a)~~ **14(b)** of this chapter), other than an  
 20 offense that solely involves motor vehicle equipment.
- 21 (2) The individual has been the operator of a motor vehicle  
 22 involved in an accident for which a report is required to be filed  
 23 under IC 9-26-2.

24 The individual shall pay all applicable fees required by the bureau.

25 (c) The bureau may suspend the driving privileges of any person  
 26 who:

- 27 (1) fails to attend a defensive driving school program; or
- 28 (2) fails to satisfactorily complete a defensive driving school  
 29 program;

30 as required by this section.

31 (d) Notwithstanding IC 33-37-4-2, any court may suspend one-half  
 32 (1/2) of each applicable court cost (including fees) for which a person  
 33 is liable due to a traffic violation if the person enrolls in and completes  
 34 a defensive driving school or a similar school conducted by an agency  
 35 of the state or local government.

36 SECTION 23. IC 9-30-3-14 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 14. **(a) This section  
 38 does not apply to a violation of an ordinance adopted under  
 39 IC 9-21-3.6-6.**

40 ~~(a)~~ **(b)** As used in this section, "moving traffic offense" means a  
 41 violation of a statute, an ordinance, or a rule relating to the operation  
 42 or use of motor vehicles while the motor vehicle is in motion.

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1           ~~(b)~~ (c) If a court convicts a person for a moving traffic offense, and  
2 the person is known or believed by the court not to be the owner of the  
3 motor vehicle, the court shall, within seven (7) days after entering the  
4 conviction, deposit with the United States Postal Service, first class  
5 postage prepaid, a notice addressed to the owner of the motor vehicle  
6 giving the owner the following information:

- 7           (1) The name and address of the person convicted.
- 8           (2) The name and address of the owner of the motor vehicle.
- 9           (3) The offense upon which the conviction was made.
- 10          (4) The date of arrest of the person convicted and the location of
- 11           the place of the offense.
- 12          (5) The license plate number of the motor vehicle.
- 13          (6) The operator's or chauffeur's license number of the person
- 14           convicted.
- 15          (7) The date of the conviction and the name of the court making
- 16           the conviction.

17           SECTION 24. IC 16-18-2-143, AS AMENDED BY P.L.1-2010,  
18 SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2013]: Sec. 143. (a) **"Fund", for purposes of IC 16-21-10,**  
20 **has the meaning set forth in IC 16-21-10-1.**

21           ~~(a)~~ (b) "Fund", for purposes of IC 16-26-2, has the meaning set forth  
22 in IC 16-26-2-2.

23           ~~(b)~~ (c) "Fund", for purposes of IC 16-31-8.5, has the meaning set  
24 forth in IC 16-31-8.5-2.

25           ~~(c)~~ (d) "Fund", for purposes of IC 16-41-39.4, refers to the  
26 childhood lead poisoning prevention fund established by  
27 IC 16-41-39.4-3.1.

28           ~~(d)~~ (e) "Fund", for purposes of IC 16-41-39.8, refers to the lead trust  
29 fund established by IC 16-41-39.8-7.

30           ~~(e)~~ (f) "Fund", for purposes of IC 16-46-5, has the meaning set forth  
31 in IC 16-46-5-3.

32           ~~(f)~~ (g) "Fund", for purposes of IC 16-46-12, has the meaning set  
33 forth in IC 16-46-12-1.

34           ~~(g)~~ (h) "Fund", for purposes of IC 16-41-42.2, has the meaning set  
35 forth in IC 16-41-42.2-2.

36           ~~(h)~~ (i) "Fund", for purposes of IC 16-35-8, has the meaning set forth  
37 in IC 16-35-8-2.

