

TOWN OF GREENVILLE
ORDINANCE NO. 2010-M-087

**ORDINANCE CONCERNING THE ENFORCEMENT OF STATE OF
INDIANA TRAFFIC LAWS WITHIN CORPORATE LIMITS OF THE
TOWN OF GREENVILLE, INDIANA**

WHEREAS, the Town Council for the Town of Greenville, Indiana, in the interest of public health, safety and welfare, has deemed it necessary that the Town develop an Ordinance which defines Speed Limits for Streets, Roadways, Public Ways and Alleyways within the Corporate Limits of the Town of Greenville, Indiana and defines the Greenville Marshal Department as the enforcement authority for the State of Indiana Traffic Codes within the Corporate limits of the Town of Greenville;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GREENVILLE, INDIANA, AS FOLLOWS:

1. The following Speed Limits shall apply to the following Streets, Roadways, Public Ways and Alleyways within the Corporate Limits of the Town of Greenville.

- US Highway 150 as posted by the Indiana Department of Transportation.
- Voyles Road, Pekin Road, Buttontown Road, Greenville Georgetown Road and Schuler Road as posted by the Floyd County Highway Department.
- All Alleyways to be posted at 10 MPH within the Corporate Limits of the Town of Greenville.
- All other Streets, Roadways, Public Ways within the Corporate Limits of the Town of Greenville to be posted at 20 MPH.

2. All other State of Indiana Traffic Laws and Fines shall be enforceable by the Greenville Marshal Department by the authority of the State of Indiana Codes;

- IC 34-28-5 through IC 34-28-5-14
- IC 9-24-6 through IC 9-24-6-19
- IC 9-30-10 through IC 9-30-10-18
- IC 9-28-2 through IC 9-28-2-12
- IC 9-24-18 through IC 9-24-18-12
- IC 9-30-2 through IC 9-30-2-8
- IC 9-21-4 through IC 9-21-4-20

Or successor statues if above listed statues are repealed.

TOWN OF GREENVILLE
ORDINANCE NO. 2010-M-087

ADOPTED BY THE TOWN COUNCIL OF GREENVILLE, INDIANA, ON THE 13th DAY
OF DECEMBER, 2010.

PRESIDENT OF THE TOWN
COUNCIL OF GREENVILLE,
INDIANA


TALBOTTE RICHARDSON,


JACK TRAVILLIAN,
CLERK/TREASURER

PREPARED BY: RANDAL JOHNES

- [Auto](#)
- [Jobs](#)
- [Real Estate](#)
- [Place an Ad](#)
- [» MAGAZINES](#)
- [Clark County Focus](#)
- [Floyd County Current](#)
- [SI Business Source](#)
- [SI Fitness Source](#)
- [Snapshot](#)
- [» FEATURES](#)
- [Features](#)
- [Entertainment](#)
- [TV Listings](#)
- [Local Blogs](#)
- [» SPECIAL INSERTS](#)
- [2010 Medical Directory](#)
- [Grocery Coupons](#)
- [» ABOUT US](#)
- [TWITTER](#)

[Classifieds](#)

Search

Search Site

Go

Search Listings

Go

- [Home](#)

[1 Clipped Ad](#)



[Classifieds Marketplace](#)

[Find a Home](#)

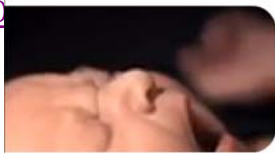
[Find a Car](#)

[Find a Job](#)

» [Public Notices](#)

Place an Ad

TO



GREENVILLE, INDIANA

WHEREAS, the Town Council for the Town of Greenville, Indiana, in the interest of public

health, safety and welfare, has deemed it necessary that the Town develop an Ordinance which defines Speed Limits for Streets, Roadways, Public Ways and Alleyways within the Corporate Limits of the Town of Greenville, Indiana and defines the Greenville Marshal Department as the enforcement authority for the State of Indiana Traffic Codes within the Corporate limits of the Town of Greenville; NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GREENVILLE, INDIANA, AS FOLLOWS:

1. The following Speed Limits shall apply to the following Streets, Roadways, Public Ways and Alleyways within the Corporate Limits of the Town of Greenville.

* US Highway 150 as posted by the Indiana Department of Transportation.

* Voyles Road, Pekin Road, Buttontown Road, Greenville Georgetown Road and Schuler Road as posted by the Floyd County Highway Department.

* All Alleyways to be posted at 10 MPH within the Corporate Limits of the Town of Greenville.

* All other Streets, Roadways, Public Ways within the Corporate Limits of the Town of Greenville to be posted at 20 MPH.

2. All other State of Indiana Traffic Laws and Fines shall be enforceable by the Greenville Marshal Department by the authority of the State of Indiana Codes;

* IC 34-28-5 through IC 34-28-5-14

* IC 9-24-6 through IC 9-24-6-19

* IC 9-30-10 through IC 9-30-10-18

* IC 9-28-2 through IC 9-28-2-12

* IC 9-24-18 through IC 9-24-18-12

* IC 9-30-2 through IC 9-30-2-8

* IC 9-21-4 through IC 9-21-4-20

Or successor statues if above listed statues are repealed. ADOPTED BY THE TOWN COUNCIL OF GREENVILLE, INDIANA, ON THE 13th DAY OF DECEMBER, 2010.

PRESIDENT OF THE TOWN COUNCIL OF GREENVILLE, INDIANA TALBOTTE RICHARDSON, JACK TRAVILLIAN, CLERK/TREASURER PREPARED BY: RANDAL JOHNES

Published: Friday, December 17th 2010 03:00:01 PM



27°H:31°L:12°[Click for more weather](#)



+ Premium Jobs
[Advertising Clerk /](#)
[Front Office The](#)
[Evening](#)
[News&The](#)
[Tribune](#)
[Â Southern ...more »](#)

Information Maintained by the Office of Code Revision Indiana Legislative Services Agency IC 34-28-5

Chapter 5. Infraction and Ordinance Violation Enforcement Proceedings

IC 34-28-5-1

Prosecution in name of state or municipality; rules; limitations; burden of proof; deferral programs; agreement for community restitution or service

Sec. 1. (a) As used in this section, "probationary license" refers to a license described in IC 9-24-11-3 (b) or IC 9-24-11-3.3(b).

(b) An action to enforce a statute defining an infraction shall be brought in the name of the state of Indiana by the prosecuting attorney for the judicial circuit in which the infraction allegedly took place. However, if the infraction allegedly took place on a public highway (as defined in IC 9-25-2-4) that runs on and along a common boundary shared by two (2) or more judicial circuits, a prosecuting attorney for any judicial circuit sharing the common boundary may bring the action.

(c) An action to enforce an ordinance shall be brought in the name of the municipal corporation. The municipal corporation need not prove that it or the ordinance is valid unless validity is controverted by affidavit.

(d) Actions under this chapter (or IC 34-4-32 before its repeal):

(1) shall be conducted in accordance with the Indiana Rules of Trial Procedure; and

(2) must be brought within two (2) years after the alleged conduct or violation occurred.

(e) The plaintiff in an action under this chapter must prove the commission of an infraction or ordinance violation by a preponderance of the evidence.

(f) The complaint and summons described in IC 9-30-3-6 may be used for any infraction or ordinance violation.

(g) Subsection (h) does not apply to an individual holding a probationary license who is alleged to have committed an infraction under any of the following when the individual was less than eighteen (18) years of age at the time of the alleged offense:

IC 9-19

IC 9-21

IC 9-24

IC 9-25

IC 9-26

IC 9-30-5

IC 9-30-10

IC 9-30-15.

(h) This subsection does not apply to an offense or violation under IC 9-24-6 involving the operation of a commercial motor vehicle. The prosecuting attorney or the attorney for a municipal corporation may establish a deferral program for deferring actions brought under this section. Actions may be deferred under this section if:

(1) the defendant in the action agrees to conditions of a deferral

program offered by the prosecuting attorney or the attorney for a municipal corporation;

(2) the defendant in the action agrees to pay to the clerk of the court an initial user's fee and monthly user's fee set by the prosecuting attorney or the attorney for the municipal corporation in accordance with IC 33-37-4-2(e);

(3) the terms of the agreement are recorded in an instrument signed by the defendant and the prosecuting attorney or the attorney for the municipal corporation;

(4) the defendant in the action agrees to pay a fee of seventy dollars (\$70) to the clerk of court if the action involves a moving traffic offense (as defined in IC 9-13-2-110);

(5) the agreement is filed in the court in which the action is brought; and

(6) if the deferral program is offered by the prosecuting attorney, the prosecuting attorney electronically transmits information required by the prosecuting attorneys council concerning the withheld prosecution to the prosecuting attorneys council, in a manner and format designated by the prosecuting attorneys council.

When a defendant complies with the terms of an agreement filed under this subsection (or IC 34-4-32-1 (f) before its repeal), the prosecuting attorney or the attorney for the municipal corporation shall request the court to dismiss the action. Upon receipt of a request to dismiss an action under this subsection, the court shall dismiss the action. An action dismissed under this subsection (or IC 34-4-32-1(f) before its repeal) may not be refiled.

