

IC 9-21-8

Chapter 8. Vehicle Operation

IC 9-21-8-0.1

Application of certain amendments to chapter

Sec. 0.1. The following amendments to this chapter apply as follows:

- (1) The addition of section 55 of this chapter by P.L.75-2006 applies only to offenses committed after June 30, 2006.
- (2) The addition of section 56 of this chapter by P.L.40-2007 applies to offenses committed after June 30, 2007.
- (3) The amendments made to section 52 of this chapter by P.L.70-2009 apply only to crimes committed after June 30, 2009.

As added by P.L.220-2011, SEC.217.

IC 9-21-8-0.5

Text message

Sec. 0.5. As used in this chapter, "text message" means a communication in the form of electronic text sent from a telecommunications device.

As added by P.L.185-2011, SEC.3.

IC 9-21-8-1

Failure to comply with lawful order or law enforcement officer

Sec. 1. It is unlawful for a person to knowingly fail to comply with a lawful order or direction of a law enforcement officer invested by law with authority to direct, control, or regulate traffic.

As added by P.L.2-1991, SEC.9.

IC 9-21-8-2

Roadways; use of right half; exceptions; traveling at reduced speeds

Sec. 2. (a) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway except as follows:

- (1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing overtaking and passing.
- (2) When the right half of a roadway is closed to traffic under construction or repair.
- (3) Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable to a roadway divided into three (3) marked lanes.
- (4) Upon a roadway designated and signposted for one-way traffic.

(b) Upon all roadways, a vehicle proceeding at less than the normal speed of traffic at the time and place under the conditions then existing shall be driven:

- (1) in the right-hand lane then available for traffic; or
- (2) as close as practicable to the right-hand curb or edge of the

roadway;
except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

As added by P.L.2-1991, SEC.9.

IC 9-21-8-3

Lane use restrictions

Sec. 3. (a) The Indiana department of transportation may adopt rules to restrict the operation of a truck to a certain lane or lanes of a state maintained highway and to a certain lane or lanes of a street of a city or town that is a part of the state highway system and is maintained by the state.

(b) The Indiana department of transportation may post a state highway or a city or town street that is a part of the state highway system with appropriate directional signs and signals.

As added by P.L.2-1991, SEC.9.

IC 9-21-8-4

Vehicles proceeding in opposite directions; single lane roadways; passing

Sec. 4. The persons who drive vehicles proceeding in opposite directions shall pass each other to the right. Upon roadways having width for not more than one (1) lane of traffic in each direction, each person who drives a vehicle subject to this section shall give to the other person who drives a vehicle at least one-half (1/2) of the main traveled part of the roadway as nearly as possible.

As added by P.L.2-1991, SEC.9.

IC 9-21-8-5

Overtaking and passing; limitations; exceptions

Sec. 5. The following rules govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations, exceptions, and special rules stated:

(1) A person who drives a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left of the other vehicle at a safe distance and may not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(2) Except when overtaking and passing on the right is permitted, a person who drives an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and may not increase the speed of the overtaken vehicle until completely passed by the overtaking vehicle.

As added by P.L.2-1991, SEC.9.

IC 9-21-8-6

Overtaking and passing on the right; conditions

Sec. 6. (a) A person who drives a vehicle may overtake and pass upon the right of another vehicle only under the following

conditions:

(1) When the vehicle overtaken is making or about to make a left turn.

(2) Upon a roadway with unobstructed pavement of sufficient width for two (2) or more lanes of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

(b) A person who drives a vehicle may overtake and pass another vehicle upon the right only under conditions that permit overtaking upon the right in safety. Overtaking upon the right may not be made by driving off the roadway.

As added by P.L.2-1991, SEC.9.

IC 9-21-8-7

Overtaking and passing on the left; conditions

Sec. 7. A vehicle may not be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless the left side of the roadway is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be completely made without interfering with the safe operation of a vehicle approaching from the opposite direction or a vehicle overtaken. The overtaking vehicle must return to the right-hand side of the roadway before coming within one hundred (100) feet of a vehicle approaching from the opposite direction.

As added by P.L.2-1991, SEC.9.

IC 9-21-8-7.5

Overtaking and passing; worksite no passing zones

Sec. 7.5. (a) This section applies to a worksite:

(1) upon a highway divided into two (2) or more marked lanes for traffic moving in the same direction; and

(2) for which vehicles are instructed to merge from one (1) lane into another lane by an appropriate sign.

(b) A person who drives a vehicle may not pass another vehicle that is in the lane into which traffic is directed to merge within the posted no passing zone established by the Indiana department of transportation.

As added by P.L.75-1999, SEC.2.

IC 9-21-8-8

Driving to the left side of the roadway; conditions

Sec. 8. (a) This section does not apply to a one-way roadway.

(b) A vehicle may not be driven to the left side of the roadway under the following conditions:

(1) When approaching the crest of a grade or upon a curve in the highway where the view of the person who drives the vehicle is obstructed within a distance that creates a hazard if another vehicle might approach from the opposite direction.

