
SENATE BILL No. 527

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2; IC 9-21; IC 9-30-3-14; IC 34-6-2-85; IC 34-28-5-5; IC 34-30-2-28.5; IC 36-1-6-3.

Synopsis: Intersection safety systems. Allows a county, city, or town to adopt and enforce an ordinance (ordinance) that regulates the placement and use of intersection safety systems on local, county, and state highways within the municipal boundaries and unincorporated areas. Provides that the civil penalty for a violation of an ordinance must be at least \$125 and not more than \$150. Specifies that the civil penalty must be applied to defray the cost of the installation, operation, and maintenance of the intersection safety system and that the remaining funds be distributed: (1) with 70 % to be deposited with the county or municipality in which the intersection safety system is located for local public safety; and (2) with 30% to be deposited in the state general fund for public safety. Prohibits the: (1) reporting of a violation of an ordinance on a driving record; (2) use of a violation of an ordinance to determine rates for motor vehicle insurance; and (3) assessment of points under the point system by the bureau of motor vehicles for a violation of an ordinance. Requires the city, county, or town to send a referral to the bureau of motor vehicles if the ordinance violation penalty has not been paid in a timely manner. Requires the bureau of motor vehicles to suspend the registration of a vehicle for which an ordinance violation penalty has not been paid. Provides that a person who does not contest the violation of an ordinance and pays the civil penalty in a timely manner is not liable for court costs. Makes other changes, conforming amendments, and technical corrections. Repeals a superseded definition.

Effective: July 1, 2011.

Merritt

January 18, 2011, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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SENATE BILL No. 527



A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

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

1 SECTION 1. IC 9-13-2-42.8 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2011]: **Sec. 42.8. "Designated employee", for purposes of**
4 **IC 9-21-3.6, has the meaning set forth in IC 9-21-3.6-2.**

5 SECTION 2. IC 9-13-2-84.5 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2011]: **Sec. 84.5. "Intersection safety system", for purposes of**
8 **IC 9-21-3.6, has the meaning set forth in IC 9-21-3.6-3.**

9 SECTION 3. IC 9-13-2-94.3 IS ADDED TO THE INDIANA CODE
10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
11 1, 2011]: **Sec. 94.3. "Local police officer", for purposes of**
12 **IC 9-21-3.6, has the meaning set forth in IC 9-21-3.6-4.**

13 SECTION 4. IC 9-13-2-121 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 121. (a) "Owner"
15 means, except as otherwise provided in this section, when used in
16 reference to a motor vehicle:

17 (1) a person who holds the legal title of a motor vehicle;



1 (2) a person renting or leasing a motor vehicle and having
 2 exclusive use of the motor vehicle for more than thirty (30) days;
 3 or
 4 (3) if a motor vehicle is the subject of an agreement for the
 5 conditional sale or lease vested in the conditional vendee or
 6 lessee, or in the event the mortgagor, with the right of purchase
 7 upon the performance of the conditions stated in the agreement
 8 and with an immediate right of possession of a vehicle is entitled
 9 to possession, the conditional vendee or lessee or mortgagor.
 10 (b) "Owner", for purposes of IC 9-21, **except IC 9-21-3.6**, and
 11 IC 9-25, means, when used in reference to a motor vehicle, a person
 12 who holds the legal title of a motor vehicle, or if a:
 13 (1) motor vehicle is the subject of an agreement for the
 14 conditional sale or lease of the motor vehicle with the right of
 15 purchase upon performance of the conditions stated in the
 16 agreement and with an immediate right of possession vested in
 17 the conditional vendee or lessee; or
 18 (2) mortgagor of a motor vehicle is entitled to possession;
 19 the conditional vendee or lessee or mortgagor is considered to be the
 20 owner for the purpose of IC 9-21 and IC 9-25.
 21 (c) "Owner", for purposes of IC 9-21-3.6, has the meaning set
 22 forth in IC 9-21-3.6-5.
 23 (d) "Owner", for purposes of IC 9-22-1, means the last known
 24 record titleholder of a vehicle according to the records of the bureau
 25 under IC 9-17.
 26 (e) "Owner", for purposes of IC 9-31, means a person, other than
 27 a lienholder, having the property in or title to a motorboat. The term
 28 includes a person entitled to the use or possession of a motorboat
 29 subject to an interest in another person reserved or created by
 30 agreement and securing payment or performance of an obligation. The
 31 term excludes a lessee under a lease not intended as security.
 32 SECTION 5. IC 9-13-2-182.3 IS ADDED TO THE INDIANA
 33 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2011]: **Sec. 182.3. "Traffic control device",**
 35 **for purposes of IC 9-21, has the meaning set forth in IC 9-21-1-1.5.**
 36 SECTION 6. IC 9-13-2-182.5 IS ADDED TO THE INDIANA
 37 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2011]: **Sec. 182.5. "Traffic control signal",**
 39 **for purposes of IC 9-21, has the meaning set forth in IC 9-21-1-1.7.**
 40 SECTION 7. IC 9-13-2-196.4 IS ADDED TO THE INDIANA
 41 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2011]: **Sec. 196.4. "Vendor", for purposes of**