(i) If a judgment is entered against a defendant in an action to enforce an ordinance, the defendant may perform community restitution or service (as defined in IC 35-41-1-4.6) instead of paying a monetary judgment for the ordinance violation as described in section 4(e) of this chapter if: (1)the:

(A) defendant; and

(B) attorney for the municipal corporation;

agree to the defendant's performance of community restitution or service instead of the payment of a monetary judgment;

(2) the terms of the agreement described in subdivision (1):

(A) include the amount of the judgment the municipal corporation requests that the defendant pay under section 4(e) of this chapter for the ordinance violation if the defendant fails to perform the community restitution or service provided for in the agreement as approved by the court; and

(B) are recorded in a written instrument signed by the defendant and the attorney for the municipal corporation;

(3) the agreement is filed in the court where the judgment was entered; and

(4) the court approves the agreement.

If a defendant fails to comply with an agreement approved by a court

under this subsection, the court shall require the defendant to pay up to the amount of the judgment requested in the action under section 4(e) of this chapter as if the defendant had not entered into an agreement under this subsection.

As added by P.L.1-1998, SEC.24. Amended by P.L.98-2000, SEC.12; P.L.98-2004, SEC. 123; P.L. 176-2005, SEC.24; P.L.200-2005, SEC.1; P.L. 101-2009, SEC. 17.

IC 34-28-5-2

Moving traffic violation; pleadings

Sec. 2. In an action for a moving traffic violation, the pleadings are as follows:

(1) A summons and complaint.

(2) Entry by a defendant of:

(A) an admission to the violation;

(B) a denial of the violation; or

(C) a declaration of nolo contendere in which the defendant consents to entry of judgment for the state without admitting to the violation.

As added by P.L. 1-1998, SEC.24.

IC 34-28-5-3

Detention

Sec. 3. Whenever a law enforcement officer believes in good faith that a person has committed an infraction or ordinance violation, the law enforcement officer may detain that person for a time sufficient to:

- (1) inform the person of the allegation;
- (2) obtain the person's:
 - (A) name, address, and date of birth; or
 - (B) driver's license, if in the person's possession; and
- (3) allow the person to execute a notice to appear.

As added by P.L. 1-1998, SEC.24.

IC 34-28-5-3.5 Refusal to identify self

Sec. 3.5. A person who knowingly or intentionally refuses to provide either the person's:

- (1) name, address, and date of birth; or
- (2) driver's license, if in the person's possession;

to a law enforcement officer who has stopped the person for an infraction or ordinance violation commits a Class C misdemeanor. *As added by P.L. 1-1998, SEC.24.*

IC 34-28-5-4

Costs; deposit of funds; findings required for judgment; special provisions for moving violations

Revisor's Note: P.L.106-2010, SEC.18, required this section to be printed as follows.

Sec. 4. (a) A judgment of up to ten thousand dollars (\$10,000)

may be entered for a violation constituting a Class A infraction.

(b) A judgment of up to one thousand dollars (\$1,000) may be entered for a violation constituting a Class B infraction.

(c) Except as provided in subsection (f), a judgment of up to five hundred dollars (\$500) may be entered for a violation constituting a Class C infraction.

(d) A judgment of up to twenty-five dollars (\$25) may be entered for a violation constituting a Class D infraction.

(e) Subject to section l(i) of this chapter, a judgment:

- (1) up to the amount requested in the complaint; and
- (2) not exceeding any limitation under IC 36-1-3-8;

may be entered for an ordinance violation.

(f) Except as provided in subsections (g) and (h), a person who has admitted to a moving violation constituting a Class C infraction, pleaded nolo contendere to a moving violation constituting a Class C infraction, or has been found by a court to have committed a moving violation constituting a Class C infraction may not be required to pay more than the following amounts for the violation:

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

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

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

(A) court costs and a judgment that does not exceed thirty-five dollars and fifty cents (\$35.50) if, in the five (5) years before the appearance date specified in the summons and complaint, the person was

not found by a court in the county to have committed a moving violation;

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

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

In a proceeding under subdivision (3), the court may require the person to submit an affidavit or sworn testimony concerning whether, in the five (5) years before the appearance date specified in the

summons and complaint, the person has been found by a court to have committed one (1) or more moving violations.

(g) The amounts described in subsection (f) are in addition to any amount that a person may be required to pay for attending a defensive driving school program.

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

As added by P.L. 1-1998, SEC.24. Amended by P.L.200-2005, SEC.2; P.L. 101-2009, SEC. 18; P.L. 71-2010, SEC.3;P.L 106-2010, SEC.7.

IC 34-28-5-5 Version a

Costs; deposit of funds; findings required for judgment

Note: This version of section effective until 1-1-2011. See also following version of this section, effective 1-1-2011.

Sec. 5. (a) A defendant against whom a judgment is entered is liable for costs. Costs are part of the judgment and may not be suspended except under IC 9-30-3-12. Whenever a judgment is entered against a person for the commission of two (2) or more civil violations (infractions or ordinance violations), the court may waive the person's liability for costs for all but one (1) of the violations. This subsection does not apply to judgments entered for violations constituting:

(1) Class D infractions; or

(2) Class C infractions for unlawfully parking in a space reserved for a person with a physical disability under IC 5-16-9-5 or IC 5-16-9-8.

(b) If a judgment is entered:

(1) for a violation constituting:

(A) a Class D infraction; or

(B) a Class C infraction for unlawfully parking in a space reserved for a person with a physical disability under IC 5-16-9-5 or IC 5-16-9-8; or

(2) in favor of the defendant in any case;

the defendant is not liable for costs.

(c) Except for costs, and except as provided in IC 9-21-5-1 l(e), the funds collected as judgments for violations of statutes defining infractions shall be deposited in the state general fund.

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

(1) violated:

(A) a statute defining an infraction; or

(B) an ordinance; or

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

As added by P.L. 1-1998, SEC.24. Amended by P.L.40-2007, SEC. 7.

IC 34-28-5-5 Version b

Costs; deposit of funds; findings required for judgment

Note: This version of section effective 1-1-2011. See also preceding version of this section, effective until 1-1-2011.

Sec. 5. (a) A defendant against whom a judgment is entered is liable for costs. Costs are part of the judgment and may not be suspended except under IC 9-30-3-12. Whenever a judgment is entered against a person for the commission of two (2) or more civil violations (infractions or ordinance violations), the court may waive the person's liability for costs for all but one (1) of the violations. This subsection does not apply to judgments entered for violations constituting:

(1) Class D infractions; or

(2) Class C infractions for unlawfully parking in a space reserved for a person with a physical disability under IC 5-16-9-5 or IC 5-16-9-8.

(b) If a judgment is entered:

(1) for a violation constituting:

(A) a Class D infraction; or

(B) a Class C infraction for unlawfully parking in a space reserved for a person with a physical disability under IC 5-16-9-5 or IC 5-16-9-8; or

(2) in favor of the defendant in any case;

the defendant is not liable for costs.

(c) Except for costs, and except as provided in subsection (e) and IC 9-21-5-1 l(e), the funds collected as judgments for violations of statutes defining infractions shall be deposited in the state general fund.

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

(1) violated:

(A) a statute defining an infraction; or

(B) an ordinance; or

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

(e) The funds collected for an infraction judgment described in section 4(h) of this chapter shall be transferred to a dedicated county fund. The money in the dedicated county fund does not revert to the county general fund or state general fund and may be used, after appropriation by the county fiscal body, only for the following purposes:

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

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

As added by P. LI-1998, SEC.24. Amended by P.L.40-2007, SEC.7; P.L.71-2010, SEC.4; P.L.106-2010, SEC. 8.

IC 34-28-5-6

Suspension of driver's license

Sec. 6. If a defendant fails to satisfy a judgment entered against the defendant for the violation of a traffic ordinance or for a traffic infraction by a date fixed by the court, the court may suspend the defendant's drivers license. When a court suspends a person's drivers license under this section, the court shall forward notice of the suspension to the bureau of motor vehicles. *As added by P.L. 1-1998, SEC.24.*

IC 34-28-5-7

Traffic violations bureau; clerk

Sec. 7. Any court may establish a traffic violations bureau and appoint a violations clerk who shall serve under the direction and control of the court.

As added by P.L. 1-1998, SEC.24.

IC 34-28-5-8

Duties of clerk

Sec. 8. The violations clerk or deputy violations clerk shall:

- (1) accept:
 - (A) written appearances;
 - (B) waivers of trial;
 - (C) admissions of violation;
 - (D) declarations of nolo contendere for moving traffic violations;
 - (E) payments of judgments (including costs) in traffic violation cases;
 - (F) deferral agreements made under section l(f) of this chapter (or IC 34-4-32- l(f) before its repeal) and deferral program fees prescribed under IC 33-37-4-2(e); and
 - (G) community restitution or service agreements made under section l(g) of this chapter;
- (2) issue receipts and account for any judgments (including costs) collected; and
- (3) pay the judgments (including costs) collected to the appropriate unit of government as provided by law.

As added by P.L. 1-1998, SEC.24. Amended by P.L.98-2004, SEC. 124; P.L.200-2005, SEC.3.