(2) When approaching within one hundred (100) feet of or traversing an intersection or a railroad grade crossing.

(3) When the view is obstructed upon approaching within one hundred (100) feet of a bridge, viaduct, or tunnel.

As added by P.L.2-1991, SEC.9.

IC 9-21-8-9

One-way streets

Sec. 9. A vehicle shall be driven upon a roadway designated and signposted for one-way traffic only in the direction designated.

As added by P.L.2-1991, SEC.9.

IC 9-21-8-10

Rotary traffic islands

Sec. 10. A vehicle passing around a rotary traffic island shall be driven only to the right of the rotary traffic island.

As added by P.L.2-1991, SEC.9.

IC 9-21-8-11

Roadways divided into three or more clearly marked lanes; rules

Sec. 11. Whenever a roadway has been divided into three (3) or more clearly marked lanes for traffic, the following rules apply:

(1) A vehicle shall be driven as nearly as practicable entirely within a single lane and may not be moved from the lane until the person who drives the vehicle has first ascertained that the movement can be made with safety.

(2) Upon a roadway that is divided into three (3) lanes, a vehicle may not be driven in the center lane except under any of the following conditions:

(A) When overtaking and passing another vehicle where the roadway is clearly visible and the center lane is clear of traffic within a safe distance.

(B) In preparation for a left turn.

(C) Where the center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of the allocation.

(3) Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction. A person who drives a vehicle shall obey the directions of each sign.

As added by P.L.2-1991, SEC.9.

IC 9-21-8-12

Interstate highways; lane use restrictions for trucks

Sec. 12. Except when passing a slower vehicle, entering or leaving a highway, or where a special hazard exists that requires, for safety reasons, the use of an alternate lane, a person may not operate a truck, truck tractor, road tractor, trailer, semitrailer, or pole trailer on an interstate highway in any lane except the far right lane.

As added by P.L.2-1991, SEC.9.

IC 9-21-8-13

Interstate highways consisting of at least three lanes; lane use restrictions for trucks

Sec. 13. Except when entering or leaving a highway or where a special hazard exists that requires, for safety reasons, the use of an alternate lane, a person may not operate a truck, truck tractor, road tractor, trailer, semitrailer, or pole trailer on an interstate highway consisting of at least three (3) lanes in one (1) direction in any lane other than the two (2) far right lanes.

As added by P.L.2-1991, SEC.9.

IC 9-21-8-14

Following other vehicles; distance restrictions

Sec. 14. A person who drives a motor vehicle may not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of both vehicles, the time interval between vehicles, and the condition of the highway.

As added by P.L.2-1991, SEC.9.

IC 9-21-8-15

Trucks and tractor-trailers; following other trucks; distance restrictions

Sec. 15. Except when overtaking and passing, a person who drives a motor truck, motor truck drawing another vehicle, or tractor-trailer combination, when traveling upon a roadway outside of a business or residence district or upon a roadway that is a part of the interstate highway system, whether within or without a business or residence district, may not follow within three hundred (300) feet of another motor truck, motor truck drawing another vehicle, or a tractor-trailer combination.

As added by P.L.2-1991, SEC.9.

IC 9-21-8-16

Caravans and motorcades; distance between vehicles; exceptions

Sec. 16. (a) This section does not apply to funeral or marching band processions.

(b) Motor vehicles being driven upon a roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, must be operated to allow sufficient space between each vehicle or combination of vehicles to enable another vehicle to enter and occupy the space without danger.

As added by P.L.2-1991, SEC.9.

IC 9-21-8-17

Divided highways; restrictions

Sec. 17. Whenever a highway has been divided into two (2) roadways by:

- (1) leaving an intervening space;
- (2) a physical barrier; or
- (3) a clearly indicated dividing section constructed to impede vehicular traffic;

a vehicle shall be driven only upon the right-hand roadway. A vehicle may not be driven over, across, or within a dividing space, barrier, or section, except through an opening in the physical barrier, dividing section, or space or at a crossover or an intersection established by public authority.

As added by P.L.2-1991, SEC.9.

IC 9-21-8-18

Limited access facilities; entrance and exit to and from

Sec. 18. A person may not drive a vehicle onto or from a limited access facility except at entrances and exits that are established by the public authority in control of the roadway.

As added by P.L.2-1991, SEC.9.

IC 9-21-8-19

Freeways and interstate highways; entrance and exit to and from; special crossovers; "U" turns

Sec. 19. A person may not drive a vehicle onto or from a freeway or the interstate highway system except at entrances and exits that are established by the public authority in control of the highway. Whenever special crossovers between the main roadways of a freeway or the interstate highway system are provided for emergency vehicles or maintenance equipment only, the freeway or interstate highway system shall be posted prohibiting "U" turns. A person who drives a vehicle, except an emergency vehicle or maintenance equipment, may not use the crossovers or make a "U" turn anywhere on the freeway or interstate highway system.

As added by P.L.2-1991, SEC.9.