38           SECTION 25. IC 16-21-10 IS ADDED TO THE INDIANA CODE  
39 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
40 JULY 1, 2013]:

41           **Chapter 10. Trauma Care Hospital Fund**

42           **Sec. 1. As used in this chapter, "fund" refers to the trauma care**

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1 hospital fund established by section 2 of this chapter.  
 2 Sec. 2. (a) The trauma care hospital fund is established to assist  
 3 in funding a trauma care system to prevent injuries, save lives, and  
 4 improve the care and outcome of individuals injured in Indiana.  
 5 (b) The fund shall be administered by the state department.  
 6 (c) The fund consists of:  
 7 (1) appropriations;  
 8 (2) gifts and bequests;  
 9 (3) fees deposited in the fund under IC 9-21-3.6; and  
 10 (4) grants received from the federal government or private  
 11 sources.  
 12 (d) The expenses of administering the fund shall be paid from  
 13 money in the fund.  
 14 (e) The treasurer of state shall invest the money in the fund not  
 15 currently needed to meet the obligations of the fund in the same  
 16 manner as other public money may be invested.  
 17 (f) Money in the fund at the end of the state fiscal year does not  
 18 revert to the state general fund.  
 19 (g) The money in the fund is continuously appropriated for the  
 20 purposes of the fund.  
 21 Sec. 3. The fund must be used to establish and maintain an  
 22 appropriate level of trauma care access in Indiana.  
 23 Sec. 4. (a) The state department shall make quarterly payments  
 24 from the fund to a hospital with a Level 1 or a Level 2 trauma care  
 25 center. The state department shall determine the amount to be paid  
 26 to a trauma care center hospital described in this section, factoring  
 27 in the following:  
 28 (1) Whether the hospital is designated as a Level 1 or a Level  
 29 2 trauma care center.  
 30 (2) The number of trauma care patients provided care by the  
 31 trauma care center in the previous quarter.  
 32 (b) The state department may determine whether to make a  
 33 payment from the fund to a hospital that is attempting to obtain  
 34 Level 1 or Level 2 trauma care center designation based on  
 35 whether there is an unmet trauma care need in the area of Indiana  
 36 where the hospital is located.  
 37 Sec. 5. The state department shall adopt rules under IC 4-22-2  
 38 to implement this chapter.  
 39 SECTION 26. IC 20-27-10-3.5 IS ADDED TO THE INDIANA  
 40 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 41 [EFFECTIVE JULY 1, 2013]: Sec. 3.5. A school corporation may use  
 42 an automated traffic enforcement safety device on a school bus in

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1 **accordance with IC 9-21-3.6.**

2 SECTION 27. IC 27-1-22-28 IS ADDED TO THE INDIANA  
3 CODE AS A NEW SECTION TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2013]: **Sec. 28. (a) As used in this section,**  
5 **"motor vehicle insurance" means any type of insurance described**  
6 **in IC 27-1-5-1, Class 2(f).**

7 **(b) As used in this chapter, "rating plan" means the rating**  
8 **schedule or rating plan of an insurer concerning premium rates for**  
9 **motor vehicle insurance that has been filed with the commissioner**  
10 **and is in effect under section 4 of this chapter.**

11 **(c) An insurer may not set the premium rate for a policy of**  
12 **motor vehicle insurance for an individual who has committed a**  
13 **violation of an ordinance adopted under IC 9-21-3.6-6 or of**  
14 **IC 9-21-12-1(a) enforced under IC 9-21-3.6 at an amount higher**  
15 **than the applicable rate set forth in the rating plan due to the fact**  
16 **that the individual has committed a violation of an ordinance**  
17 **adopted under IC 9-21-3.6-6 or of IC 9-21-12-1(a) enforced under**  
18 **IC 9-21-3.6.**

19 **(d) The violation of this section is an unfair and deceptive act or**  
20 **practice in the business of insurance under IC 27-4-1-4.**