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1 **IC 9-21-3.6, has the meaning set forth in IC 9-21-3.6-6.**
2 SECTION 8. IC 9-21-1-1.5 IS ADDED TO THE INDIANA CODE
3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2011]: **Sec. 1.5. As used in this article, "traffic control device"**
5 **means a sign, signal, marking, or device, including a railroad**
6 **advance warning sign, consistent with this title, placed or erected**
7 **by the authority of a public body or an official having jurisdiction**
8 **for purposes of regulating, warning, or guiding traffic.**
9 SECTION 9. IC 9-21-1-1.7 IS ADDED TO THE INDIANA CODE
10 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
11 1, 2011]: **Sec. 1.7. As used in this article, "traffic control signal"**
12 **means a traffic signal as defined by the Indiana Manual on**
13 **Uniform Traffic Control Devices for Streets and Highways as**
14 **adopted under IC 9-21-2-1 by which traffic alternately is directed**
15 **to stop and permitted to proceed.**
16 SECTION 10. IC 9-21-1-3, AS AMENDED BY P.L.182-2009(ss),
17 SECTION 291, IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2011]: **Sec. 3. (a) A local authority, with respect**
19 **to private roads and highways under the authority's jurisdiction, in**
20 **accordance with sections 2 and 3.3(a) of this chapter, and within the**
21 **reasonable exercise of the police power, may do the following:**
22 (1) Regulate the standing or parking of vehicles.
23 (2) Regulate traffic by means of police officers or traffic control
24 signals, **including enforcement by use of an intersection safety**
25 **system under IC 9-21-3.6.**
26 (3) Regulate or prohibit processions or assemblages on the
27 highways.
28 (4) Designate a highway as a one-way highway and require that
29 all vehicles operated on the highway be moved in one (1) specific
30 direction.
31 (5) Regulate the speed of vehicles in public parks.
32 (6) Designate a highway as a through highway and require that all
33 vehicles stop before entering or crossing the highway.
34 (7) Designate an intersection as a stop intersection and require all
35 vehicles to stop at one (1) or more entrances to the intersection.
36 (8) Restrict the use of highways as authorized in IC 9-21-4-7.
37 (9) Regulate the operation of bicycles and require the registration
38 and licensing of bicycles, including the requirement of a
39 registration fee.
40 (10) Regulate or prohibit the turning of vehicles at intersections.
41 (11) Alter the prima facie speed limits authorized under
42 IC 9-21-5.

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- 1 (12) Adopt other traffic regulations specifically authorized by this
- 2 article.
- 3 (13) Adopt traffic regulations governing traffic control on public
- 4 school grounds when requested by the governing body of the
- 5 school corporations.
- 6 (14) Regulate or prohibit the operation of low speed vehicles or
- 7 golf carts on highways in accordance with section 3.3(a) of this
- 8 chapter.
- 9 (b) An ordinance or regulation adopted under subsection (a)(4),
- 10 (a)(5), (a)(6), (a)(7), (a)(8), (a)(10), (a)(11), (a)(12), (a)(13), or (a)(14)
- 11 is effective when signs giving notice of the local traffic regulations are
- 12 posted upon or at the entrances to the highway or part of the highway
- 13 that is affected.
- 14 SECTION 11. IC 9-21-1-8, AS AMENDED BY P.L.145-2009,
- 15 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 16 JULY 1, 2011]: Sec. 8. (a) This section applies to the person who
- 17 drives an authorized emergency vehicle when:
- 18 (1) responding to an emergency call;
- 19 (2) in the pursuit of an actual or suspected violator of the law; or
- 20 (3) responding to, but not upon returning from, a fire alarm.
- 21 (b) The person who drives an authorized emergency vehicle may do
- 22 the following:
- 23 (1) Park or stand, notwithstanding other provisions of this article.
- 24 (2) Proceed past a red ~~or stop traffic control~~ signal or ~~stop sign,~~
- 25 **traffic control device**, but only after slowing down as necessary
- 26 for safe operation.
- 27 (3) Exceed the maximum speed limits if the person who drives the
- 28 vehicle does not endanger life or property.
- 29 (4) Disregard regulations governing direction of movement or
- 30 turning in specified directions.
- 31 (5) Execute a lawful intervention technique if the person has
- 32 completed a training course that instructs participants in the
- 33 proper execution of lawful intervention techniques.
- 34 (c) This section applies to an authorized emergency vehicle only
- 35 when the vehicle is using audible or visual signals as required by law.
- 36 An authorized emergency vehicle operated as a police vehicle is not
- 37 required to be equipped with or display red and blue lights visible from
- 38 in front of the vehicle.
- 39 (d) This section does not do the following:
- 40 (1) Relieve the person who drives an authorized emergency
- 41 vehicle from the duty to drive with due regard for the safety of all
- 42 persons.