IC 9-21-8-20

Pedestrians, bicycles, and other nonmotorized traffic; prohibition on use of highways

Sec. 20. The Indiana department of transportation may by resolution or order entered in its minutes, and local authorities may by ordinance, with respect to any freeway or interstate highway system under their respective jurisdictions, prohibit the use of a highway by pedestrians, bicycles, or other nonmotorized traffic or by a person operating a motor-driven cycle. The Indiana department of transportation or the local authority adopting a prohibiting regulation shall erect and maintain official signs on the freeway or interstate highway system on which the regulations are applicable. If signs are erected, a person may not disobey the restrictions stated on the signs.

As added by P.L.2-1991, SEC.9.

IC 9-21-8-21

Intersections; right and left turns

Sec. 21. (a) A person who drives a vehicle intending to turn at an intersection must do the following:

- (1) Make both the approach for a right turn and a right turn as close as practical to the right-hand curb or edge of the roadway.

(2) Make an approach for a left turn in that part of the right half of the roadway nearest the center line of the roadway. After entering the intersection, the person who drives a vehicle must make the left turn so as to leave the intersection to the right of the center line of the roadway being entered.

(3) Make an approach for a left turn from a two-way street into a one-way street in that part of the right half of the roadway nearest the center line of the roadway and pass to the right of the center line where the center line enters the intersection.

(4) Make a left turn from a one-way street into a two-way street by passing to the right of the center line of the street being entered upon leaving the intersection.

(5) Where both streets or roadways are one way, make both the approach for a left turn and a left turn as close as practicable to the left-hand curb or edge of the roadway.

(b) The Indiana department of transportation and local authorities in their respective jurisdictions may cause markers, buttons, or signs to be placed within or adjacent to intersections requiring and directing that a different course from that specified in this section be traveled by vehicles turning at an intersection. When markers, buttons, or signs are placed under this subsection, a person who drives a vehicle may not turn the vehicle at an intersection other than as directed and required by the markers, buttons, or signs.

As added by P.L.2-1991, SEC.9.

IC 9-21-8-22

Grades; proceeding in opposite direction on approach to crest

Sec. 22. A vehicle may not be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of a grade, where the vehicle cannot be seen by the person who drives any other vehicle approaching from either direction within seven hundred fifty (750) feet.

As added by P.L.2-1991, SEC.9.

IC 9-21-8-23

Starting a vehicle that is stopped, standing, or parked

Sec. 23. A person may not start a vehicle that is stopped, standing, or parked until the movement can be made with reasonable safety.

As added by P.L.2-1991, SEC.9.

IC 9-21-8-24

Slowing down, turning from a direct course, and changing lanes; performance with reasonable safety; signal

Sec. 24. A person may not:

- (1) slow down or stop a vehicle;
- (2) turn a vehicle from a direct course upon a highway; or
- (3) change from one (1) traffic lane to another;

unless the movement can be made with reasonable safety. Before making a movement described in this section, a person shall give a clearly audible signal by sounding the horn if any pedestrian may be

affected by the movement and give an appropriate stop or turn signal in the manner provided in sections 27 through 28 of this chapter if any other vehicle may be affected by the movement.

As added by P.L.2-1991, SEC.9.

IC 9-21-8-25

Turn signals

Sec. 25. A signal of intention to turn right or left shall be given continuously during not less than the last two hundred (200) feet traveled by a vehicle before turning or changing lanes. A vehicle traveling in a speed zone of at least fifty (50) miles per hour shall give a signal continuously for not less than the last three hundred (300) feet traveled by the vehicle before turning or changing lanes.

As added by P.L.2-1991, SEC.9.

IC 9-21-8-26

Stopping or sudden decrease in speed; signal

Sec. 26. A person may not stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal to a person who drives a vehicle immediately to the rear when there is opportunity to give a signal.

As added by P.L.2-1991, SEC.9.

IC 9-21-8-27

Stop or turn signals; hand or arm signals; signal lamps; exception for farm equipment; highway travel

Sec. 27. (a) Except as provided in subsection (b), a stop or turn signal required under this chapter may be given by means of the hand and arm or by a signal lamp or lamps or mechanical signal device.

(b) This subsection does not apply to farm tractors and implements of agriculture designed to be operated primarily in a farm field or on farm premises. A motor vehicle in use on a highway must be equipped with and a required signal shall be given by a signal lamp or lamps or mechanical signal device when either of the following conditions exist:

(1) The distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of the motor vehicle exceeds twenty-four (24) inches.

(2) The distance from the center of the top of the steering post to the rear limit of the body or load of the motor vehicle exceeds fourteen (14) feet. This measurement applies to a single vehicle and a combination of vehicles.

As added by P.L.2-1991, SEC.9. Amended by P.L.210-2005, SEC.33.

IC 9-21-8-28

Hand and arm signals; left turn; right turn; decrease in speed

Sec. 28. All signals required under this chapter may be given by hand and arm. A signal given under this section shall be given from the left side of the vehicle in the following manner:

(1) A left turn is indicated by extending the hand and arm

horizontally.

(2) A right turn is indicated by extending the hand and arm upward.