21 SECTION 28. IC 33-37-7-8, AS AMENDED BY P.L.136-2012,  
22 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 JULY 1, 2013]: **Sec. 8. (a) The clerk of a city or town court shall**  
24 **distribute semiannually to the auditor of state as the state share for**  
25 **deposit in the homeowner protection unit account established by**  
26 **IC 4-6-12-9 one hundred percent (100%) of the automated record**  
27 **keeping fees collected under IC 33-37-5-21 with respect to actions**  
28 **resulting in the accused person entering into a pretrial diversion**  
29 **program agreement under IC 33-39-1-8 or a deferral program**  
30 **agreement under IC 34-28-5-1 and for deposit in the state general fund**  
31 **fifty-five percent (55%) of the amount of fees collected under the**  
32 **following:**

- 33 (1) IC 33-37-4-1(a) (criminal costs fees).  
34 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).  
35 (3) IC 33-37-4-4(a) (civil costs fees).  
36 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).  
37 (5) IC 33-37-5-17 (deferred prosecution fees).

38 (b) The city or town fiscal officer shall distribute monthly to the  
39 county auditor as the county share twenty percent (20%) of the amount  
40 of fees collected under the following:

- 41 (1) IC 33-37-4-1(a) (criminal costs fees).  
42 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).



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- 1 (3) IC 33-37-4-4(a) (civil costs fees).  
 2 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).  
 3 (5) IC 33-37-5-17 (deferred prosecution fees).  
 4 (c) The city or town fiscal officer shall retain twenty-five percent  
 5 (25%) as the city or town share of the fees collected under the  
 6 following:  
 7 (1) IC 33-37-4-1(a) (criminal costs fees).  
 8 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).  
 9 (3) IC 33-37-4-4(a) (civil costs fees).  
 10 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).  
 11 (5) IC 33-37-5-17 (deferred prosecution fees).  
 12 (d) The clerk of a city or town court shall distribute semiannually to  
 13 the auditor of state for deposit in the state user fee fund established in  
 14 IC 33-37-9 the following:  
 15 (1) Twenty-five percent (25%) of the drug abuse, prosecution,  
 16 interdiction, and correction fees collected under  
 17 IC 33-37-4-1(b)(5).  
 18 (2) Twenty-five percent (25%) of the alcohol and drug  
 19 countermeasures fees collected under IC 33-37-4-1(b)(6),  
 20 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).  
 21 (3) One hundred percent (100%) of the highway work zone fees  
 22 collected under **IC 9-21-3.6-14(a)(3)(B)(iv)**, IC 33-37-4-1(b)(9),  
 23 and IC 33-37-4-2(b)(5).  
 24 (4) One hundred percent (100%) of the safe schools fee collected  
 25 under IC 33-37-5-18.  
 26 (5) One hundred percent (100%) of the automated record keeping  
 27 fee (IC 33-37-5-21) not distributed under subsection (a).  
 28 (e) The clerk of a city or town court shall distribute monthly to the  
 29 county auditor the following:  
 30 (1) Seventy-five percent (75%) of the drug abuse, prosecution,  
 31 interdiction, and corrections fees collected under  
 32 IC 33-37-4-1(b)(5).  
 33 (2) Seventy-five percent (75%) of the alcohol and drug  
 34 countermeasures fees collected under IC 33-37-4-1(b)(6),  
 35 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).  
 36 The county auditor shall deposit fees distributed by a clerk under this  
 37 subsection into the county drug free community fund established under  
 38 IC 5-2-11.  
 39 (f) The clerk of a city or town court shall distribute monthly to the  
 40 city or town fiscal officer (as defined in IC 36-1-2-7) one hundred  
 41 percent (100%) of the following:  
 42 (1) The late payment fees collected under IC 33-37-5-22.

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1 (2) The small claims service fee collected under  
2 IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).

3 (3) The small claims garnishee service fee collected under  
4 IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3).

5 The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit  
6 fees distributed by a clerk under this subsection in the city or town  
7 general fund.

8 (g) The clerk of a city or town court shall semiannually distribute to  
9 the auditor of state for deposit in the state general fund one hundred  
10 percent (100%) of the following:

11 (1) The public defense administration fee collected under  
12 IC 33-37-5-21.2.

13 (2) The DNA sample processing fees collected under  
14 IC 33-37-5-26.2.

