

SENATE BILL No. 428

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-28-5-4.

Synopsis: Fines for infractions. Provides that the fine, including court costs, for a person who commits a moving violation that is a Class C infraction may not exceed: (1) \$50, if the person's household income is less than the federal poverty guidelines; or (2) \$100, if the person's household income is at least 100% of the federal poverty guidelines, but less than 200% of the federal poverty guidelines.

Effective: July 1, 2013.

Taylor

January 10, 2013, read first time and referred to Committee on Judiciary.

C
O
P
Y



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.

C
o
p
y

SENATE BILL No. 428



A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 34-28-5-4, AS AMENDED BY P.L.106-2010,
- 2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2013]: Sec. 4. (a) A judgment of up to ten thousand dollars
- 4 (\$10,000) may be entered for a violation constituting a Class A
- 5 infraction.
- 6 (b) A judgment of up to one thousand dollars (\$1,000) may be
- 7 entered for a violation constituting a Class B infraction.
- 8 (c) Except as provided in subsection (f), a judgment of up to five
- 9 hundred dollars (\$500) may be entered for a violation constituting a
- 10 Class C infraction.
- 11 (d) A judgment of up to twenty-five dollars (\$25) may be entered for
- 12 a violation constituting a Class D infraction.
- 13 (e) Subject to section 1(i) of this chapter, a judgment:
- 14 (1) up to the amount requested in the complaint; and
- 15 (2) not exceeding any limitation under IC 36-1-3-8;
- 16 may be entered for an ordinance violation.
- 17 (f) Except as provided in subsections (g), ~~and~~ (h), **and (i)**, a person



1 who has admitted to a moving violation constituting a Class C
 2 infraction, pleaded nolo contendere to a moving violation constituting
 3 a Class C infraction, or has been found by a court to have committed
 4 a moving violation constituting a Class C infraction may not be
 5 required to pay more than the following amounts for the violation:

6 (1) If, before the appearance date specified in the summons and
 7 complaint, the person mails or delivers an admission of the
 8 moving violation or a plea of nolo contendere to the moving
 9 violation, the person may not be required to pay any amount,
 10 except court costs and a judgment that does not exceed thirty-five
 11 dollars and fifty cents (\$35.50).

12 (2) If the person admits the moving violation or enters a plea of
 13 nolo contendere to the moving violation on the appearance date
 14 specified in the summons and complaint, the person may not be
 15 required to pay any amount, except court costs and a judgment
 16 that does not exceed thirty-five dollars and fifty cents (\$35.50).

17 (3) If the person contests the moving violation in court and is
 18 found to have committed the moving violation, the person may
 19 not be required to pay any amount, except:

20 (A) court costs and a judgment that does not exceed thirty-five
 21 dollars and fifty cents (\$35.50) if, in the five (5) years before
 22 the appearance date specified in the summons and complaint,
 23 the person was not found by a court in the county to have
 24 committed a moving violation;

25 (B) court costs and a judgment that does not exceed two
 26 hundred fifty dollars and fifty cents (\$250.50) if, in the five (5)
 27 years before the appearance date specified in the summons and
 28 complaint, the person was found by a court in the county to
 29 have committed one (1) moving violation; and

30 (C) court costs and a judgment that does not exceed five
 31 hundred dollars (\$500) if, in the five (5) years before the
 32 appearance date specified in the summons and complaint, the
 33 person was found by a court in the county to have committed
 34 two (2) or more moving violations.

35 In a proceeding under subdivision (3), the court may require the person
 36 to submit an affidavit or sworn testimony concerning whether, in the
 37 five (5) years before the appearance date specified in the summons and
 38 complaint, the person has been found by a court to have committed one
 39 (1) or more moving violations.

40 (g) The amounts described in ~~subsection~~ **subsections (f) and (i)** are
 41 in addition to any amount that a person may be required to pay for
 42 attending a defensive driving school program.

C
O
P
Y



1 (h) This subsection applies only to infraction judgments imposed in
2 Marion County for traffic violations after December 31, 2010.
3 Subsection (f) applies to an infraction judgment described in this
4 subsection. However, a court shall impose a judgment of not less than
5 thirty-five dollars (\$35) for an infraction judgment that is entered in
6 Marion County. These funds shall be transferred to a dedicated fund in
7 accordance with section 5 of this chapter.

8 (i) **This subsection applies to every county. Notwithstanding**
9 **subsections (f) and (h), a person who has admitted to a moving**
10 **violation constituting a Class C infraction, pleaded nolo contendere**
11 **to a moving violation constituting a Class C infraction, or has been**
12 **found by a court to have committed a moving violation constituting**
13 **a Class C infraction may not be required to pay more than the**
14 **following amounts for the violation:**

15 (1) **if the person presents credible evidence that the person's**
16 **household income is at least one hundred percent (100%) but**
17 **less than two hundred percent (200%) of the federal poverty**
18 **guidelines, one hundred dollars (\$100), including court costs**
19 **and a judgment; or**

20 (2) **if the person presents credible evidence that the person's**
21 **household income is less than the federal poverty guidelines,**
22 **fifty dollars (\$50), including court costs and a judgment.**

C
o
p
y