(3) A stop or decreased speed is indicated by extending the hand and arm downward.

As added by P.L.2-1991, SEC.9.

IC 9-21-8-29

Intersections; vehicles approaching from different highways; yield of right-of-way

Sec. 29. Except when approaching through highways and areas in which signs are posted giving other instructions, when two (2) vehicles approach or enter an intersection from different highways at approximately the same time, the person who drives the vehicle on the left shall yield the right-of-way to the vehicle on the right.

As added by P.L.2-1991, SEC.9.

IC 9-21-8-30

Intersections; vehicles approaching from opposite directions; yield of right-of-way

Sec. 30. A person who drives a vehicle within an intersection intending to turn to the left shall yield the right-of-way to a vehicle approaching from the opposite direction that is within the intersection or so close to the intersection as to constitute an immediate hazard. After yielding and giving a signal as required by this chapter, the person who drives the vehicle may make the left turn, and the persons who drive other vehicles approaching the intersection from the opposite direction shall yield the right-of-way to the vehicle making the left turn.

As added by P.L.2-1991, SEC.9.

IC 9-21-8-31

Entrance to through highways; stopping; yield of right-of-way

Sec. 31. (a) A person who drives a vehicle shall do the following:

(1) Stop as required under this article at the entrance to a through highway.

(2) Yield the right-of-way to other vehicles that have entered the intersection from the through highway or that are approaching so closely on the through highway as to constitute an immediate hazard.

(b) After yielding as described in subsection (a)(2), the person who drives a vehicle may proceed and persons who drive other vehicles approaching the intersection on the through highway shall yield the right-of-way to the vehicle proceeding into or across the through highway.

As added by P.L.2-1991, SEC.9.

IC 9-21-8-32

Stop signs at intersections; duty to obey

Sec. 32. A person who drives a vehicle shall stop at an

intersection where a stop sign is erected at one (1) or more entrances to a through highway that are not a part of the through highway and proceed cautiously, yielding to vehicles that are not required to stop.
As added by P.L.2-1991, SEC.9.

IC 9-21-8-33

Yield signs; collision with pedestrian or vehicle

Sec. 33. (a) A person who drives a vehicle approaching a yield sign shall slow down to a speed reasonable for the existing conditions or stop if necessary. The person shall yield the right-of-way to a pedestrian legally crossing the roadway and to a vehicle in the intersection or approaching on another highway so closely as to present an immediate hazard. After yielding, the person may proceed, and all other vehicles approaching the intersection shall yield to the vehicle proceeding.

(b) If a person who drives a vehicle is involved in a collision with a pedestrian in a crosswalk or a vehicle in the intersection after driving past a yield sign without stopping, the collision is considered prima facie evidence of the person's failure to yield the right-of-way.
As added by P.L.2-1991, SEC.9.

IC 9-21-8-34

Entrance to highway from private road or driveway; yield of right-of-way

Sec. 34. A person who drives a vehicle that is about to enter or cross a highway from a private road or driveway shall yield the right-of-way to all vehicles approaching on the highway.
As added by P.L.2-1991, SEC.9.

IC 9-21-8-35

Emergency vehicles; yield of right-of-way

Sec. 35. (a) Upon the immediate approach of an authorized emergency vehicle, when the person who drives the authorized emergency vehicle is giving audible signal by siren or displaying alternately flashing red, red and white, or red and blue lights, a person who drives another vehicle shall do the following unless otherwise directed by a law enforcement officer:

- (1) Yield the right-of-way.
- (2) Immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the highway clear of any intersection.
- (3) Stop and remain in the position until the authorized emergency vehicle has passed.

(b) Upon approaching a stationary authorized emergency vehicle, when the authorized emergency vehicle is giving a signal by displaying alternately flashing red, red and white, or red and blue lights, a person who drives an approaching vehicle shall:

- (1) proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to

safety and traffic conditions, if on a highway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or
(2) proceeding with due caution, reduce the speed of the vehicle to a speed at least ten (10) miles per hour less than the posted speed limit, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

(c) Upon approaching a stationary recovery vehicle, a stationary utility service vehicle (as defined in IC 8-1-8.3-5), or a stationary road, street, or highway maintenance vehicle, when the vehicle is giving a signal by displaying alternately flashing amber lights, a person who drives an approaching vehicle shall:

(1) proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the recovery vehicle, utility service vehicle, or road, street, or highway maintenance vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or
(2) proceeding with due caution, reduce the speed of the vehicle to a speed at least ten (10) miles per hour less than the posted speed limit, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

(d) This section does not operate to relieve the person who drives an authorized emergency vehicle, a recovery vehicle, a utility service vehicle, or a road, street, or highway maintenance vehicle from the duty to operate the vehicle with due regard for the safety of all persons using the highway.

As added by P.L.2-1991, SEC.9. Amended by P.L.18-1999, SEC.1; P.L.39-2000, SEC.7; P.L.1-2001, SEC.6; P.L.14-2010, SEC.1.