IC 34-28-5-9

Duties of court

Sec. 9. The court shall:

- (1) designate the traffic violations within the authority of the violations clerk, but these violations may not include misdemeanors or felonies;
- (2) establish schedules, within limits prescribed by law, of the judgments to be imposed for first violations, designating each violation specifically;
- (3) order that the schedule of judgments be prominently posted

in the place where the fines are paid;

- (4) establish a procedure under which any violations clerk or deputy violations clerk shall accept, receipt, and account for all money tendered for designated traffic violations; and
- (5) dismiss deferred actions if a dismissal request is made under section l(f) of this chapter (or IC 34-4-32-l(f) before its repeal).

As added by P.L. 1-1998, SEC.24.

IC 34-28-5-10

Duties of county court judge

Sec. 10. If the court is a county court, the judge shall:

- (1) establish a traffic violations bureau in each county which the judge services;
- (2) appoint the clerk of the court to administer the traffic violations bureau; and
- (3) except at a state police unit, appoint the dispatcher on duty at every law enforcement unit within the county to be a deputy violations clerk charged with all of the duties of a violations clerk.

As added by P.L. 1-1998, SEC.24.

IC 34-28-5-11

Admission of violation; nolo contendere plea; payment of judgment

Sec. 11. Any person charged with a traffic violation that is within the authority of the violations clerk may mail or deliver:

- (1) the amount of the judgment (including costs) indicated on the ticket; and
- (2) a signed:

(B) pleading of nolo contendere, if the action is for a moving traffic violation.

As added by P.L.1-1998, SEC. 24.

IC 34-28-5-12

Notice requirements for acceptance of admission or nolo contendere plea

Sec. 12. Before accepting a pleading admitting to a violation or entering a declaration of nolo contendere to a violation, the violations clerk or the officer writing the ticket shall inform the person that:

(1) the person's signature to:

(A) an admission of the violation; or

(B) a pleading of nolo contendere;

will have the same effect as a judgment of a court; and

(2) the record of judgment will be sent to the commissioner of motor vehicles of Indiana or the state where the person received a license to drive.

As added by P.L. 1-1998, SEC.24.

IC 34-28-5-13

Payment by credit card

Sec. 13. A court may permit a person to use a credit card issued by a financial institution for the purpose of paying a court cost and judgment with respect to a traffic violation that is enforced under this chapter. The state board of accounts shall allow a county to pay any applicable credit card service charge on behalf of a court that permits the use of a credit card under this section. The county fiscal body must appropriate funds to cover the costs of applicable credit card service charges before a court may permit the use of a credit card under this section. *As added by P.L. 1-1998, SEC.24.*

IC 34-28-5-14

Written appearance instead of personal appearance before court

Sec. 14. If a person named as a defendant in a summons and complaint issued under IC 5-16-9-10, before the appearance date specified in the summons and complaint, mails or delivers the following to the court having jurisdiction over the action:

(1) an admission of the violation or a plea of nolo contendere to the violation; and

(2) a fifty dollar (\$50) civil judgment;

the court shall enter a judgment against the defendant for the violation. An admission or plea of nolo contendere received by the court under this section (or IC 34-4-32-6 before its repeal) constitutes a written appearance and the defendant is not required to personally appear before the court. *As added by P.L.1-1998, SEC.24.*

Information Maintained by the Office of Code Revision Indiana Legislative Services Agency IC 9-24-6

Chapter 6. Commercial Driver's License

IC 9-24-6-0.3**"Alcohol"**

Sec. 0.3. As used in this chapter, "alcohol" has the meaning set forth in 49 CFR 383.5 as in effect July 1, 2010. *As added by P.L. 9-2010, SEC. 11.*

IC 9-24-6-0.5**"Commercial driver's license learner's permit"**

Sec. 0.5. As used in this chapter, "commercial driver's license learner's permit" means a driver's permit that allows an individual, unless otherwise disqualified, to operate a commercial motor vehicle only when accompanied by a person:

(1) who holds a valid commercial driver's license for the type of commercial motor vehicle being driven; and

(2) who occupies a seat beside the individual in order to give instruction to the individual in driving the commercial motor vehicle.

As added by P.L. 188-2006, SEC. 4.

IC 9-24-6-1**Exempted vehicles; removal of exemptions**

Sec. 1. (a) Except as provided in subsection (c), this chapter does not apply to a motor vehicle that meets the following conditions:

(1) Is used in the transportation of hazardous materials.

(2) Is not defined as a commercial motor vehicle.

(b) Except as provided in subsection (c), this chapter does not apply to a motor vehicle that meets any of the following conditions:

(1) Is registered as a recreational vehicle.

(2) Is used primarily to transport the owner's family members or guests and their possessions for nonbusiness purposes.

(3) Is registered under IC 9-18 as a farm vehicle or is a farm vehicle that is exempt under 49 U.S.C. 521, 49 U.S.C. 31104, and 49 U.S.C. 31301 through 31306.

(4) Is utilized as a:

(A) church bus; or

(B) bus operated by a nonprofit benevolent or charitable agency;

that is designed to carry more than fifteen (15) passengers, including the driver, if the vehicle is exempt under 49 U.S.C. 521, 49 U.S.C. 31104, and 49 U.S.C. 31301 through 31306, or applicable federal regulations.

(c) The bureau may remove the exemptions granted under subsections (a) and (b) if the bureau, upon notice and public hearing, determines that the waiver is in the interest of safety or of keeping Indiana in compliance with federal law, subject to section 3 of this chapter.

As added by P.L. 2-1991, SEC. 12. Amended by P.L. 219-2003, SEC. 3.

IC 9-24-6-2**Rules**

Sec. 2. (a) The bureau shall adopt rules under IC 4-22-2 to regulate persons required to hold a commercial driver's license.

(b) The rules must carry out 49 U.S.C. 521, 49 U.S.C. 31104, 49 U.S.C. 31301 through 31306, 49 U.S.C. 31308 through 31317, and 49 CFR 383 through 384, and may not be more restrictive than the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159, 113 Stat. 1748).

(c) Rules adopted under this section must include the following:

(1) Establishment of classes and periods of validation of commercial driver's licenses, including the period set forth in IC 9-24-12-6(e).

(2) Standards for commercial driver's licenses, including suspension and revocation procedures.

(3) Requirements for documentation of eligibility for legal employment, as set forth in 8 CFR 274a.2, and proof of Indiana residence.

(4) Development of written or oral tests, driving tests, and fitness requirements.

(5) Defining the commercial driver's licenses by classification and the information to be contained on the licenses, including a unique identifier of the holder.

(6) Establishing fees for the issuance of commercial driver's licenses, including fees for testing and examination.

(7) Procedures for the notification by the holder of a commercial driver's license to the bureau and the driver's employer of pointable traffic offense convictions.

(8) Conditions for reciprocity with other states, including requirements for a written commercial driver's license test and operational skills test, and a hazardous materials endorsement written test and operational skills test, before a license may be issued.

(9) Certification of commercial motor vehicle operators who transport 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 to proper load securement of the metal coil or coils as provided in 49 CFR 393.120.

(10) Other rules necessary to administer this chapter.

(d) 49 CFR 383 through 384 and 49 CFR 393.120 are adopted as Indiana law.

As added by P.L. 2-1991, SEC. 12. Amended by P.L. 66-1992, SEC. 13; P.L. 123-2002, SEC. 15; P.L. 219-2003, SEC. 4; P.L. 123-2005, SEC. 1; P.L. 188-2006, SEC. 5; P.L. 76-2009, SEC. 1; P.L. 65-2010, SEC. 6.

IC 9-24-6-2.5**Issuance of commercial driver's license learner's permit or commercial driver's license to resident enrolled in truck driver training school; expiration**

Sec. 2.5. (a) In addition to issuing commercial driver's licenses according to rules adopted under section 2 of this chapter, the bureau, upon proper application and upon successful completion of an examination determined by the bureau to be necessary, shall issue a:

(1) commercial driver's license learner's permit; or

(2) commercial driver's license;

to an Indiana resident described in IC 9-13-2-78(6) who is enrolled in a truck driver training school, (b)

Notwithstanding section 2(c)(1) of this chapter, a:

(1) commercial driver's license learner's permit; or

(2) commercial driver's license;

issued under this section expires ninety (90) days after the date of issuance. *As added by P.L. 188-2006, SEC. 6.*

IC 9-24-6-3**Transportation of individuals; age and experience requirements**

following conditions:

(1) Be at least twenty-one (21) years of age.

(2) Have had at least one (1) year of driving experience as a licensed driver.

As added by P.L.2-1991, SEC. 12.

IC 9-24-6-4

Transportation of property; age and experience requirements

Sec. 4. An applicant for a commercial driver's license for the transportation of property or a commercial driver's license learner's permit must meet the following conditions:

(1) Be at least eighteen (18) years of age.

(2) Have had at least one (1) year of driving experience as a licensed driver.

As added by P.L.2-1991, SEC. 12. Amended by P.L 188-2006, SEC. 7.

IC 9-24-6-4.5

Transportation of property; advance of wages

Sec. 4.5. (a) An employer that is a motor carrier (as defined in IC 8-2.1-17-10 or 49 CFR 390.5) engaged in the business of the transportation of property may provide:

(1) an advance of wages not yet earned or business expenses not yet incurred to the holder of a commercial driver's license issued according to rules adopted pursuant to section 2 of this chapter; and

(2) take as a deduction from subsequent wages earned by the holder of the commercial driver's license the amount of the advance that exceeds the amount that is substantiated with a receipt or other appropriate documentary evidence that complies with the requirements applicable to a reimbursement or other expense allowance arrangements under 26 U.S.C.