15 (3) The court administration fees collected under IC 33-37-5-27.

16 (h) The clerk of a city or town court shall semiannually distribute to  
17 the auditor of state for deposit in the judicial branch insurance  
18 adjustment account established by IC 33-38-5-8.2 one hundred percent  
19 (100%) of the judicial insurance adjustment fee collected under  
20 IC 33-37-5-25.

21 (i) The clerk of a city or town court shall semiannually distribute to  
22 the auditor of state for deposit in the state general fund seventy-five  
23 percent (75%) of the judicial salaries fee collected under  
24 IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five  
25 percent (25%) of the judicial salaries fee collected under  
26 IC 33-37-5-26. The funds retained by the city or town shall be  
27 prioritized to fund city or town court operations.

28 (j) The clerk of a city or town court shall distribute semiannually to  
29 the auditor of state one hundred percent (100%) of the pro bono legal  
30 services fees collected before July 1, 2017, under IC 33-37-5-31. The  
31 auditor of state shall transfer semiannually the pro bono legal services  
32 fees to the Indiana Bar Foundation (or a successor entity) as the entity  
33 designated to organize and administer the interest on lawyers trust  
34 accounts (IOLTA) program under Rule 1.15 of the Rules of  
35 Professional Conduct of the Indiana supreme court. The Indiana Bar  
36 Foundation shall:

37 (1) deposit in an appropriate account and otherwise manage the  
38 fees the Indiana Bar Foundation receives under this subsection in  
39 the same manner the Indiana Bar Foundation deposits and  
40 manages the net earnings the Indiana Bar Foundation receives  
41 from IOLTA accounts; and

42 (2) use the fees the Indiana Bar Foundation receives under this

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1 subsection to assist or establish approved pro bono legal services  
2 programs.

3 The handling and expenditure of the pro bono legal services fees  
4 received under this section by the Indiana Bar Foundation (or its  
5 successor entity) are subject to audit by the state board of accounts. The  
6 amounts necessary to make the transfers required by this subsection are  
7 appropriated from the state general fund.

8 SECTION 29. IC 34-6-2-85 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 85. "Moving traffic  
10 violation", for purposes of IC 34-28-5, means a violation of:

- 11 (1) a statute defining an infraction; or  
12 (2) an ordinance, **other than a violation of an ordinance**  
13 **adopted under IC 9-21-3.6-6;**  
14 that applies when a motor vehicle is in motion.

15 SECTION 30. IC 34-28-5-5, AS AMENDED BY P.L.106-2010,  
16 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2013]: Sec. 5. (a) **Except as provided in subsection (f)**, a  
18 defendant against whom a judgment is entered is liable for costs. Costs  
19 are part of the judgment and may not be suspended except under  
20 IC 9-30-3-12. Whenever a judgment is entered against a person for the  
21 commission of two (2) or more civil violations (infractions or  
22 ordinance violations), the court may waive the person's liability for  
23 costs for all but one (1) of the violations. This subsection does not  
24 apply to judgments entered for violations constituting:

- 25 (1) Class D infractions; or  
26 (2) Class C infractions for unlawfully parking in a space reserved  
27 for a person with a physical disability under IC 5-16-9-5 or  
28 IC 5-16-9-8.  
29 (b) If a judgment is entered:  
30 (1) for a violation constituting:  
31 (A) a Class D infraction; or  
32 (B) a Class C infraction for unlawfully parking in a space  
33 reserved for a person with a physical disability under  
34 IC 5-16-9-5 or IC 5-16-9-8; or  
35 (2) in favor of the defendant in any case;  
36 the defendant is not liable for costs.

37 (c) Except for costs, and except as provided in subsection (e), (f),  
38 and IC 9-21-5-11(e), the funds collected as judgments for violations of  
39 statutes defining infractions shall be deposited in the state general fund.