IC 9-21-8-36

Traffic control signals not in operation

Sec. 36. Except as provided in IC 9-21-17-8 and IC 9-21-3-7(b)(4)(C), when traffic control signals are not in place or not in operation, a person who drives a vehicle shall yield the right-of-way, slowing down or stopping if necessary to yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching closely from the opposite half of the roadway.

As added by P.L.2-1991, SEC.9. Amended by P.L.43-2011, SEC.5.

IC 9-21-8-37

Pedestrians and children; due care; caution

Sec. 37. Notwithstanding other provisions of this article or a local ordinance, a person who drives a vehicle shall do the following:

(1) Exercise due care to avoid colliding with a pedestrian or a person propelling a human powered vehicle, giving an audible signal when necessary.

(2) Exercise proper caution upon observing a child or an obviously confused, incapacitated, or intoxicated person.
As added by P.L.2-1991, SEC.9.

IC 9-21-8-38

Safety zones

Sec. 38. A vehicle may not be driven through or within a safety zone.

As added by P.L.2-1991, SEC.9.

IC 9-21-8-39

Railroad grade crossings

Sec. 39. Whenever a person who drives a vehicle approaches a railroad grade crossing, the person shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest track of the railroad and may not proceed until the person can do so safely under the following circumstances:

(1) When a clearly visible electric or mechanical signal device gives warning of the immediate approach of a train or other on-track equipment.

(2) When a crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a train or other on-track equipment.

(3) When a railroad train or other on-track equipment approaching within one thousand five hundred (1,500) feet of a highway crossing emits an audible signal and because of speed or nearness to the crossing is an immediate hazard.

(4) When an approaching train or other on-track equipment is plainly visible and is in hazardous proximity to the crossing.

As added by P.L.2-1991, SEC.9. Amended by P.L.119-1995, SEC.6; P.L.8-2010, SEC.3.

IC 9-21-8-40

Heavy equipment or structures; railroad grade crossings; notice; procedure

Sec. 40. (a) A person may not operate or move a caterpillar tractor, steam shovel, derrick, roller, or any equipment or structure weighing more than ten (10) tons and having a normal operating speed of not more than six (6) miles per hour or a vertical body or load clearance of less than nine (9) inches above the level surface of a roadway upon or across tracks at a railroad grade crossing without first complying with this section.

(b) Notice of an intended crossing under this section shall be given to a superintendent of the railroad, and a reasonable time shall be given to the railroad to provide proper protection at the crossing.

(c) Before making a crossing under this section, the person operating or moving a vehicle or equipment described in subsection (a) shall first stop the vehicle or equipment not less than ten (10) feet and not more than fifty (50) feet from the nearest rail or the railway. While stopped, the person shall listen and look in both directions

along the track for an approaching train or other on-track equipment and for signals indicating the approach of a train or other on-track equipment. The person shall not proceed until the crossing can be made safely.

(d) A crossing may not be made when warning is given by automatic signal, crossing gates, a flagman, or otherwise of the immediate approach of a railroad train or other on-track equipment. *As added by P.L.2-1991, SEC.9. Amended by P.L.8-2010, SEC.4.*

IC 9-21-8-41

Traffic control devices; obedience of instructions; highway worksites; extraordinary care; safety controls

Sec. 41. (a) A person who drives a vehicle or street car may not disobey the instructions of an official traffic control device placed in accordance with this article unless otherwise directed by a police officer.

(b) When a traffic control device or flagman is utilized at a worksite on a highway for traffic control, a person who drives a vehicle shall exercise extraordinary care to secure the mutual safety of all persons and vehicles at the worksite.

(c) All traffic shall observe and obey traffic control devices including signals, signs, and warnings, and all directions, signs, or warning devices that may be given or displayed by a police officer or flagman to safely control traffic movement at a worksite and promote safety at a worksite.

As added by P.L.2-1991, SEC.9.

IC 9-21-8-41.5

Vehicle entering school crossing zone; obedience of instructions

Sec. 41.5. (a) A person who drives a vehicle shall obey the instructions of a school crossing guard to stop the vehicle before entering a school crossing zone.

(b) Whenever a person who drives a vehicle approaches a school crossing zone, the person shall exercise extraordinary caution to secure the safety of children in the school crossing zone.

As added by P.L.116-1993, SEC.3.

IC 9-21-8-41.7

Duty of vehicle operator to obey instructions of railroad flagman

Sec. 41.7. (a) For purposes of this section, "railroad flagman" means a person who furnishes flag protection as prescribed by rules of the carrier.

(b) A person who operates a vehicle shall obey the instructions of a railroad flagman to stop the vehicle before approaching a location in which a train or other on-track equipment is or may be located.

As added by P.L.8-2010, SEC.5. Amended by P.L.50-2011, SEC.4.

IC 9-21-8-42

Sidewalks; approaching from an alley, driveway, or building

Sec. 42. A person who drives a vehicle within a business or

residence district that is emerging from an alley, a driveway, or a building shall stop the vehicle immediately before driving onto a sidewalk or into the sidewalk area extending across an alleyway or a private driveway.

