

IC 9-21-3.5

Chapter 3.5. Automated Traffic Law Enforcement System

IC 9-21-3.5-1

"Authority"

Sec. 1. As used in this chapter, "authority" refers to the Indiana finance authority.

As added by P.L.47-2006, SEC.45.

IC 9-21-3.5-2

"Automated traffic law enforcement system"

Sec. 2. As used in this chapter, "automated traffic law enforcement system" means a device that:

- (1) has one (1) or more motor vehicle sensors; and
- (2) is capable of producing a photographically recorded image of a motor vehicle, including an image of the vehicle's front or rear license plate, as the vehicle proceeds through a tollgate, toll zone, or other area on a tollway, qualifying project, or toll road that is marked as required by the department, the authority, or an operator as a place where a person using the tollway, qualifying project, or toll road must pay a toll or is otherwise subject to a fee for using the tollway, qualifying project, or toll road.

As added by P.L.47-2006, SEC.45.

IC 9-21-3.5-3

"Department"

Sec. 3. As used in this chapter, "department" refers to the Indiana department of transportation.

As added by P.L.47-2006, SEC.45.

IC 9-21-3.5-4

"Operator"

Sec. 4. As used in this chapter, "operator" has the meaning set forth in IC 8-15.5-2-5 or IC 8-15.7-2-11.

As added by P.L.47-2006, SEC.45.

IC 9-21-3.5-5

"Owner"

Sec. 5. As used in this chapter, "owner" means a person in whose name a motor vehicle is registered under:

- (1) IC 9-18;
- (2) the laws of another state;
- (3) the laws of a foreign country; or
- (4) the International Registration Plan.

As added by P.L.47-2006, SEC.45.

IC 9-21-3.5-6

"Qualifying project"

Sec. 6. As used in this chapter, "qualifying project" has the

meaning set forth in IC 8-15.7-2-16.
As added by P.L.47-2006, SEC.45.

IC 9-21-3.5-7

"Toll road"

Sec. 7. As used in this chapter, "toll road" has the meaning set forth for "toll road project" in IC 8-15-2-4(4).
As added by P.L.47-2006, SEC.45.

IC 9-21-3.5-8

"Tollway"

Sec. 8. As used in this chapter, "tollway" has the meaning set forth in IC 8-15-3-7.
As added by P.L.47-2006, SEC.45.

IC 9-21-3.5-9

Payment of toll by owner required

Sec. 9. (a) The owner of a motor vehicle, other than an authorized emergency vehicle, that is driven or towed through a toll collection facility on a toll road, tollway, or qualifying project shall pay the proper toll or user fee.

(b) A person who violates subsection (a) commits a moving violation, a Class C infraction.

As added by P.L.47-2006, SEC.45. Amended by P.L.163-2011, SEC.20.

IC 9-21-3.5-10

Rules concerning automated traffic law enforcement systems

Sec. 10. (a) The department or the authority may adopt and enforce rules concerning:

- (1) the placement and use of automated traffic law enforcement systems to enforce collection of user fees;
- (2) required notification in the form of a citation to the owner of a vehicle used in the commission of a moving violation under section 9 of this chapter;
- (3) the process for notification, collection, and enforcement of unpaid amounts;
- (4) the amount of fines, charges, and assessments for toll violations, including, with respect to amounts unpaid by violators who are not subject to IC 9-18-2-17(b):
 - (A) contracting with a collection agency; and
 - (B) authorizing the collection agency in the contract for collection services to impose on and collect from the violator an additional collection fee; and
- (5) other matters relating to automated traffic law enforcement systems that the department or the authority considers appropriate.

(b) A rule adopted under subsection (a)(2) must establish:

- (1) a deadline for the department, authority, or operator, as applicable, to issue a citation to an owner of a vehicle used in

the commission of a moving violation under section 9 of this chapter; and

(2) a deadline, not to exceed thirty (30) days following receipt of the citation as determined under section 12(b)(1) of this chapter, for the owner to pay a fine, charge, or other assessment for the toll violation.

(c) The department shall establish a process by which the department, authority, or operator, as applicable, shall notify the bureau of an owner's failure to pay a fine, charge, or other assessment for a toll violation following the expiration of the deadline described in subsection (b)(2).

As added by P.L.47-2006, SEC.45. Amended by P.L.163-2011, SEC.21.

IC 9-21-3.5-11

Advance warning signs

Sec. 11. Before enforcing a rule adopted under section 10 of this chapter, the department, the authority, or an operator must install advance warning signs along the tollways, toll roads, or qualifying projects proceeding to the location at which an automated traffic law enforcement system is located.

As added by P.L.47-2006, SEC.45.

IC 9-21-3.5-12

Prosecution of toll violations

Sec. 12. (a) In the prosecution of a toll violation, proof that the motor vehicle was driven or towed through the toll collection facility without payment of the proper toll may be shown by a video recording, a photograph, an electronic recording, or other appropriate evidence, including evidence obtained by an automated traffic law enforcement system.

(b) In the prosecution of a toll violation:

(1) it is presumed that any notice of nonpayment was received on the fifth day after the date of mailing; and

(2) a computer record of the department, the authority, or the operator of the registered owner of the vehicle is prima facie evidence of its contents and that the toll violator was the registered owner of the vehicle at the time of the underlying event of nonpayment.

As added by P.L.47-2006, SEC.45.

IC 9-21-3.5-13

Seizure of transponders

Sec. 13. (a) For purposes of this section, "transponder" means a device, placed on or within a motor vehicle, that is capable of transmitting information used to assess or collect tolls. A transponder is "insufficiently funded" when there are no remaining funds in the account in connection with which the transponder was issued.

(b) Any police officer of Indiana may seize a stolen or insufficiently funded transponder and return it to the department, the

authority, or an operator, except that an insufficiently funded transponder may not be seized from the holder of an account sooner than the thirtieth day after the date the department, the authority, or an operator has sent a notice of delinquency to the holder of the account.

(c) The department or the authority may enter into an agreement with one (1) or more persons to market and sell transponders for use on tollways, toll roads, or qualifying projects.

(d) The department, the authority, or an operator may charge reasonable fees for initiating, administering, and maintaining electronic toll collection customer accounts.

(e) Electronic toll collection customer account information, including contact and payment information and trip data, is confidential and not subject to disclosure under IC 5-14-3. A contract for the acquisition, construction, maintenance, or operation of a tollway, toll road, or qualifying project must ensure the confidentiality of all electronic toll collection customer account information.

As added by P.L.47-2006, SEC.45.