62(c).

(b) The amount of the advance, in accordance with this section, deducted from subsequent wages earned by the holder of the commercial driver's license is not considered an invalid assignment of wages if the following conditions are satisfied:

(1) The advance is made at the request of the holder of the commercial driver's license.

(2) The motor carrier employer provided notice to the holder of the commercial driver's license that the amount advanced may be deducted from a subsequent wage statement to the extent that the amount of the advance exceeds the amount substantiated under this section.

As added by P.L. 131-2008, SEC. 50.

IC 9-24-6-5

Testing; retention of fees

Sec. 5. The bureau may contract with public and private institutions, agencies, businesses, and organizations to conduct any or all testing required in the implementation of the commercial driver's license program. The contractor who conducts examinations and skills tests may retain the fees for those services. *As added by P.L 2-1991, SEC. 12.*

IC 9-24-6-53

Truck driver training school; notification of bureau of student status; student record retention

Sec. 5.3. (a) The owner of a truck driver training school or a state educational institution that operates a truck driver training school as a course of study must notify the bureau:

(1) of a student's completion of a course of the truck driver training school immediately after the student completes the course; or

(2) of the termination of a student's instruction in the truck driver training school immediately after the student's instruction terminates.

(b) In addition to satisfying the requirements of IC 21-17-3-12(a), the owner of a truck driver training

school must retain records relating to each student of the truck driver training school for not less than six (6) years.

As added by P.L.188-2006, SEC.8. Amended by P.L.2-2007, SEC.143.

IC 9-24-6-5.5

Truck driver training school accredited by Indiana commission on proprietary education subject to commission rules; truck driver training school and students subject to certain rules of department of state revenue

Sec. 5.5. (a) A truck driver training school accredited by the Indiana commission on proprietary education is subject to rules adopted by the Indiana commission on proprietary education.

(b) A:

- (1) student of a truck driver training school; and
- (2) truck driver training school;

are subject to applicable rules adopted by the department of state revenue.

As added by P.L. 188-2006, SEC.9. Amended by P.L.2-2007, SEC. 144.

IC 9-24-6-6

Serious traffic violations

Sec. 6. (a) The following, if committed while driving a commercial motor vehicle or while holding any class of commercial driver's license, are serious traffic violations:

(1) Operating a vehicle at least fifteen (15) miles per hour above the posted speed limit in violation of IC 9-21-5, IC 9-21-6, or IC 9-21-5-14.

(2) Operating a vehicle recklessly as provided in IC 9-21-8-50 and IC 9-21-8-52.

(3) Improper or erratic traffic lane changes in violation of IC 9-21-8-2 through IC 9-21-8-13 and IC 9-21-8-17 through IC 9-21-8-18.

(4) Following a vehicle too closely in violation of IC 9-21-8-14 through IC 9-21-8-16.

(5) In connection with a fatal accident, violating any statute, ordinance, or rule concerning motor vehicle traffic control other than parking statutes, ordinances, or rules.

(6) Operating a vehicle while disqualified under this chapter.

(7) For drivers who are not required to always stop at a railroad crossing, failing to do any of the following:

(A) Slow down and determine that the railroad tracks are clear of an approaching train or other on-track equipment, in violation of IC 9-21-5-4, IC 9-21-8-39, IC 35-42-2-4, or any similar statute.

(B) Stop before reaching the railroad crossing, if the railroad tracks are not clear of an approaching train or other on-track equipment, in violation of IC 9-21-4-16, IC 9-21-8-39, or any similar statute.

(8) For all drivers, whether or not they are required to always stop at a railroad crossing, to do any of the following:

(A) Stopping in a railroad crossing, in violation of IC 9-21-8-50 or any similar statute.

(B) Failing to obey a traffic control device or failing to obey the directions of a law enforcement officer at a railroad crossing, in violation of IC 9-21-8-1 or any similar statute.

(C) Stopping in a railroad crossing because of insufficient undercarriage clearance, in violation of IC 35-42-2-4, IC 9-21-8-50, or any similar statute.

(9) Operating a commercial motor vehicle without having ever obtained a commercial driver's license.

(10) Operating a commercial motor vehicle without a

commercial driver's license in the possession of the individual.

(11) Operating a commercial motor vehicle without holding the proper class or endorsement of a

(b) Subsection (a)(1) through (a)(11) are intended to comply with the provisions of 49 U.S.C. 31311(a)(10) and regulations adopted under that statute.

As added by P.L.2-1991, SEC.12. Amended by P.L.96-1991, SEC.4; P.L.1-1992, SEC.53; P.L.66-1992, SEC.14; P.L.129-2001, SEC.32; P.L.1-2005, SEC.109; P.L.8-2010, SEC.9; P.L.9-2010, SEC.12.

IC 9-24-6-7

Conviction of serious traffic violations involving operation of commercial motor vehicle

Sec. 7. (a) A driver who is convicted of a serious traffic violation involving the operation of a commercial motor vehicle, other than a violation described in section 6(a)(7) or 6(a)(8) of this chapter, is disqualified from driving a commercial motor vehicle as follows:

(1) Upon conviction in two (2) separate driving incidents in any three (3) year period, disqualification for sixty (60) days.

(2) Upon conviction of a third or subsequent driving incident in any three (3) year period, disqualification for one hundred twenty (120) days.

(b) This subsection is intended to comply with the provisions of 49 U.S.C. 31311(a)(10) and regulations adopted under that statute. If a driver is convicted of a serious traffic violation involving the operation of a commercial motor vehicle and the conviction is based on any of the violations described in section 6(a)(7) or 6(a)(8) of this chapter, the driver is disqualified from driving a commercial motor vehicle as follows:

(1) Upon conviction of a first violation described in section 6(a)(7) or 6(a)(8) of this chapter during any three (3) year period, disqualification for at least sixty (60) days.

(2) Upon conviction of a second violation described in section 6(a)(7) or 6(a)(8) of this chapter in separate incidents during any three (3) year period, disqualification for at least one hundred (120) days.

(3) Upon conviction of a third or subsequent violation described in section 6(a)(7) or 6(a)(8) of this chapter in separate incidents during any three (3) year period, disqualification for at least one (1) year.

As added by P.L.96-1991, SEC.5. Amended by P.L.66-1992, SEC.15; P.L.129-2001, SEC.33.

IC 9-24-6-8

Offenses committed while driving commercial motor vehicles; disqualification

Sec. 8. The following, if committed while driving a commercial motor vehicle or while holding any class of commercial driver's license, are disqualifying offenses:

(1) Operating a vehicle while under the influence of alcohol in violation of IC 9-30-5-1(a), IC 9-30-5-1(b), or section 15 of this chapter.

(2) Operating a vehicle while under the influence of a controlled substance in violation of IC 9-30-

(3) Leaving the scene of an accident involving the driver's commercial motor vehicle in violation of IC 9-26-1.

(4) Conviction of a felony involving the use of a commercial motor vehicle other than a felony described in subdivision (5).

(5) Use of a commercial motor vehicle in the commission of a felony under IC 35-48 involving manufacturing, distributing, or dispensing of a controlled substance.

(6) Violation of IC 9-30-5-2 through IC 9-30-5-8 involving operating a vehicle while intoxicated.

(7) Refusing to undergo testing for the enforcement of IC 9-30-5-1 or section 15 of this chapter.

As added by P.L.96-1991, SEC.6. Amended by P.L.66-1992, SEC.16; P.L.266-1999, SEC.1; P.L.9-2010, SEC.13.

IC 9-24-6-9

One year disqualifications

Sec. 9. A driver who: (1)

(A) is convicted for the first time of a disqualifying offense described in section 8(1) through 8(4) or 8(6) of this chapter; or
 (B) is found to have violated section 8(7) of this chapter; and
 (2) is not transporting hazardous materials required to be placarded under the federal Hazardous Materials Transportation Act (49 U.S.C. App. 1801-1813); is disqualified for one (1) year from driving a commercial motor vehicle. *As added by P.L.96-1991, SEC. 7. Amended by P.L.66-1992, SEC. 17.*

IC 9-24-6-10

Three year disqualifications

Sec. 10. A driver who:

(1) either:

(A) is convicted for the first time of a disqualifying offense described in section 8(1) through 8(4) or 8(6) of this chapter; or

(B) is found to have violated section 8(7) of this chapter; and

(2) is transporting hazardous materials required to be placarded under the federal Hazardous Materials Transportation Act (49 U.S.C. App. 1801-1813); is disqualified for three (3) years from driving a commercial motor vehicle. *As added by P.L.96-1991, SEC.8. Amended by P.L.66-1992, SEC. 18.*

IC 9-24-6-10.5

Disqualification for violation of out-of-service order

Sec. 10.5. (a) Except as provided in subsection (b), and in addition to any other penalty imposed for a violation of this chapter, the court that imposes a judgment for violation of an out-of-service order shall order the person receiving the judgment to be disqualified from driving a commercial vehicle as follows:

(1) For at least ninety (90) days but not more than one (1) year, if the judgment is the person's first judgment for violation of an out-of-service order.