As added by P.L.2-1991, SEC.9.

IC 9-21-8-43

Loaded vehicles; passengers; obstruction of view; interference with control of vehicle

Sec. 43. (a) A person may not drive a vehicle when any of the following conditions exist:

(1) The vehicle:

(A) is loaded in a manner; or

(B) has more than three (3) persons in the front seat;

so as to obstruct the view of the person who drives the vehicle to the front or sides of the vehicle.

(2) The vehicle:

(A) is loaded in a manner; or

(B) has more than three (3) persons in the front seat;

so as to interfere with the person's control over the driving mechanism of the vehicle.

(b) A passenger in a vehicle or street car may not do the following:

(1) Ride in a position that interferes with the view ahead or to the sides of the person who drives the vehicle or street car.

(2) Interfere with the person's control over the driving mechanism of the vehicle or street car.

As added by P.L.2-1991, SEC.9. Amended by P.L.1-1991, SEC.96.

IC 9-21-8-44

Coasting in neutral when traveling upon a down grade; prohibition

Sec. 44. (a) A person who drives a motor vehicle may not coast with the gears of the vehicle in neutral when traveling upon a down grade.

(b) A person who drives a commercial motor vehicle may not coast with the clutch disengaged when traveling upon a down grade.

As added by P.L.2-1991, SEC.9.

IC 9-21-8-44.5

Compression release engine brakes

Sec. 44.5. (a) As used in this section, "compression release engine brake" means a hydraulically operated device that converts a power producing diesel engine into a power absorbing retarding mechanism.

(b) A person who drives a motor vehicle equipped with compression release engine brakes on the Indiana toll road in a county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000) may not use the motor vehicle's compression release engine brakes instead of the service brake system, except in the case

of failure of the service brake system.

As added by P.L.23-2001, SEC.2. Amended by P.L.1-2002, SEC.42.

IC 9-21-8-45

Farm wagons; interstate and state highways; prohibitions

Sec. 45. (a) A farm wagon may not be operated on an interstate highway.

(b) In addition to the prohibition set forth in subsection (a), a farm wagon (as defined in IC 9-13-2-60(a)(2)) may not be operated on a highway designated as a part of the state highway system under IC 8-23-4-2, except that a farm wagon may cross a state highway, other than a limited access highway, at right angles for the purpose of getting from one (1) farm field to another when the operation can be done safely. The operator shall bring the farm wagon to a complete stop before proceeding across the state highway and shall yield the right-of-way to all traffic.

As added by P.L.2-1991, SEC.9. Amended by P.L.150-2009, SEC.13.

IC 9-21-8-46

Implements of agriculture on interstate highways

Sec. 46. A person may not drive or operate:

- (1) an implement of agriculture designed to be operated primarily in a farm field or on farm premises; or
 - (2) a piece of special machinery;
- upon any part of an interstate highway.

As added by P.L.2-1991, SEC.9. Amended by P.L.210-2005, SEC.34.

IC 9-21-8-47

Vehicles that must be operated to avoid damage to highways or interference with traffic

Sec. 47. The following vehicles must be moved or operated so as to avoid any material damage to the highway or unreasonable interference with other highway traffic:

- (1) Machinery or equipment used in highway construction or maintenance by the Indiana department of transportation, counties, or municipalities.
- (2) Farm drainage machinery.
- (3) Implements of agriculture.
- (4) Firefighting apparatus owned or operated by a political subdivision or a volunteer fire department (as defined in IC 36-8-12-2).
- (5) Farm vehicles loaded with farm products.

As added by P.L.2-1991, SEC.9. Amended by P.L.1-1999, SEC.31; P.L.210-2005, SEC.35.

IC 9-21-8-48

Vehicles with contents escaping; prohibition from operation; exceptions

Sec. 48. A vehicle, except:

- (1) a vehicle containing poultry or livestock being transported

to market; or
(2) a highway maintenance vehicle engaged in spreading sand or deicing chemicals;
may not be driven or moved on a highway if the vehicle's contents are dripping, sifting, leaking, or otherwise escaping from the vehicle.
As added by P.L.2-1991, SEC.9. Amended by P.L.79-1991, SEC.4.

IC 9-21-8-49

Violations; Class C infraction

Sec. 49. Except as provided in sections 50, 51, 52, 54, 55, 56, and 58 of this chapter, a person who violates this chapter commits a Class C infraction.

As added by P.L.2-1991, SEC.9. Amended by P.L.18-1999, SEC.2; P.L.40-2007, SEC.4; P.L.65-2010, SEC.4.

IC 9-21-8-50

Reckless operation of a tractor-trailer combination; Class B misdemeanor

Sec. 50. A person who operates a tractor-trailer combination in a reckless or deliberate attempt to:

- (1) endanger the safety or property of others; or
- (2) block the proper flow of traffic;

commits a Class B misdemeanor.

As added by P.L.2-1991, SEC.9.