40 (d) A judgment may be entered against a defendant under this  
41 section or section 4 of this chapter upon a finding by the court that the  
42 defendant:

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1 (1) violated:  
 2 (A) a statute defining an infraction; or  
 3 (B) an ordinance; or  
 4 (2) consents to entry of judgment for the plaintiff upon a pleading  
 5 of nolo contendere for a moving traffic violation.  
 6 (e) The funds collected for an infraction judgment described in  
 7 section 4(h) of this chapter shall be transferred to a dedicated county  
 8 fund. The money in the dedicated county fund does not revert to the  
 9 county general fund or state general fund and may be used, after  
 10 appropriation by the county fiscal body, only for the following  
 11 purposes:  
 12 (1) To pay compensation of commissioners appointed under  
 13 IC 33-33-49.  
 14 (2) To pay costs of the county's guardian ad litem program.  
 15 **(f) This subsection applies only to a violation of IC 9-21-12-1**  
 16 **that is enforced through IC 9-21-3.6. Notwithstanding subsection**  
 17 **(c), funds collected for a violation of IC 9-21-12-1 as a judgment**  
 18 **from a person to whom this subsection applies shall be transferred**  
 19 **in accordance with IC 9-21-3.6-14(b). To the extent a person to**  
 20 **whom this subsection applies is liable for costs for a violation of**  
 21 **IC 9-21-12-1, the costs may be deducted only from the judgment**  
 22 **and may not cause the person to be liable for an amount greater**  
 23 **than the penalty set forth in IC 9-21-3.6-14(b).**  
 24 SECTION 31. IC 34-30-2-28.5 IS ADDED TO THE INDIANA  
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 26 [EFFECTIVE JULY 1, 2013]: **Sec. 28.5. IC 9-21-3.6-25 (Concerning**  
 27 **persons reviewing recorded images for the enforcement of a traffic**  
 28 **violation detected by means of automated traffic enforcement**  
 29 **safety devices).**  
 30 SECTION 32. IC 36-1-6-3 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) Certain  
 32 ordinances may be enforced by a municipal corporation without  
 33 proceeding in court through:  
 34 (1) an admission of violation before the violations clerk under  
 35 IC 33-36; or  
 36 (2) administrative enforcement under section 9 of this chapter.  
 37 (b) Except as provided in subsection (a), a proceeding to enforce an  
 38 ordinance must be brought in accordance with IC 34-28-5, section 4 of  
 39 this chapter, or both.  
 40 (c) An ordinance defining a moving traffic violation may not be  
 41 enforced under IC 33-36 and must be enforced in accordance with  
 42 IC 34-28-5.

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1           **(d) An ordinance adopted under IC 9-21-3.6-6 may be enforced**  
2           **under IC 33-36 or IC 34-28-5.**

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1368, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, after "of" insert "**IC 9-21-3.5 or**".

Page 8, line 1, delete "The department or the" and insert "**If the department or the authority chooses to establish a traffic enforcement program utilizing automatic traffic enforcement safety devices in locations subject to the jurisdiction of the department or the authority, the department or authority may adopt and enforce rules under IC 4-22-2 concerning the use of automated traffic enforcement safety devices to enforce the collection of judgments for violations of speed limits established under IC 9-21-5-11(a).**

(b) The rules must provide that the department, the authority, or an agent of the department or the authority shall mail to the owner of a motor vehicle driven in violation of a speed limit established under IC 9-21-5-11(a) (or a vehicle being towed by a motor vehicle driven in violation of a speed limit established under IC 9-21-5-11(a)) notice of the violation by first class mail postmarked not later than thirty (30) days after obtaining the name and address of the owner of the motor vehicle or the vehicle being towed by a motor vehicle and not more than sixty (60) days after the date of the alleged violation. The notice must include the following:

- (1) The name and address of the owner of the motor vehicle or the vehicle being towed by a motor vehicle.
- (2) The license plate number of the motor vehicle or the vehicle being towed by a motor vehicle.
- (3) The violation charged.
- (4) The location of the violation.
- (5) The date and time of the violation.
- (6) A copy of, and information on how to view through electronic means, the recorded image of the violation.
- (7) A signed statement or electronically generated affirmation by a designated employee of the agent or a police officer who has:
  - (A) reviewed the recorded image; and
  - (B) determined that the motor vehicle or the vehicle being towed by a motor vehicle violated a speed limit established under IC 9-21-5-11(a).



