



STATE OF INDIANA
AN EQUAL OPPORTUNITY EMPLOYER

STATE BOARD OF ACCOUNTS
302 WEST WASHINGTON STREET
ROOM E418
INDIANAPOLIS, INDIANA 46204-2765

Telephone: (317) 232-2513
Fax: (317) 232-4711
Web Site: www.in.gov/sboa

STATE EXAMINER DIRECTIVE 2015-1

Effective Date: January 21, 2015

General Subject: Moving Traffic Violations

Authority: IC 5-11-1-10; IC 5-11-1-21; IC 35-44.2-1-7

Application: This Directive applies to all elected and appointed public officials of cities, towns, and counties.

All cities, towns, and counties collecting fines for moving traffic violations must refer such matters to the local prosecuting attorney or a city, town, or county court for infraction and ordinance violation enforcement proceedings as required by law. Specifically, Indiana Code § 36-1-6-3 states the following (emphasis added):

- (a) Certain ordinances may be enforced by a municipal corporation without proceeding in court through:
 - (1) an admission of violation before the violations clerk under IC 33-36; or
 - (2) administrative enforcement under section 9 of this chapter.
- (b) Except as provided in subsection (a), a proceeding to enforce an ordinance must be brought in accordance with IC 34-28-5, section 4 of this chapter, or both.
- (c) An ordinance defining a moving traffic violation may not be enforced under IC 33-36 and must be enforced in accordance with IC 34-28-5.**

The accounts of each public official and public office should reflect the proper treatment of fines collected for moving traffic violations as required by Indiana Code § 36-1-6-3(c), Indiana Code Ch. 34-28-5, and this Directive. Failure to do so will result in a civil action against those public officials who are responsible for the improper enforcement and collection of fines for moving traffic violations as allowable by law.

This Directive may be amended from time to time and may be rescinded at any time in writing by the State Examiner or a Deputy State Examiner.

A handwritten signature in blue ink that reads "Paul D. Joyce".

Paul D. Joyce, CPA
State Examiner