IC 9-21-8-51

Blinding lights; failure to dim; Class B infraction

Sec. 51. A person who:

- (1) operates a vehicle; and
- (2) fails to dim bright or blinding lights when meeting another vehicle or pedestrian;

commits a Class B infraction.

As added by P.L.2-1991, SEC.9.

IC 9-21-8-52

Reckless driving; passing a school bus with extended stop arm; penalty; license suspension

Sec. 52. (a) A person who operates a vehicle and who recklessly:

- (1) drives at such an unreasonably high rate of speed or at such an unreasonably low rate of speed under the circumstances as to:

- (A) endanger the safety or the property of others; or
- (B) block the proper flow of traffic;

- (2) passes another vehicle from the rear while on a slope or on a curve where vision is obstructed for a distance of less than five hundred (500) feet ahead;

- (3) drives in and out of a line of traffic, except as otherwise permitted; or

- (4) speeds up or refuses to give one-half (1/2) of the roadway to a driver overtaking and desiring to pass;

commits a Class B misdemeanor.

(b) A person who operates a vehicle and who recklessly passes a school bus stopped on a roadway when the arm signal device specified in IC 9-21-12-13 is in the device's extended position commits a Class B misdemeanor. However, the offense is a Class A misdemeanor if it causes bodily injury to a person.

(c) If an offense under subsection (a) or (b) results in damage to the property of another person or bodily injury to another person, the court shall recommend the suspension of the current driving license of the person for a fixed period of:

- (1) not less than thirty (30) days; and
- (2) not more than one (1) year.

As added by P.L.2-1991, SEC.9. Amended by P.L.127-1993, SEC.1; P.L.1-2005, SEC.103; P.L.70-2009, SEC.3.

IC 9-21-8-53

Speed violations; complaint or affidavit; summons, warrant, or notice; contents; negligence

Sec. 53. (a) In every charge of violation of a speed regulation under this article, the complaint or affidavit and the summons, warrant, or notice to appear must specify the following:

- (1) The speed at which the defendant is alleged to have driven.
- (2) The prima facie or fixed speed applicable within the district or at the location.

(b) The provisions of this article declaring or providing for fixed and prima facie speed limitations may not be construed to relieve the plaintiff in a civil action from the burden of proving negligence on the part of the defendant as the proximate cause of the damage alleged.

As added by P.L.2-1991, SEC.9.

IC 9-21-8-54

Penalty for improper approach to stationary emergency vehicle

Sec. 54. (a) A person who violates section 35(b) or section 35(c) of this chapter commits a Class A infraction.

(b) If a violation of section 35(b) of this chapter results in damage to the property of another person, in addition to any other penalty imposed, the court shall recommend that the person's driving privileges be suspended for a fixed period of not less than ninety (90) days and not more than one (1) year.

(c) If a violation of section 35(c) of this chapter results in damage to the property of another person of at least two hundred fifty dollars (\$250), in addition to any other penalty imposed, the court shall recommend that the person's driving privileges be suspended for a fixed period of not less than ninety (90) days and not more than one (1) year.

(d) If a violation of section 35(b) or section 35(c) of this chapter results in injury to another person, in addition to any other penalty imposed, the court shall recommend that the person's driving privileges be suspended for a fixed period of not less than one

hundred eighty (180) days and not more than two (2) years.

(e) If a violation of section 35(b) or section 35(c) of this chapter results in the death of another person, in addition to any other penalty imposed, the court shall recommend that the person's driving privileges be suspended for two (2) years.

(f) The bureau shall, upon receiving a record of a judgment entered against a person under this section:

(1) suspend the person's driving privileges for a mandatory period; or

(2) extend the period of an existing suspension for a fixed period;

of not less than ninety (90) days and not more than two (2) years. The bureau shall fix this period in accordance with the recommendation of the court that entered the judgment.

As added by P.L.18-1999, SEC.3. Amended by P.L.39-2000, SEC.8.

IC 9-21-8-55

Aggressive driving

Sec. 55. (a) This section does not apply to a law enforcement official engaged in the law enforcement official's official duties.

(b) For purposes of this section, a person engages in aggressive driving if, during one (1) episode of continuous driving of a vehicle, the person does or commits at least three (3) of the following:

(1) Following a vehicle too closely in violation of IC 9-21-8-14.

(2) Unsafe operation of a vehicle in violation of IC 9-21-8-24.

(3) Overtaking another vehicle on the right by driving off the roadway in violation of IC 9-21-8-6.

(4) Unsafe stopping or slowing a vehicle in violation of IC 9-21-8-26.

(5) Unnecessary sounding of the horn in violation of IC 9-19-5-2.

(6) Failure to yield in violation of IC 9-21-8-29 through IC 9-21-8-34.

(7) Failure to obey a traffic control device in violation of IC 9-21-8-41.

(8) Driving at an unsafe speed in violation of IC 9-21-5.

(9) Repeatedly flashing the vehicle's headlights.

(c) A person who, with the intent to harass or intimidate a person in another vehicle, knowingly or intentionally engages in aggressive driving commits aggressive driving, a Class A misdemeanor, except as provided in IC 9-21-8-56(d), (f), (g), and (h).