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**(8) The amount of the civil penalty imposed for the violation.**

**(9) The date by which the civil penalty must be paid if the owner of the vehicle:**

**(A) does not desire to contest the violation; and**

**(B) wishes to avoid paying court costs.**

**The civil penalty must be paid not later than thirty (30) days after the issuance date of the violation notice if a defense does not apply, or not later than forty-five (45) days after the issuance date of the violation notice if a defense requires the violation notice to be sent to another person.**

**(10) A statement that the recorded image of the violation is prima facie evidence of a violation.**

**(11) The procedure under which the notice of violation may be contested, and the procedure and conditions under which the responsibility for payment of the civil penalty may be transferred to another individual who was operating the motor vehicle at the time of the violation."**

Page 8, delete lines 2 through 31.

Page 8, line 33, delete "contractor" and insert "agent".

Page 8, line 36, delete "described in subsection" and insert **"determined under rules adopted under subsection (b)(9)."**

Page 8, delete line 37.

Page 8, line 42, delete "signs" and insert **"a warning sign"**.

Page 8, line 42, after "public" insert **", at least five hundred (500) feet in advance,"**.

Page 10, line 9, after "IC 9-21-12-1(a)." insert **"A school corporation may enter into an interlocal agreement with a county or municipality for the installation, use, and enforcement of an automated traffic enforcement safety device on a school bus used to transport children to and from school. A county or municipality may pass an ordinance regarding the use of automated traffic enforcement safety devices that are the subject of an interlocal agreement."**

Page 16, line 29, after "penalty" insert **":**

**(A)"**.

Page 16, line 30, delete "violation;" and insert **"violation of speed limits established under section 10(1) or 10(2) of this chapter; and (B) for a violation of a temporary maximum speed limit established under section 10(3) of this chapter, the following:**

**(i) If the person has not previously committed a violation of a speed limit established under section 10(3) of this**

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chapter in the municipality, a civil penalty of at least three hundred dollars (\$300).

(ii) If the person has committed one (1) violation of a speed limit established under section 10(3) of this chapter in the municipality in the previous three (3) years, a civil penalty of at least five hundred dollars (\$500);".

and when so amended that said bill do pass.

(Reference is to HB 1368 as introduced.)

SOLIDAY, Chair

Committee Vote: yeas 9, nays 3.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1368 be amended to read as follows:

Page 8, line 30, delete "designated employee of the agent or a".

Page 12, line 1, delete "and".

Page 12, line 2, delete "officer, designated employee of the municipality or" and insert "**officer:**".

Page 12, delete line 3.

Page 12, line 9, delete "officer or the designated" and insert "**officer,**".

Page 12, line 10, delete "employee,".

Page 12, line 12, delete "conditions." and insert "**conditions; and (7) a notice of the ordinance violation may be contested according to certain procedures that permit the owner that has received the notice of ordinance violation to:**

**(A) request a hearing, within twenty-five (25) days after the mailing of the notice of the ordinance violation, by:**

**(i) mailing a request in writing; or**

**(ii) appearing during regular office hours of the county or municipality, either in person or by an authorized agent of the owner;**

**(B) have the matter scheduled for a hearing before a court or a hearing officer designated by the municipality or county at a date, time, and place of which the owner will be notified in a writing sent by first class mail to the owner;**

**(C) attend an informal hearing on the ordinance violation;**



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**and**

**(D) appeal an adverse ruling in a proceeding at which the ordinance violation shall be heard and decided de novo."**

Page 15, line 3, delete "designated employee of the agent or".

Page 15, line 14, after "if" insert "**a hearing has not been requested under the procedures described in section 9(7) of this chapter or**".

(Reference is to HB 1368 as printed February 15, 2013.)

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