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1 (2) Protect the person who drives an authorized emergency
 2 vehicle from the consequences of the person's reckless disregard
 3 for the safety of others.

4 SECTION 12. IC 9-21-3-2 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) Each traffic
 6 **control** signal installation on a street or highway within Indiana may
 7 be erected only after the completion of traffic engineering studies that
 8 verify that the traffic ~~signal~~ **control signal** is necessary as set forth in
 9 the Indiana Manual on Uniform Traffic Control Devices for Streets and
 10 Highways.

11 (b) If:

12 (1) the proposed installation is in the immediate vicinity of a
 13 school; and

14 (2) the installation does not meet the requirements of this section;
 15 the governmental unit responsible for the control of traffic at the
 16 location shall grant a special hearing on the question to a person who
 17 has properly petitioned for the installation of a traffic **control** signal.

18 SECTION 13. IC 9-21-3-3 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. Each traffic **control**
 20 signal upon a street or highway in Indiana that does not conform to this
 21 chapter shall be removed by the governmental agency having
 22 jurisdiction over the highway.

23 SECTION 14. IC 9-21-3-4 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. The Indiana
 25 department of transportation is responsible for the control of all traffic
 26 **control** signals on the state highway system.

27 SECTION 15. IC 9-21-3-5 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. A traffic **control**
 29 signal installation on a state route is the property of the Indiana
 30 department of transportation.

31 SECTION 16. IC 9-21-3-6 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) Except as
 33 provided in subsection (b), a public or private agency may not erect a
 34 traffic control device on a state maintained highway without the written
 35 permission of the Indiana department of transportation.

36 (b) This subsection applies to the installation of traffic **control**
 37 signals on a state highway in a city or town. The Indiana department of
 38 transportation shall:

39 (1) install any **traffic control** signal that meets the standards,
 40 specifications, and warrants set forth in the Indiana Manual on
 41 Uniform Traffic Control Devices for Streets and Highways; or
 42 (2) grant written permission to a city or town to erect the **traffic**

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1 **control** signal if it is not possible for the state immediately to
 2 install the **traffic control** signal.
 3 SECTION 17. IC 9-21-3-7, AS AMENDED BY P.L.8-2010,
 4 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2011]: Sec. 7. (a) Whenever traffic is controlled by traffic
 6 control signals exhibiting different colored lights or colored lighted
 7 arrows successively, one (1) at a time or in combination, only the
 8 colors green, red, or yellow may be used, except for special pedestrian
 9 signals under IC 9-21-18.
 10 (b) The lights indicate and apply to drivers of vehicles and
 11 pedestrians as follows:
 12 (1) Green indication means the following:
 13 (A) Vehicular traffic facing a circular green signal may
 14 proceed straight through or turn right or left, unless a sign at
 15 the place prohibits either turn.
 16 (B) Vehicular traffic, including vehicles turning right or left,
 17 shall yield the right-of-way to other vehicles and to pedestrians
 18 lawfully within the intersection or an adjacent sidewalk at the
 19 time the signal is exhibited.
 20 (C) Vehicular traffic facing a green arrow signal, shown alone
 21 or in combination with another indication, may cautiously
 22 enter the intersection only to make the movement indicated by
 23 the green arrow or other movement permitted by other
 24 indications shown at the same time.
 25 (D) Vehicular traffic shall yield the right-of-way to pedestrians
 26 lawfully within an adjacent crosswalk and to other traffic
 27 lawfully using the intersection.
 28 (E) Unless otherwise directed by a pedestrian control signal,
 29 pedestrians facing a green signal, except when the sole green
 30 signal is a turn arrow, may proceed across the roadway within
 31 a marked or unmarked crosswalk.
 32 (2) Steady yellow indication means the following:
 33 (A) Vehicular traffic facing a steady circular yellow or yellow
 34 arrow signal is warned that the related green movement is
 35 being terminated and that a red indication will be exhibited
 36 immediately thereafter.
 37 (B) A pedestrian facing a steady circular yellow or yellow
 38 arrow signal, unless otherwise directed by a pedestrian control
 39 signal, is advised that there is insufficient time to cross the
 40 roadway before a red indication is shown, and a pedestrian
 41 may not start to cross the roadway at that time.
 42 (3) Steady red indication means the following:

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1 (A) Except as provided in clause (B), vehicular traffic facing
 2 a steady circular red or red arrow signal shall stop at a clearly
 3 marked stop line. However, if there is no clearly marked stop
 4 line, vehicular traffic shall stop before entering the crosswalk
 5 on the near side of the intersection. If there is no crosswalk,
 6 vehicular traffic shall stop before entering the intersection and
 7 shall remain standing until an indication to proceed is shown.
 8 (B) Except when a sign is in place prohibiting a turn described
 9 in this subdivision, vehicular traffic facing a steady red signal,
 10 after coming to a complete stop, may cautiously enter the
 11 intersection to do the following:
 12 (i) Make a right turn.
 13 (ii) Make a left turn if turning from the left lane of a
 14 one-way street into another one-way street with the flow of
 15 traffic.
 16 Vehicular traffic making a turn described in this subdivision
 17 shall yield the right-of-way to pedestrians lawfully within an
 18 adjacent crosswalk and to other traffic using the intersection.
 19 (C) Unless otherwise directed by a pedestrian control signal
 20 pedestrians facing a steady circular red or red arrow signal
 21 may not enter the roadway.
 22 (4) No indication or conflicting indications means the following:
 23 (A) Vehicular traffic facing an intersection having a **traffic**
 24 **control** signal that displays no indication or conflicting
 25 indications, where no other **traffic control signal** is present,
 26 shall stop before entering the intersection.
 27 (B) After stopping, vehicular traffic may proceed with caution
 28 through the intersection and shall yield the right-of-way to
 29 traffic within the intersection or approaching so closely as to
 30 constitute an immediate hazard.
 31 (5) This section applies to traffic control signals located at a place
 32 other than an intersection. A stop required under this subdivision
 33 must be made at the **traffic control** signal, except when the
 34 **traffic control** signal is supplemented by a sign or pavement
 35 marking indicating where the stop must be made.
 36 SECTION 18. IC 9-21-3-8 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) This section does
 38 not apply at railroad grade crossings.
 39 (b) Whenever an illuminated flashing red or yellow light is used in
 40 a traffic **control** signal or with a traffic sign, vehicular traffic shall obey
 41 the **traffic control** signal in the following manner:
 42 (1) Flashing red (stop signal) means the following:

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- 1 (A) When a red lens is illuminated by rapid intermittent
- 2 flashes, a person who drives a vehicle shall stop at a clearly
- 3 marked stop line before entering the crosswalk on the near
- 4 side of the intersection.
- 5 (B) If no line exists, the person shall stop at the point nearest
- 6 the intersecting roadway where the person has a view of
- 7 approaching traffic on the intersecting roadway before
- 8 entering the roadway.
- 9 (C) The right to proceed is subject to the rules applicable after
- 10 making a stop at a stop sign.

11 (2) Flashing yellow (caution signal) means that when a yellow
 12 lens is illuminated with rapid intermittent flashes, a person who
 13 drives a vehicle may proceed through the intersection or past the
 14 **traffic control** signal only with caution.

15 SECTION 19. IC 9-21-3.6 IS ADDED TO THE INDIANA CODE
 16 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2011]:

18 **Chapter 3.6. Intersection Safety Systems**

19 **Sec. 1. This chapter does not apply to the following:**

- 20 (1) Farm wagons.
- 21 (2) Farm tractors.
- 22 (3) Farm machinery.

23 **Sec. 2. As used in this chapter, "designated employee" means an**
 24 **employee of a local authority or of a vendor who:**

- 25 (1) is employed to review the recorded image captured by an
- 26 intersection safety system as described in section 3(2) of this
- 27 chapter; and
- 28 (2) has received sufficient training concerning the traffic laws
- 29 of Indiana to determine when the defenses described in
- 30 section 12 of this chapter apply.

31 **Sec. 3. As used in this chapter, "intersection safety system"**
 32 **means a device that:**

- 33 (1) has one (1) or more motor vehicle detection systems
- 34 working in conjunction with a traffic control signal that
- 35 exhibits:
 - 36 (A) a steady red light as described in IC 9-21-3-7(b)(3); or
 - 37 (B) an illuminated flashing red light as described in
 - 38 IC 9-21-3-8(b)(1); and
- 39 (2) is capable of producing a photographically recorded still
- 40 or video image of the rear of a motor vehicle or a vehicle
- 41 being drawn by a motor vehicle, including an image of the
- 42 vehicle's rear license plate, as the vehicle proceeds through an