As added by P.L.75-2006, SEC.2. Amended by P.L.40-2007, SEC.5.

IC 9-21-8-56

Highway work zones; penalties for violations

Sec. 56. (a) For purposes of this section, "highway work zone" has the meaning set forth in IC 8-23-2-15.

(b) Except as provided in subsections (f) through (h), a person who recklessly operates a vehicle in the immediate vicinity of a highway work zone when workers are present commits a Class A

misdemeanor.

(c) Except as provided in subsections (f) through (h), a person who knowingly, intentionally, or recklessly operates a motor vehicle in the immediate vicinity of a highway work zone when workers are present with the intent to:

- (1) damage traffic control devices; or
- (2) inflict bodily injury on a worker;

commits a Class A misdemeanor.

(d) Except as provided in subsections (f) through (h), a person who knowingly, intentionally, or recklessly engages in:

- (1) aggressive driving, as defined in section 55 of this chapter; or
- (2) a speed contest, as prohibited under IC 9-21-6-1;

in the immediate vicinity of a highway work zone when workers are present commits a Class A misdemeanor.

(e) Except as provided in subsections (f) through (h), a person who recklessly fails to obey a traffic control device or flagman, as prohibited under section 41 of this chapter, in the immediate vicinity of a highway work zone when workers are present commits a Class A misdemeanor.

(f) An offense under subsection (b), (c), (d), or (e) is a Class D felony if the person who commits the offense:

- (1) has a prior unrelated conviction under this section in the previous five (5) years; or
- (2) is operating the vehicle in violation of IC 9-30-5-1 or IC 9-30-5-2.

(g) An offense under subsection (b), (c), (d), or (e) is a Class D felony if the offense results in bodily injury to a worker in the worksite.

(h) An offense under subsection (b), (c), (d), or (e) is a Class C felony if the offense results in the death of a worker in the worksite.

(i) A person who knowingly, intentionally, or recklessly engages in an act described in section 55(b)(1), 55(b)(2), 55(b)(3), 55(b)(4), 55(b)(5), or 55(b)(6) of this chapter in the immediate vicinity of a highway work zone when workers are present commits a Class B infraction. Notwithstanding IC 34-28-5-5(c), the funds collected as judgments for an infraction under this subsection 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).

As added by P.L.40-2007, SEC.6. Amended by P.L.66-2011, SEC.2.

IC 9-21-8-57

Operation of golf cart on highway

Sec. 57. A golf cart may not be operated on a highway except in accordance with an ordinance adopted under IC 9-21-1-3(a)(14) and IC 9-21-1-3.3(a) authorizing the operation of a golf cart on the highway.

As added by P.L.182-2009(ss), SEC.293.

IC 9-21-8-58

Intrastate carriers of metal coils; certification

Sec. 58. (a) This section applies only to intrastate carriers of metal coils.

(b) 49 CFR 393.120 is adopted as Indiana law.

(c) A motor carrier (as defined in IC 8-2.1-17-10) may not initiate or terminate the commercial transport within Indiana by commercial motor vehicle of one (1) or more metal coils that, individually or grouped together, weigh at least two thousand two hundred sixty-eight (2,268) kilograms (five thousand (5,000) pounds), as provided in 49 CFR 393.120, unless the operator of the commercial motor vehicle transporting the metal coil or coils is certified in proper load securement as provided in 49 CFR 393.120.

(d) An operator of a commercial motor vehicle may not initiate or terminate the commercial transport within Indiana by the commercial motor vehicle of one (1) or more metal coils that, individually or grouped together, weigh at least two thousand two hundred sixty-eight (2,268) kilograms (five thousand (5,000) pounds), as provided in 49 CFR 393.120, unless the operator of the commercial motor vehicle transporting the metal coil or coils is certified in proper load securement as provided in 49 CFR 393.120.

(e) The department of revenue shall adopt and enforce rules under IC 4-22-2 concerning the certification in proper load securement (as provided in 49 CFR 393.120) of operators of commercial motor vehicles engaged in the commercial transport of one (1) or more metal coils, as provided in 49 CFR 393.120. The rules adopted under this subsection must recognize metal coil shipping certificates issued by other states.

(f) A person who knowingly or intentionally violates subsection (c) or (d) commits a Class A misdemeanor.

As added by P.L.65-2010, SEC.5.

IC 9-21-8-59

Use of telecommunications device while operating a moving motor vehicle

Sec. 59. (a) A person may not use a telecommunications device to:

- (1) type a text message or an electronic mail message;
- (2) transmit a text message or an electronic mail message; or
- (3) read a text message or an electronic mail message;

while operating a moving motor vehicle unless the device is used in conjunction with hands free or voice operated technology, or unless the device is used to call 911 to report a bona fide emergency.

(b) A police officer may not confiscate a telecommunications device for the purpose of determining compliance with this section or confiscate a telecommunications device and retain it as evidence pending trial for a violation of this section.

As added by P.L.185-2011, SEC.4.