(2) For at least one (1) year but not more than five (5) years, if the judgment is the person's second judgment for violation of an out-of-service order during any ten (10) year period.

(3) For at least three (3) years but not more than five (5) years, if the person has at least two (2) previous judgments for violation of an out-of-service order during any ten (10) year period.

(b) In addition to any other penalty imposed for a violation of this chapter, the court that imposes a judgment upon a person because the person violated an out-of-service order while the person was transporting a hazardous material or while operating a commercial motor vehicle designed or used to transport more than fifteen (15) passengers, including the driver, shall order the person to be disqualified from driving a commercial vehicle as follows:

(1) For at least one hundred eighty (180) days but not more than two (2) years, if the judgment is the person's first judgment for violation of an out-of-service order.

(2) For at least three (3) years but not more than five (5) years, if the person has at least one (1) previous judgment for violation of an out-of-service order that arose out of a separate incident during any ten (10) consecutive years.

As added by P.L.88-1996, SEC.4.

IC 9-24-6-11

Use of commercial vehicle in commission of controlled substance felony; disqualification for life

Sec. 11. A driver who is convicted of an offense described in section 8(5) of this chapter is disqualified for life from driving a commercial motor vehicle. *As added by P.L.96-1991, SEC.9.*

IC 9-24-6-11.5

Department of Homeland Security; disqualifying offenses and revocation of hazardous material endorsement

Sec. 11.5. (a) This section applies if the United States Department of Homeland Security, Transportation Security Administration adopts regulations concerning disqualifying offenses.

(b) The bureau shall revoke the hazardous materials endorsement of a driver who:

(1) receives a judgment or conviction for a disqualifying offense (as defined in the regulations described in subsection

(a)) immediately upon receiving notice of the judgment or conviction; or

(2) is determined by the United States Department of Homeland Security, Transportation Security Administration to be a potential security threat; and shall give notice to the driver that the endorsement has been revoked and of the procedure by which the driver may appeal the revocation.

(c) The revocation of the hazardous material endorsement of a driver revocation under subsection (b) is for the period set forth under the regulations described in subsection (a).

As added by P.L. 48-2004, SEC. 4.

IC 9-24-6-12

Lifetime disqualifications; disqualifications required by Department of Homeland Security

Sec. 12. (a) A driver who:

(1) is:

(A) convicted of an offense described in section 8(1) through 8(4) or 8(6) of this chapter; or

(B) found to have violated section 8(7) of this chapter; and

(2) has been previously convicted in a separate incident of any offense described in section 8(1) through 8(4) or 8(6) of this chapter; is disqualified for life from driving a commercial motor vehicle.

(b) A driver who applies for a hazardous materials endorsement and has been convicted of:

(1) a felony under Indiana law that results in serious bodily injury or death to another person; or

(2) a crime in any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a felony described in subdivision (1); is disqualified for life from holding a hazardous materials endorsement.

(c) The hazardous materials endorsement of a driver who holds a hazardous materials endorsement and is convicted of a:

(1) felony under Indiana law that results in serious bodily injury or death to another person; or

(2) crime in any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a felony described in subdivision (1); is revoked upon conviction, and the driver is disqualified for life from holding a hazardous materials endorsement.

(d) The hazardous materials endorsement of a driver may be revoked and the driver may be disqualified from holding a hazardous materials endorsement if the revocation and disqualification are required under regulations adopted by the United States Department of Homeland Security, Transportation Security Administration.

As added by P.L. 96-1991, SEC. 10. Amended by P.L. 66-1992, SEC. 19; P.L. 123-2002, SEC. 16; P.L. 48-2004, SEC. 5.

IC 9-24-6-13

Multiple offenders; application for reinstatement after disqualification; effect of subsequent offenses

Sec. 13. (a) A person who is disqualified under section 12 of this chapter may apply to the bureau for

if:

- (1) the person has been disqualified for at least ten (10) years;
 - (2) the person has voluntarily enrolled in and successfully completed an appropriate rehabilitation program that meets the standards of the bureau; and
 - (3) the person meets the standards of the bureau for reinstatement of commercial driving privileges,
- (b) A person whose commercial driving license is reinstated by the bureau under subsection (a) who is subsequently convicted of an offense described in section 8 of this chapter is:
- (1) permanently disqualified; and
 - (2) ineligible to reapply for a reduction in the lifetime disqualification.

As added by P.L. 96-1991, SEC. 11.

IC 9-24-6-14

Refusal to undergo testing under IC 9-30-5-1 or IC 9-24-6-5; disqualification from driving

Sec. 14. A person who refuses to undergo testing for the enforcement of IC 9-30-5-1 or section 15 of this chapter is disqualified from driving a commercial motor vehicle for the time provided in section 9, 10, or 11 of this chapter, whichever is applicable. *As added by P.L. 96-1991, SEC. 12.*

IC 9-24-6-15

Person with elevated blood alcohol level operating commercial motor vehicle

Sec. 15. A person who operates a commercial motor vehicle with an alcohol concentration equivalent to at least four-hundredths (0.04) gram but less than eight-hundredths (0.08) gram of alcohol per:

- (1) one hundred (100) milliliters of the person's blood; or
- (2) two hundred ten (210) liters of the person's breath;

commits a Class C infraction.

As added by P.L.96-1991, SEC.13. Amended by P.L33-1997, SEC.5; P.L 1-2000, SEC.5; P.L.175-2001, SEC. 4.

IC 9-24-6-16

Driving commercial motor vehicle while disqualified under article; offense

Sec. 16. A person who:

- (1) is disqualified under this article from driving a commercial motor vehicle; and
- (2) drives a commercial motor vehicle;

commits a Class C misdemeanor.

As added by P.L.96-1991, SEC. 14.

IC 9-24-6-17

Disqualification or out-of-service order; operation of commercial motor vehicle; offense

Sec. 17. A person who knowingly allows, requires, permits, or authorizes another person to drive a commercial motor vehicle during a period in which:

- (1) the other person is disqualified under this article from driving a commercial motor vehicle; or
- (2) the driver, the commercial motor vehicle that the other person is driving, or the motor carrier operation is subject to an out-of-service order;

commits a Class C misdemeanor.

As added by P.L.96-1991, SEC.15. Amended by P.L.9-2010, SEC.14.

IC 9-24-6-18

Chapter violations; offense

Sec. 18. Except as provided in sections 16 and 17 of this chapter, a person who violates this chapter commits a Class C infraction.

As added by P.L.96-1991, SEC. 16. Amended by P.L.66-1992, SEC.20.

IC 9-24-6-19

Penalties

Sec. 19. (a) It is unlawful for a person to violate or fail to comply with an out-of-service order.

(b) If a person operates a vehicle in violation of an out-of-service order, in addition to any other penalty imposed for violation of an out-of-service order under this chapter, the court shall impose a civil penalty in accordance with 49 CFR 383.53 as in effect July 1, 2010.

(c) If an employer violates an out-of-service order, or knowingly requires or permits a driver to violate or fail to comply with an out-of-service order, in addition to any other penalty imposed for violation of an out-of-service order under this chapter, the court shall impose a civil penalty on the employer in accordance with 49 CFR 383.53 as in effect July 1, 2010.

(d) All civil penalties assessed under this section must be collected and transferred by the clerk of the court to the bureau. The bureau shall deposit the money in the motor vehicle highway account established by IC 8-14-1.

(e) A civil penalty assessed under this section is a judgment subject to proceedings supplemental by the bureau.

As added by P.L.88-1996, SEC.5. Amended by P.L.9-2010, SEC.15.

Information Maintained by the Office of Code Revision Indiana Legislative Services Agency IC 9-30-10

Chapter 10. Habitual Violator of Traffic Laws

IC 9-30-10-1

"Judgment"

Sec. 1. As used in this chapter, "judgment" means:

- (1) a judgment of conviction against the defendant in a felony or misdemeanor case; or
- (2) a civil judgment against the defendant in an infraction or ordinance proceeding.

As added by P.L. 2-1991, SEC. 18.

IC 9-30-10-2

"License"

Sec. 2. As used in this chapter, "license" includes any type of license or permit to operate a motor vehicle issued by the bureau. *As added by P.L.2-1991, SEC. 18.*

IC 9-30-10-3

"Violation"

Sec. 3. As used in this chapter, "violation" means:

- (1) a felony, a misdemeanor, or an infraction under the Indiana Code; or
- (2) a violation of an ordinance of an Indiana political subdivision.

As added by P.L.2-1991, SEC. 18.

IC 9-30-10-4

Habitual violators

Sec. 4. (a) A person who has accumulated at least two (2) judgments within a ten (10) year period for any of the following violations, singularly or in combination, not arising out of the same incident, and with at least one (1) violation occurring after March 31, 1984, is a habitual violator:

- (1) Reckless homicide resulting from the operation of a motor vehicle.
- (2) Voluntary or involuntary manslaughter resulting from the operation of a motor vehicle.
- (3) Failure of the driver of a motor vehicle involved in an accident resulting in death or injury to any person to stop at the scene of the accident and give the required information and assistance.
- (4) Operation of a vehicle while intoxicated resulting in death.
- (5) Before July 1, 1997, operation of a vehicle with at least ten-hundredths percent (0.10%) alcohol in the blood resulting in death.
- (6) After June 30, 1997, and before July 1, 2001, operation of a vehicle with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per:
 - (A) one hundred (100) milliliters of the blood; or
 - (B) two hundred ten (210) liters of the breath; resulting in death.
- (7) After June 30, 2001, operation of a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:
 - (A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath;
resulting in death.