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1 intersection while the traffic control signal is exhibiting a
 2 steady red light or an illuminated flashing red light.
 3 **Sec. 4. As used in this chapter, "local police officer" means any**
 4 **of the following:**
 5 (1) A regular member of a city or town police department.
 6 (2) A town marshal or deputy town marshal.
 7 (3) A regular member of the county police force.
 8 **Sec. 5. As used in this chapter, "owner" means a person in**
 9 **whose name a motor vehicle is registered under any of the**
 10 **following:**
 11 (1) IC 9-18.
 12 (2) The law of another state.
 13 (3) The law of a foreign country.
 14 (4) The International Registration Plan.
 15 **Sec. 6. As used in this chapter, "vendor" means a person:**
 16 (1) that:
 17 (A) provides to a local authority;
 18 (B) services; or
 19 (C) operates;
 20 an intersection safety system; or
 21 (2) that is authorized to review the recorded image captured
 22 by an intersection safety system.
 23 **Sec. 7. A local authority, with respect to all local, county, and**
 24 **state highways within its municipal boundaries and**
 25 **unincorporated areas, may adopt and enforce an ordinance that**
 26 **allows for the installation of and regulates the placement and use**
 27 **of intersection safety systems if the ordinance adopted by the local**
 28 **authority complies with this chapter.**
 29 **Sec. 8. Before enforcing an ordinance adopted under section 7**
 30 **of this chapter, the local authority must install advance warning**
 31 **signs along all approaches of the roadways preceding the**
 32 **intersection at which an intersection safety system is located. The**
 33 **advance warning signs must notify motorists of the existence of the**
 34 **intersection safety system.**
 35 **Sec. 9. (a) An ordinance adopted under section 7 of this chapter**
 36 **must specify the following:**
 37 (1) That, except as provided in subdivision (2) and
 38 notwithstanding IC 9-21-1-2(a), IC 9-21-3-7, and IC 9-21-8-41,
 39 the owner of a motor vehicle commits a violation of the
 40 ordinance when the intersection safety system produces a
 41 recorded image as described in section 3(2) of this chapter of
 42 the motor vehicle proceeding or the vehicle being drawn by a

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motor vehicle proceeding through an intersection contrary to the requirement to stop at a red signal light under IC 9-21-3-7(b)(3) or an illuminated flashing red light under IC 9-21-3-8(b)(1).

(2) That, if the owner of a motor vehicle establishes a defense under section 10 or 11 of this chapter, the person:

(A) identified as having the care, custody, or control of the motor vehicle under section 10 of this chapter; or

(B) identified as the person driving the motor vehicle under section 11 of this chapter;

at the time of the violation commits the violation of the ordinance when the intersection safety system produces a recorded image as described in section 3(2) of this chapter of the motor vehicle or the vehicle being drawn by a motor vehicle proceeding through an intersection contrary to the requirement to stop at a red signal light under IC 9-21-3-7(b)(3) or an illuminated flashing red light under IC 9-21-3-8(b)(1).

(3) That all intersection safety systems must comply with the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways as adopted under IC 9-21-2-1.

(4) That payment of a civil penalty and associated costs and fees imposed for a violation of an ordinance adopted under section 7 of this chapter may be made by electronic means.

(5) That all intersections in which an intersection safety system is installed must be programmed so that all traffic control signals simultaneously display a steady red light for at least one (1) second.

(6) That the failure to timely pay a violation of an ordinance adopted under section 7 of this chapter will result in the suspension of the person's motor vehicle registration.

(b) The local authority or its authorized agent shall mail the owner of a motor vehicle or a vehicle being drawn by a motor vehicle committing a violation of an ordinance adopted under section 7 of this chapter notice of the ordinance violation by first class mail postmarked not later than thirty (30) days after obtaining the name and address of the owner of the motor vehicle or the vehicle being drawn by a motor vehicle and not more than sixty (60) days after the date of the alleged violation. The notice must include the following:

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

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- 1 **(2) The license plate number of the motor vehicle or the**
- 2 **vehicle being drawn by a motor vehicle.**
- 3 **(3) The violation charged.**
- 4 **(4) The location of the intersection.**
- 5 **(5) The date and time of the violation.**
- 6 **(6) A copy of, or information on how to view through**
- 7 **electronic means, the recorded image described in section 3(2)**
- 8 **of this chapter.**
- 9 **(7) A signed statement by a designated employee or local**
- 10 **police officer who has:**
 - 11 **(A) reviewed the recorded image described in section 3(2)**
 - 12 **of this chapter; and**
 - 13 **(B) determined that the motor vehicle or the vehicle being**
 - 14 **drawn by a motor vehicle violated the ordinance.**
- 15 **(8) The amount of the civil penalty imposed for the violation.**
- 16 **(9) The date by which the civil penalty must be paid if the**
- 17 **owner of the vehicle:**
 - 18 **(A) does not desire to contest the violation; and**
 - 19 **(B) wishes to avoid paying court costs.**
- 20 **The date in this subdivision by which the civil penalty must be**
- 21 **paid is not more than thirty (30) days after the issue date of**
- 22 **the violation notice if a defense described in section 10 of this**
- 23 **chapter does not apply, or not more than forty-five (45) days**
- 24 **after the issue date of the violation notice if a defense**
- 25 **described in section 10 of this chapter requires the violation**
- 26 **notice to be sent to another person.**
- 27 **(c) An ordinance adopted under section 7 of this chapter:**
 - 28 **(1) may impose a civil penalty of at least one hundred**
 - 29 **twenty-five dollars (\$125) and not more than one hundred**
 - 30 **fifty dollars (\$150) for a violation;**
 - 31 **(2) may impose a fee associated with the electronic processing**
 - 32 **of the payment of the civil penalty imposed for a violation of**
 - 33 **the ordinance; and**
 - 34 **(3) must require that the civil penalty imposed for a violation**
 - 35 **of the ordinance be applied to defray the cost of the**
 - 36 **installation, operation, and maintenance of the intersection**
 - 37 **safety system and the remaining funds from the civil penalty**
 - 38 **be distributed in the following manner:**
 - 39 **(A) Seventy percent (70%) to be deposited with the county**
 - 40 **or municipality in which the intersection safety system is**
 - 41 **located for local public safety.**
 - 42 **(B) Thirty percent (30%) to be deposited in the state**

