

Adopted	Rejected
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COMMITTEE REPORT

YES:	9
NO:	3

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:*

- 1 Page 1, line 3, after "of" insert "**IC 9-21-3.5 or**".
- 2 Page 8, line 1, delete "The department or the" and insert "**If the**
- 3 **department or the authority chooses to establish a traffic**
- 4 **enforcement program utilizing automatic traffic enforcement**
- 5 **safety devices in locations subject to the jurisdiction of the**
- 6 **department or the authority, the department or authority may**
- 7 **adopt and enforce rules under IC 4-22-2 concerning the use of**
- 8 **automated traffic enforcement safety devices to enforce the**
- 9 **collection of judgments for violations of speed limits established**
- 10 **under IC 9-21-5-11(a).**
- 11 **(b) The rules must provide that the department, the authority,**
- 12 **or an agent of the department or the authority shall mail to the**
- 13 **owner of a motor vehicle driven in violation of a speed limit**
- 14 **established under IC 9-21-5-11(a) (or a vehicle being towed by a**

1 motor vehicle driven in violation of a speed limit established under
2 IC 9-21-5-11(a)) notice of the violation by first class mail
3 postmarked not later than thirty (30) days after obtaining the
4 name and address of the owner of the motor vehicle or the vehicle
5 being towed by a motor vehicle and not more than sixty (60) days
6 after the date of the alleged violation. The notice must include the
7 following:

8 (1) The name and address of the owner of the motor vehicle or
9 the vehicle being towed by a motor vehicle.

10 (2) The license plate number of the motor vehicle or the
11 vehicle being towed by a motor vehicle.

12 (3) The violation charged.

13 (4) The location of the violation.

14 (5) The date and time of the violation.

15 (6) A copy of, and information on how to view through
16 electronic means, the recorded image of the violation.

17 (7) A signed statement or electronically generated affirmation
18 by a designated employee of the agent or a police officer who
19 has:

20 (A) reviewed the recorded image; and

21 (B) determined that the motor vehicle or the vehicle being
22 towed by a motor vehicle violated a speed limit established
23 under IC 9-21-5-11(a).

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

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

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

28 (B) wishes to avoid paying court costs.

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

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

36 (11) The procedure under which the notice of violation may be
37 contested, and the procedure and conditions under which the
38 responsibility for payment of the civil penalty may be

- 1 **transferred to another individual who was operating the**
- 2 **motor vehicle at the time of the violation."**
- 3 Page 8, delete lines 2 through 31.
- 4 Page 8, line 33, delete "contractor" and insert "**agent**".
- 5 Page 8, line 36, delete "described in subsection" and insert
- 6 **"determined under rules adopted under subsection (b)(9)."**
- 7 Page 8, delete line 37.
- 8 Page 8, line 42, delete "signs" and insert "**a warning sign**".
- 9 Page 8, line 42, after "public" insert "**, at least five hundred (500)**
- 10 **feet in advance,"**.
- 11 Page 10, line 9, after "IC 9-21-12-1(a)." insert "**A school**
- 12 **corporation may enter into an interlocal agreement with a county**
- 13 **or municipality for the installation, use, and enforcement of an**
- 14 **automated traffic enforcement safety device on a school bus used**
- 15 **to transport children to and from school. A county or municipality**
- 16 **may pass an ordinance regarding the use of automated traffic**
- 17 **enforcement safety devices that are the subject of an interlocal**
- 18 **agreement."**
- 19 Page 16, line 29, after "penalty" insert "**:**
- 20 **(A)"**.
- 21 Page 16, line 30, delete "violation;" and insert "**violation of speed**
- 22 **limits established under section 10(1) or 10(2) of this chapter; and**
- 23 **(B) for a violation of a temporary maximum speed limit**
- 24 **established under section 10(3) of this chapter, the**
- 25 **following:**
- 26 **(i) If the person has not previously committed a violation**
- 27 **of a speed limit established under section 10(3) of this**
- 28 **chapter in the municipality, a civil penalty of at least**
- 29 **three hundred dollars (\$300).**
- 30 **(ii) If the person has committed one (1) violation of a**
- 31 **speed limit established under section 10(3) of this**

1 **chapter in the municipality in the previous three (3) years, a civil**
2 **penalty of at least five hundred dollars (\$500);".**

(Reference is to HB 1368 as introduced.)

and when so amended that said bill do pass.

Representative Soliday