(b) A person who has accumulated at least three (3) judgments within a ten (10) year period for any of the following violations, singularly or in combination, not arising out of the same incident, and with at least one (1) violation occurring after March 31, 1984, is a habitual violator:

(1) Operation of a vehicle while intoxicated.

(2) Before July 1, 1997, operation of a vehicle with at least ten-hundredths percent (0.10%) alcohol hi the blood.

(3) After June 30, 1997, and before July 1, 2001, operation of a vehicle with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath.

(4) After June 30, 2001, operation of a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath.

(5) Operating a motor vehicle while the person's license to do so has been suspended or revoked as a result of the person's conviction of an offense under IC 9-1-4-52 (repealed July 1, 1991), IC 9-24-18-5 (b) (repealed July 1, 2000), IC 9-24-19-3, or IC 9-24-19-5.

(6) Operating a motor vehicle without ever having obtained a license to do so.

(7) Reckless driving.

(8) Criminal recklessness involving the operation of a motor vehicle.

(9) Drag racing or engaging in a speed contest in violation of law.

(10) Violating IC 9-4-1-40 (repealed July 1, 1991), IC 9-4-1-46 (repealed July 1, 1991), IC 9-26-1-1(1), IC 9-26-1-1(2), IC 9-26-1-1(4), IC 9-26-1-2(1), IC 9-26-1-2(2), IC 9-26-1-3, or IC 9-26-1-4.

(11) Any felony under an Indiana motor vehicle statute or any felony in the commission of which a motor vehicle is used.

A judgment for a violation enumerated in subsection (a) shall be added to the violations described in this subsection for the purposes of this subsection.

(c) A person who has accumulated at least ten (10) judgments within a ten (10) year period for any traffic violation, except a parking or an equipment violation, of the type required to be reported

to the bureau, singularly or in combination, not arising out of the same incident, and with at least one (1) violation occurring after March 31, 1984, is a habitual violator. However, at least one (1) of the judgments must be for a violation enumerated in subsection (a) or (b). A judgment for a violation enumerated in subsection (a) or (b) shall be added to the judgments described in this subsection for the purposes of this subsection.

(d) For purposes of this section, a judgment includes a judgment in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of the offenses described in subsections (a) and (b).

As added by P.L. 2-1991, SEC. 78. Amended by P.L. 1-1992, SEC. 62; P.L. 1-1993, SEC. 61; P.L. 33-1997, SEC. 13; P.L. 1-2000, SEC. 13; P.L. 32-2000, SEC. 3; P.L. 175-2001, SEC. 12; P.L. 28-2010, SEC. 5.

IC 9-30-10-5

Notice of suspension; term; relief for judicial review

Sec. 5. (a) If it appears from the records maintained in the bureau that a person's driving record makes the person a habitual violator under section 4 of this chapter, the bureau shall mail a notice to the person's last known address that informs the person that the person's driving privileges will be suspended hi thirty (30) days because the person is a habitual violator according to the records of the bureau.

the person's driving privileges for:

(1) except as provided in subdivision (2), ten (10) years if the person is a habitual violator under section 4(a) of this chapter;

(2) life if the person is a habitual violator under section 4(a) of this chapter and has at least two (2) violations under section 4(a)(4) through 4(a)(7) of this chapter;

(3) ten (10) years if the person is a habitual violator under section 4(b) of this chapter; or

(4) five (5) years if the person is a habitual violator under section 4(c) of this chapter.

(c) The notice must inform the person that the person may be entitled to relief under section 6 of this chapter or may seek judicial review of the person's suspension under this chapter. *As added by P.L. 2-1991, SEC. 18. Amended by P.L. 82-2004, SEC. 3.*

IC 9-30-10-6

Notification of material error in record; determination of error; effect; judicial review

Sec. 6. (a) A person who has received a notice under section 5 of this chapter may notify the bureau, in writing on forms provided by the bureau, that the bureau's records contain a material error with respect to the person's driving record. If a person so notifies the bureau, the bureau shall, within thirty (30) days after the date the notice was received by the bureau, determine whether a material error was made with respect to the person's driving record.

(b) If the bureau determines that a material error was made with

respect to the person's driving record, the bureau shall:

(1) prevent the suspension of; or

(2) reinstate;

the person's driving privileges.

(c) The bureau shall notify the prosecuting attorney of the county where the record originated that the bureau has determined that a material error exists. The prosecuting attorney is entitled to respond to the bureau's determination.

(d) An action taken or a determination made by the bureau under this chapter is not subject to IC 4-21.5. However, the person may file a petition for judicial review under this chapter.

As added by P.L. 2-1991, SEC. 18.

IC 9-30-10-7

Petition for judicial review; summons; burden of proof; rules of procedure; county prosecuting attorney to represent state; costs

Sec. 7. (a) A petition for judicial review under this chapter must:

(1) be verified by the petitioner;

(2) state the petitioner's age, date of birth, place of residence, and driver's license identification number;

(3) state the grounds for relief and the relief sought;

(4) be filed in the county in which the petitioner resides; and

(5) be filed in a circuit, superior, county, or municipal court.

(b) A summons in an action under this chapter shall be issued and served in the manner provided for civil actions. The prosecuting attorney of the county in which the petition is filed and the bureau shall be served with the summons and a copy of the petition.

(c) In an action under this chapter, the petitioner must bear the burden of proof by a preponderance of the evidence to prevail.

(d) IC 9-30-3-15 and the rules of trial procedure apply in a proceeding under this chapter. However, a responsive pleading is not required when a petition for review has been filed, and a person is not entitled to a change of venue from the county.

(e) The prosecuting attorney of the county in which the petition is filed shall represent the state in

(f) Court costs (including fees) shall be assessed and paid by the petitioner at the time of filing in an amount equal to the costs (including fees) assessed in the enforcement of infractions. However, a petitioner who has the petitioner's driving privileges reinstated under section 8 of this chapter is entitled to a refund of all costs paid. *As added by P.L.2-1991, SEC. 18. Amended by P.L. 106-2010, SEC.3.*

IC 9-30-10-8

Hearing; reinstatement; suspension

Sec. 8. (a) If a person files a petition for judicial review under section 6 of this chapter, the court shall promptly hold a hearing. The petition must be filed and the hearing must be held in accordance with section 7 of this chapter.

(b) If the court finds that the petitioner is not a habitual violator, the court shall order the bureau to reinstate the driving privileges of

the person.

(c) If the court finds that the petitioner is a habitual violator, the person's driving privileges remain suspended, unless the court places the person on probation under section 9 of this chapter. *As added by P.L.2-1991, SEC. 18.*

IC 9-30-10-9

Probation; findings, restrictions, and conditions

Sec. 9. (a) After June 30, 2005, this section does not apply to a person who:

(1) holds a commercial driver's license; and

(2) has been charged with an offense involving the operation of a motor vehicle in accordance with the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159.113 Stat. 1748).

(b) If a court finds that a person:

(1) is a habitual violator under section 4(c) of this chapter;

(2) has not been previously placed on probation under this section by a court;

(3) operates a vehicle for commercial or business purposes, and the person's mileage for commercial or business purposes:

(A) is substantially in excess of the mileage of an average driver; and

(B) may have been a factor that contributed to the person's poor driving record; and

(4) does not have:

(A) a judgment for a violation enumerated in section 4(a) of this chapter; or

(B) at least three (3) judgments (singularly or in combination and not arising out of the same incident) of the violations enumerated in section 4(b) of this chapter;

the court may place the person on probation in accordance with subsection (d).

(c) If a court finds that a person:

(1) is a habitual violator under section 4(b) of this chapter;

(2) has not been previously placed on probation under this section by a court;

(3) does not have a judgment for any violation listed in section 4(a) of this chapter;

(4) has had the person's driving privileges suspended under this chapter for at least five (5) consecutive years; and

(5) has not violated the terms of the person's suspension by operating a vehicle;

the court may place the person on probation in accordance with subsection (d). However, if the person has any judgments for operation of a vehicle before July 1, 2001, while intoxicated or with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per one hundred (100) milliliters of the blood or two hundred ten (210) liters of the breath, or for the operation of a vehicle after June 30, 2001, while intoxicated or with an alcohol

concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per one hundred (100) milliliters of the blood or two hundred ten (210) liters of the breath, the court, before the court places a person on probation under subsection (d), must find that the person has successfully fulfilled the requirements of a rehabilitation program certified by one (1) or both of the following:

(A) The division of mental health and addiction.

(B) The Indiana judicial center.