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general fund for public safety.

(d) An ordinance adopted under section 7 of this chapter must provide that a local police officer or designated employee must review and approve the recorded image described in section 3(2) of this chapter before the notice referenced in subsection (b) is mailed to the owner of the motor vehicle or the vehicle being drawn by a motor vehicle.

(e) A challenge to the implementation of an intersection safety system or adoption of an ordinance under section 7 of this chapter may be brought only in the manner required by IC 34-13-6.

Sec. 10. (a) It is a defense in a proceeding to enforce an ordinance adopted under section 7 of this chapter if the owner provides to the ordinance violations bureau, court, or agent for the local authority an affidavit signed under the penalties of perjury stating:

- (1) that, at the time of the alleged violation, the owner was engaged in the business of renting or leasing vehicles under written agreements;
- (2) that, at the time of the alleged violation, the vehicle was in the care, custody, or control of a person (other than the owner or an employee of the owner of the motor vehicle or the vehicle being drawn by a motor vehicle) under a written agreement for the rental or lease of the motor vehicle or the vehicle being drawn by a motor vehicle for a period of not more than sixty (60) days; and
- (3) the name and address of the person who was renting or leasing the motor vehicle or the vehicle being drawn by a motor vehicle at the time of the alleged violation.

(b) If the owner of a motor vehicle or a vehicle being drawn by a motor vehicle meets the requirements of subsection (a), the ordinance violations bureau, court, or agent for the local authority shall mail or electronically transfer a notice of the ordinance violation citation to the person having the care, custody, or control of the motor vehicle or the vehicle being drawn by a motor vehicle at the time of the violation. The proof required under subsection (a) creates a rebuttable presumption that the person having the care, custody, or control of the motor vehicle or the vehicle being drawn by a motor vehicle at the time of the violation was the operator of the motor vehicle at the time of the violation. The notice required under this subsection must contain the following:

- (1) The information described in section 9(b) of this chapter.
- (2) A statement that the person receiving the notice was

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identified by the owner of the motor vehicle or the vehicle being drawn by a motor vehicle as the person having the care, custody, or control of the motor vehicle at the time of the violation.

(3) A statement that a person may offer a defense as described in section 11 or 12 of this chapter.

Sec. 11. (a) It is a defense to a proceeding to enforce an ordinance adopted under section 7 of this chapter if the owner provides to the ordinance violations bureau, court, or agent for the local authority an affidavit signed under the penalties of perjury stating:

(1) that the owner was not operating the motor vehicle or the motor vehicle drawing a vehicle at the time of the alleged violation and the name and address of the person operating the motor vehicle or the vehicle being drawn by a motor vehicle at the time of the alleged violation; or

(2) that:

(A) the motor vehicle; or

(B) the license plate of the motor vehicle or the vehicle being drawn by the motor vehicle;

had been stolen before the alleged violation occurred and was not under the control or possession of the owner at the time of the alleged violation. In addition to the affidavit described in this subsection, the owner must submit proof that a police report was filed concerning the stolen motor vehicle or stolen license plate.

(b) If the owner of a motor vehicle or a vehicle being drawn by a motor vehicle submits the evidence required under subsection (a)(1), the ordinance violations bureau, court, or agent for the local authority shall mail a notice of the ordinance violation to the person identified as the person operating the motor vehicle at the time of the violation. The proof required under subsection (a)(1) creates a rebuttable presumption that the person identified in the affidavit required under subsection (a) was the operator of the motor vehicle at the time of the violation. The notice required under this subsection must contain the following:

(1) The information described in section 9(b) of this chapter.

(2) A statement that the person receiving the notice was identified by the owner of the motor vehicle as the person operating the motor vehicle at the time of the violation.