(d) Whenever a court places a habitual violator on probation, the court:

(1) shall record each of the court's findings under this section in writing;

(2) shall obtain the person's driver's license or permit and send the license or permit to the bureau;

(3) shall direct the person to apply to the bureau for a restricted driver's license;

(4) shall order the bureau to issue the person an appropriate license;

(5) shall place the person on probation for a fixed period of not less than three (3) years and not more than ten (10) years;

(6) shall attach restrictions to the person's driving privileges, including restrictions limiting the person's driving to:

(A) commercial or business purposes or other employment related driving;

(B) specific purposes in exceptional circumstances;

(C) rehabilitation programs; and

(D) specified hours during which the person may drive;

(7) shall require the person to submit to reasonable monitoring requirements;

(8) shall order the person to file proof of financial responsibility for three (3) years following the date of being placed on probation; and

(9) shall impose other appropriate conditions of probation, which must include one (1) or more of the following conditions if the person was determined to be a habitual violator under IC 9-30-10-4(a)(4) through IC 9-30-10-4(a)(7) or IC 9-30-10-4(b)(1) through IC 9-30-10-4(b)(4), and at least one (1) of the offenses occurred within five (5) years prior to the granting of the probationary or restricted license:

(A) An order prohibiting the person from operating a motor vehicle or motorized bicycle with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:

(i) one hundred (100) milliliters of the person's blood; or (ii) two hundred ten (210) liters of the person's breath; or while under the influence of any other intoxicating substance.

(B) An order that the person submit to a method to monitor the person's compliance with the prohibition against operating a motor vehicle or motorized bicycle with an

alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per: (i) one hundred (100) milliliters of the person's blood; or (ii) two hundred ten (210) liters of the person's breath; or while intoxicated (as defined under IC 9-13-2-86).

(C) The court shall determine the appropriate monitoring method, which may include one (1) or more of the following:

(i) The person may operate only a motor vehicle equipped with an ignition interlock device.

(ii) The person must submit to a chemical test if a law enforcement officer lawfully stops the person while operating a motor vehicle or motorized bicycle and the law enforcement officer requests that the person submit to a chemical test.

(iii) The person must wear a device that detects and records the person's use of alcohol.

(iv) The person must submit to any other reasonable monitoring requirement as determined by the court.

(e) If a court finds that a person:

(1) is a habitual violator under section 4(b) or 4(c) of this chapter;

(2) does not have any judgments for violations under section 4(a) of this chapter;

(3) does not have any judgments or convictions for violations under section 4(b) of this chapter.

except for judgments or convictions under section 4(b)(5) of this chapter that resulted from driving on a suspended license that was suspended for:

- (A) the commission of infractions only; or
- (B) previously driving on a suspended license;

(4) has not been previously placed on probation under this section by a court; and

(5) has had the person's driving privileges suspended under this chapter for at least three (3) consecutive years and has not violated the terms of the person's suspension by operating a vehicle for at least three (3) consecutive years;

the court may place the person on probation under subsection (d).

As added by P.L.2-1991, SEC.18. Amended by P.L.2-1992, SEC.93; P.L.40-1994, SEC.5; P.L.101-1997, SEC.1; P.L.33-1997, SEC.14; P.L.1-1999, SEC.32; P.L.10-2000, SEC.2; P.L.215-2001, SEC.18; P.L.175-2001, SEC.13; P.L.219-2003, SEC.9; P.L.28-2010, SEC.6.

IC 9-30-10-10

Findings to constitute final judgment

Sec. 10. The court's findings under sections 8 and 9 of this chapter constitute a final judgment from which either party may appeal. An appeal does not act as a stay of the court's findings and orders. *As added by P.L.2-1991, SEC.18.*

IC 9-30-10-11

Petition for revocation of probation

Sec. 11. A petition for revocation of probation granted under section 9 of this chapter must:

- (1) be filed in the court that placed the person on probation;
- (2) be filed by the prosecuting attorney for the county in which the court is located;
- (3) state the alleged violation; and
- (4) be served upon the probationer in the manner provided for the service of summons in a civil

action.

As added by P.L.2-1991, SEC. 18.

IC 9-30-10-12

Hearing; procedure; burden of proof; findings; final judgment

Sec. 12. (a) Upon the filing of a petition for revocation of probation, the court shall do the following:

- (1) Set a date for a hearing upon the petition that is not earlier than twenty (20) days nor later than forty-five (45) days from the date of the filing of the petition for review.
- (2) Hold a hearing on the date set, unless the proceeding is continued by order of the court.
- (3) Cause notice of the hearing date to be sent to all parties.

(b) At the hearing, the prosecuting attorney must bear the burden of proof by a preponderance of the evidence to prevail.

(c) If the court finds that the person has violated any terms of the probation, the court shall do the following:

- (1) Record each of its findings in writing.
- (2) Obtain the person's license.
- (3) Order the bureau to suspend the person's driving privileges for a period equal to the period of suspension originally imposed under section 5 of this chapter.
- (4) Not place the person on probation under section 9 of this chapter.

(d) If the court finds that the person has not violated any of the terms of the person's probation, the court shall do the following:

- (1) Record each of the court's findings in writing.
- (2) Continue the person on probation for the remainder of the probationary period.

may appeal. An appeal does not act as a stay of the court's findings and orders.
As added by P.L.2-1991, SEC. 18.

IC 9-30-10-13

Habitual violator; restrictions on issuance; hardship license

Sec. 13. (a) The bureau may issue a license to operate a motor vehicle to a habitual violator whose driving privileges are suspended under section 5(b) of this chapter if the following conditions exist:

(1) The time specified for the person's probation or the restriction or suspension of the person's license has elapsed.

(2) The person has met all the requirements of all applicable

statutes and rules relating to the licensing of motor vehicle operators.

(3) The person files with the bureau and maintains for three (3) years after filing proof of financial responsibility in accordance with IC 9-25.

(4) The bureau places a restriction on the person's driver's license and driving record that indicates the person is prohibited from operating a motor vehicle or motorized bicycle with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath;

or while intoxicated (as defined under IC 9-13-2-86) for three (3) years after the bureau issues the driver's license to the person.

(5) The person signs a bureau form by which the person agrees that as a condition to obtaining the driver's license the person will submit to a chemical test at any time during the period three (3) years after the bureau issues the driver's license to the person if a law enforcement officer lawfully stops the person while operating a motor vehicle or motorized bicycle and the law enforcement officer requests that the person submit to a chemical test.

(b) The bureau may issue a license to operate a motor vehicle to a habitual violator whose driving privileges have been suspended for life if the following conditions exist:

(1) The bureau has received an order for rescission of suspension and reinstatement issued under section 15 of this chapter.

(2) The person to whom the license is to be issued has never been convicted of a violation described in section 4(a) or 17 of this chapter.

(3) The person has not been convicted of an offense under section 16 of this chapter more than one (1) time.

(4) The person has met all the requirements of all applicable statutes and rules relating to the licensing of motor vehicle operators.

(5) The person files with the bureau, and maintains for three (3) years after filing proof of financial responsibility in accordance with IC 9-25.

(6) The bureau places a restriction on the person's driver's license and driving record that indicates the person is prohibited from operating a motor vehicle or motorized bicycle with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath;

or while intoxicated (as defined under IC 9-13-2-86) for three (3) years after the bureau issues the driver's license to the person.

(7) The person signs a bureau form by which the person agrees that as a condition to obtaining the driver's license the person will submit to a chemical test at any time during the period three (3) years after the bureau issues the driver's license to the person if a law enforcement officer lawfully stops the person while operating a motor vehicle or motorized bicycle and the law enforcement officer requests

(c) A habitual violator is not eligible for relief under the hardship provisions of IC 9-24-15. *As added by P.L.2-1991, SEC. 18. Amended by P.L.28-2010, SEC. 7.*

IC 9-30-10-14

Rescission of order suspending driving privileges for life; petition for rescission and reinstatement

Sec. 14. (a) Except as provided in subsection (e), a person whose driving privileges have been suspended for life may petition a court in a civil action for a rescission of the suspension order and reinstatement of driving privileges if the following conditions exist:

(1) Ten (10) years have elapsed since the date on which an order for the lifetime suspension of the person's driving privileges was issued.

(2) The person has never been convicted of a violation described in section 4(a) of this chapter.

(3) The person has never been convicted of an offense under section 17 of this chapter.

(4) The person has not been convicted of an offense under section 16 of this chapter more than one (1) time.

(b) A petition for rescission and reinstatement under this section must meet the following conditions:

(1) Be verified by the petitioner.

(2) State the petitioner's age, date of birth, and place of residence.

(3) Describe the circumstances leading up to the lifetime suspension of the petitioner's driving privileges.

(4) Aver a substantial change in the petitioner's circumstances of the following:

(A) That indicates the petitioner would no longer pose a risk to the safety of others if the petitioner's driving privileges are reinstated.

(B) That makes the lifetime suspension of the petitioner's driving privileges unreasonable.

(C) Indicates it is in the best interests of society for the petitioner's driving privileges to be reinstated.

(5) Aver that the petitioner has never been convicted of an offense under section 17 of this chapter.

(6) Aver that the petitioner has not been convicted of an offense under section 16 of this chapter more than one (1) time.

(7) Aver that the petitioner has never been convicted of a violation described in section 4(a) of this chapter.

(8) Be filed in a circuit or superior court having jurisdiction in the county where the petitioner resides.

(9) If the petition is being filed under subsection (e), aver the existence of the conditions listed in subsection (e)(1) through (e)(3).