Sec. 12. It is a defense to a proceeding to enforce an ordinance adopted under section 7 of this chapter that any of the following

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apply:

- (1) IC 9-21-1-8(b)(2) (a person driving an authorized emergency vehicle may proceed past a red traffic control signal or traffic control device after slowing down as necessary for safe operation).
- (2) IC 9-21-3-7(b)(4) (traffic control signal lights are giving no indication or conflicting indications).
- (3) IC 9-21-8-1 (complying with a lawful order or direction of a law enforcement officer).
- (4) IC 9-21-8-35(a) (yielding right-of-way to authorized emergency vehicles).
- (5) IC 9-21-13-1 (funeral procession).
- (6) A traffic citation was issued to the operator of the motor vehicle for the violation by a police officer.

Sec. 13. (a) A violation of an ordinance adopted under section 7 of this chapter shall not be reported on a driving record or used to determine rates for motor vehicle insurance.

(b) The bureau may not assess points under the point system for a violation of an ordinance adopted under section 7 of this chapter.

Sec. 14. A designated employee or local police officer is not liable for any loss while acting within the scope of the employment of the designated employee or local police officer under this chapter or an ordinance adopted under section 7 of this chapter.

Sec. 15. If it appears from the records of the local authority that has jurisdiction to enforce an ordinance adopted under section 7 of this chapter that a person has failed to pay a violation before the deadlines established by this chapter without notification of an intent to contest the violation, the local authority shall send a notice to the person who is the registered owner of the motor vehicle or the vehicle being drawn by a motor vehicle. The notice must inform the registered owner of the following:

- (1) That the local authority will send a referral to the bureau if the violation is not paid within thirty (30) days after the notice was mailed.
- (2) That the referral will result in the suspension of the registration of the motor vehicle or the vehicle if the violation is not paid.

Sec. 16. A local authority must send a referral to the bureau not later than thirty (30) days after the notice referenced in section 15 of this chapter was mailed if a violation of an ordinance adopted under section 7 of this chapter has not been contested and has not been paid. The referral to the bureau must include the following:

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- (1) Any information known or available to the local authority concerning the license plate number and year of registration and the name of the owner of the motor vehicle or the vehicle being drawn by a motor vehicle.
- (2) The date on which the violation occurred.
- (3) The date when the notice required under section 15 of this chapter was mailed.
- (4) The seal of the local authority.

Sec. 17. If the bureau receives a referral under section 16 of this chapter, the bureau shall suspend the registration of the motor vehicle or the vehicle being drawn by a motor vehicle and shall mail a notice to the person in whose name the vehicle is registered that:

- (1) informs the person that the registration of the vehicle has been suspended and that the reason for the suspension was the failure to pay an ordinance violation adopted under the authority of section 7 of this chapter; and
- (2) explains what the person is required to do to have the registration reinstated.

Sec. 18. The bureau shall reinstate the registration of a vehicle that is suspended under section 17 of this chapter if the following occur:

- (1) Any person presents the bureau or a license branch with adequate proof that the violation notice has been paid.
- (2) A reinstatement fee under IC 9-29-5 has been paid, if applicable.

SECTION 20. IC 9-21-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. A person may not place, maintain, or display upon or in view of a highway an unauthorized sign, signal, marking, or device that:

- (1) purports to be, is an imitation of, or resembles ~~an official~~ a traffic control device or a railroad sign or signal;
- (2) attempts to direct the movement of traffic; or
- (3) hides from view or interferes with the effectiveness of ~~an official~~ a traffic control device or a railroad sign or signal.

SECTION 21. IC 9-21-8-41 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 41. (a) A person who drives a vehicle or street car may not disobey the instructions of ~~an official~~ a 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

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1 exercise extraordinary care to secure the mutual safety of all persons
2 and vehicles at the worksite.

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

8 SECTION 22. IC 9-21-17-3 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. A pedestrian shall
10 obey the instructions of ~~an official~~ a traffic control device specifically
11 applicable to the pedestrian, unless otherwise directed by a police
12 officer.

13 SECTION 23. IC 9-21-17-10 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. A pedestrian may
15 not cross a roadway intersection diagonally unless authorized by
16 ~~official~~ traffic control devices. When authorized to cross diagonally,
17 pedestrians shall cross only in accordance with the ~~official~~ traffic
18 control devices pertaining to diagonal crossing movements.

19 SECTION 24. IC 9-30-3-14 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. **(a) This section
21 does not apply to a violation of an ordinance adopted under
22 IC 9-21-3.6-7.**

23 ~~(a)~~ **(b)** As used in this section, "moving traffic offense" means a
24 violation of a statute, an ordinance, or a rule relating to the operation
25 or use of motor vehicles while the motor vehicle is in motion.

26 ~~(b)~~ **(c)** If a court convicts a person for a moving traffic offense, and
27 the person is known or believed by the court not to be the owner of the
28 motor vehicle, the court shall, within seven (7) days after entering the
29 conviction, deposit with the United States Postal Service, first class
30 postage prepaid, a notice addressed to the owner of the motor vehicle
31 giving the owner the following information:

- 32 (1) The name and address of the person convicted.
- 33 (2) The name and address of the owner of the motor vehicle.
- 34 (3) The offense upon which the conviction was made.
- 35 (4) The date of arrest of the person convicted and the location of
36 the place of the offense.
- 37 (5) The license plate number of the motor vehicle.
- 38 (6) The operator's or chauffeur's license number of the person
39 convicted.
- 40 (7) The date of the conviction and the name of the court making
41 the conviction.

42 SECTION 25. IC 34-6-2-85 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 85. "Moving traffic
2 violation", for purposes of IC 34-28-5, means a violation of:

- 3 (1) a statute defining an infraction; or
- 4 (2) an ordinance, **other than a violation of an ordinance**
5 **adopted under IC 9-21-3.6-7;**

6 that applies when a motor vehicle is in motion.

7 SECTION 26. IC 34-28-5-5, AS AMENDED BY P.L.106-2010,
8 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2011]: Sec. 5. (a) A defendant against whom a judgment is
10 entered is liable for costs. Costs are part of the judgment and may not
11 be suspended except under IC 9-30-3-12. Whenever a judgment is
12 entered against a person for the commission of two (2) or more civil
13 violations (infractions or ordinance violations), the court may waive the
14 person's liability for costs for all but one (1) of the violations. This
15 subsection does not apply to judgments entered for violations
16 constituting:

- 17 (1) Class D infractions; or
- 18 (2) Class C infractions for unlawfully parking in a space reserved
19 for a person with a physical disability under IC 5-16-9-5 or
20 IC 5-16-9-8.

21 (b) If a judgment is entered:

- 22 (1) for a violation constituting:
 - 23 (A) a Class D infraction; or
 - 24 (B) a Class C infraction for unlawfully parking in a space
25 reserved for a person with a physical disability under
26 IC 5-16-9-5 or IC 5-16-9-8; ~~or~~

27 **(2) for a violation of an ordinance enforced by an intersection**
28 **safety system under IC 9-21-3.6 and the defendant pays a civil**
29 **penalty within the time frames specified in a notice under**
30 **IC 9-21-3.6-9(b)(9); or**

31 ~~(2)~~ **(3) in favor of the defendant in any case;**

32 the defendant is not liable for costs.

33 (c) Except for costs, and except as provided in subsection (e), ~~and~~
34 IC 9-21-5-11(e), **and IC 9-21-3.6-9(c)(3)**, the funds collected as
35 judgments for violations of statutes defining infractions shall be
36 deposited in the state general fund.

37 (d) A judgment may be entered against a defendant under this
38 section or section 4 of this chapter upon a finding by the court that the
39 defendant:

- 40 (1) violated:
 - 41 (A) a statute defining an infraction; or
 - 42 (B) an ordinance; or

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1 (2) consents to entry of judgment for the plaintiff upon a pleading
2 of nolo contendere for a moving traffic violation.

3 (e) **Except as provided in IC 9-21-3-9(c)(3)**, the funds collected for
4 an infraction judgment described in section 4(h) of this chapter shall be
5 transferred to a dedicated county fund. The money in the dedicated
6 county fund does not revert to the county general fund or state general
7 fund and may be used, after appropriation by the county fiscal body,
8 only for the following purposes:

9 (1) To pay compensation of commissioners appointed under
10 IC 33-33-49.

11 (2) To pay costs of the county's guardian ad litem program.

12 SECTION 27. IC 34-30-2-28.5 IS ADDED TO THE INDIANA
13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2011]: **Sec. 28.5. IC 9-21-3.6-14 (Concerning**
15 **persons reviewing recorded images for the enforcement of an**
16 **ordinance regarding an intersection safety system violation).**

17 SECTION 28. IC 36-1-6-3 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) Certain
19 ordinances may be enforced by a municipal corporation without
20 proceeding in court through:

21 (1) an admission of violation before the violations clerk under
22 IC 33-36; or

23 (2) administrative enforcement under section 9 of this chapter.

24 (b) Except as provided in subsection (a), a proceeding to enforce an
25 ordinance must be brought in accordance with IC 34-28-5, section 4 of
26 this chapter, or both.

27 (c) An ordinance defining a moving traffic violation may not be
28 enforced under IC 33-36 and must be enforced in accordance with
29 IC 34-28-5.

30 (d) **An ordinance adopted under IC 9-21-3.6-7 may be enforced**
31 **under IC 33-36 or IC 34-28-5.**

32 SECTION 29. IC 9-13-2-117 IS REPEALED [EFFECTIVE JULY
33 1, 2011].

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