(c) The petitioner shall serve the prosecuting attorney of the county where the petitioner resides and the bureau with a copy of the petition described in subsection (b). A responsive pleading is not required.

(d) The prosecuting attorney of the county where the petitioner resides shall represent the state in the matter.

(e) A person whose driving privileges have been suspended for life may petition a court in a civil action for a rescission of the suspension order and reinstatement of driving privileges if all of the following conditions exist:

(1) Three (3) years have elapsed since the date on which the order for lifetime suspension of the petitioner's driving privileges was issued.

(2) The petitioner's lifetime suspension was the result of driving on a suspended license that was suspended for commission of infractions only or for driving on a suspended license.

(3) The petitioner has never been convicted of a violation described in section 4(a) or 4(b) of this chapter, with the exception of a judgement or conviction under section 4(b)(3) of this chapter.

(4) The petitioner has never been convicted of an offense under section 17 of this chapter.

(5) The petitioner has not been convicted of an offense under section 16 of this chapter more than

As added by P.L.2-1991, SEC. 18. Amended by P.L.101-1997, SEC.2.

IC 9-30-10-15

Rescission of order suspending driving privileges for life; hearing on petition; findings; order for reinstatement

Sec. 15. (a) Upon receiving a petition filed under section 14 of this chapter, a court shall set a date for hearing the matter and direct the clerk of the court to provide notice of the hearing date to the following:

- (1) The petitioner.
- (2) The prosecuting attorney of the county where the petitioner resides.
- (3) The bureau.

(b) A court may order the rescission of the order that required the suspension of the petitioner's driving privileges for life and may order the bureau to reinstate the driving privileges of a petitioner whose driving privileges have been suspended for life if, after the hearing of the matter, the court makes the following written findings and conclusions, based on clear and convincing evidence:

(1) That the petitioner has never been convicted of a violation described in section 4(a) of this chapter.

(2) That the petitioner has never been convicted of an offense under section 17 of this chapter.

(3) That the petitioner has not been convicted of an offense under section 16 of this chapter more than one (1) time.

(4) If the person is petitioning the court under section 14(a) of this chapter that ten (10) years have elapsed since the date on which an order was issued that required the suspension of the petitioner's driving privileges for life.

(5) That there has been a substantial change in the petitioner's circumstances indicating the petitioner would no longer pose a risk to the safety of others if the petitioner's driving privileges were reinstated.

(6) That there has been a substantial change in the petitioner's circumstances indicating that the suspension of the petitioner's driving privileges for life has become unreasonable.

(7) That it is in the best interests of society for the petitioner's driving privileges to be reinstated.

(8) If the person is petitioning the court under section 14(e) of this chapter:

(A) that three (3) years have elapsed since the date the order was issued that required the suspension of the petitioner's driving privileges for life; and

(B) that the conditions listed under section 14(e) of this chapter are satisfied.

(c) The petitioner has the burden of proof under this section and an order issued under subsection (b) is a final order, appealable by any party to the action.

(d) In an order for reinstatement of driving privileges issued under this section, the court may require the bureau to issue to the prevailing petitioner:

(1) a license to operate a motor vehicle under section 13(b) of this chapter; or

(2) a restricted driving license for a time and subject to conditions specified by the court, which must include one (1) or more of the following conditions if the person was determined to be a habitual violator under IC 9-30-10-4(a)(4) through IC 9-30-10-4(a)(7) or IC 9-30-10-4(b)(1) through IC 9-30-10-4(b)(4), and at least one (1) of the offenses occurred within five (5) years prior to the granting of the probationary or restricted license:

(A) Specified hours during which the person may drive.

(B) An order prohibiting the person from operating a motor vehicle or motorized bicycle with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:

(i) one hundred (100) milliliters of the person's blood; or (ii)

two hundred ten (210) liters of the person's breath; or while intoxicated (as defined under IC 9-13-2-86).

(C) An order that the person submit to a method to monitor the person's compliance with the

operating a motor vehicle or motorized bicycle with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:

- (i) one hundred (100) milliliters of the person's blood; or
 - (ii) two hundred ten (210) liters of the person's breath;
- or while intoxicated (as defined under IC 9-13-2-86).

(D) The court shall determine the appropriate monitoring method, which may include one (1) or more of the following:

- (i) The person may operate only a motor vehicle equipped with an ignition interlock device.
- (ii) The person must submit to a chemical test if a law enforcement officer lawfully stops the person while operating a motor vehicle or motorized bicycle and the law enforcement officer requests that the person submit to a chemical test.
- (iii) The person must wear a device that detects and records the person's use of alcohol.
- (iv) The person must submit to any other reasonable monitoring requirement as determined by the court.

(e) If a court orders the bureau to issue a restricted driving license to a petitioner under subsection (d), the court shall specify the conditions under which the petitioner may be issued a license to operate a motor vehicle under section 13(b) of this chapter. After the expiration date of the restricted license and upon:

- (1) fulfillment by the petitioner of the conditions specified by the court; and
- (2) the expiration of the restricted license issued under subsection (d)(2);

the bureau shall issue to the petitioner a license to operate a motor vehicle under section 13(b) of this chapter.

As added by P.L.2-1991, SEC. 18. Amended by P.L. 101-1997, SEC.3; P.L.28-2010, SEC.8.

IC 9-30-10-16

Operating a motor vehicle while privileges are suspended; Class D felony; Class A misdemeanor

Sec. 16. (a) A person who operates a motor vehicle:

- (1) while the person's driving privileges are validly suspended under this chapter or IC 9-12-2 (repealed July 1,1991) and the person knows that the person's driving privileges are suspended; or
 - (2) in violation of restrictions imposed under this chapter or IC 9-12-2 (repealed July 1,1991) and who knows of the existence of the restrictions;
- commits a Class D felony.

(b) Service by the bureau of notice of the suspension or restriction of a person's driving privileges under subsection (a)(1) or (a)(2):

- (1) in compliance with section 5 of this chapter; and
- (2) by first class mail to the person at the last address shown for

the person in the bureau's records;

establishes a rebuttable presumption that the person knows that the person's driving privileges are suspended or restricted.

(c) In addition to any criminal penalty, a person who is convicted of a felony under subsection (a) forfeits the privilege of operating a motor vehicle for life. However, if judgment for conviction of a Class A misdemeanor is entered for an offense under subsection (a), the court may order a period of suspension of the convicted person's driving privileges that is in addition to any suspension of driving privileges already imposed upon the person.

As added by P.L.2-1991, SEC.18. Amended by P.L. 1-1993, SEC.62; P.L.1-1994, SEC.41; P.L.120-2000, SEC.2; P.L. 1-2001, SEC. 9.

IC 9-30-10-17

Operating motor vehicle while privileges are forfeited for life; Class C felony

Sec. 17. A person who operates a motor vehicle after the person's driving privileges are forfeited for

life under section 16 of this chapter, IC 9-4-13-14 (repealed April 1, 1984), or IC 9-12-3-1 (repealed July 1, 1991) commits a Class C felony.

As added by P.L.2-1991, SEC. 18. Amended by P.LI-1993, SEC. 63.

IC 9-30-10-17.5

Operating a vehicle in violation of the conditions of a hardship license

Sec. 17.5. A person who operates a vehicle or motorized bicycle in violation of conditions of a restricted license ordered by a court under IC 9-30-10-9(d)(9) or IC 9-30-10-15(d)(2) commits a Class A misdemeanor. *As added by P.L.28-2010, SEC.9.*

IC 9-30-10-18

Defenses; extreme emergency; burden of proof

Sec. 18. In a criminal action brought under section 16, 17, or 17.5 of this chapter, it is a defense that the operation of a motor vehicle or motorized bicycle was necessary to save life or limb in an extreme emergency. The defendant must bear the burden of proof by a preponderance of the evidence to establish this defense. *As added by P.L.2-1991, SEC.18. Amended by P.L.28-2010, SEC.10.*

Information Maintained by the Office of Code Revision Indiana Legislative Services Agency IC 9-28-2

Chapter 2. Nonresident Violator Agreements

IC 9-28-2-1**Citation**

Sec. 1. As used in this chapter, "citation" means any summons, ticket, or other official document issued by a police officer for a traffic violation containing an order that requires the motorist to respond. *As added by P.L.2-1991, SEC. 16.*

IC 9-28-2-2**Collateral**

Sec. 2. As used in this chapter, "collateral" means any cash or other security deposited to secure an appearance for trial following the issuance by a police officer of a citation for a traffic violation. *As added by P. L 2-1991, SEC. 16.*

IC 9-28-2-3**Court**

Sec. 3. As used in this chapter, "court" means a court of law or traffic tribunal. *As added by P.L.2-1991, SEC. 16.*

IC 9-28-2-4**Driver's license**

Sec. 4. As used in this chapter, "driver's license" means any type of license or privilege to operate a motor vehicle issued under the laws of a jurisdiction. *As added by P.L.2-1991, SEC. 16.*

IC 9-28-2-5**Jurisdiction**

Sec. 5. As used in this chapter, "jurisdiction" means a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a province of Canada. *As added by P.L.2-1991, SEC. 16.*

IC 9-28-2-6 Nonmoving violation

Sec. 6. As used in this chapter, "nonmoving violation" includes the following:

- (1) Expiration of vehicle registration or vehicle inspection certificates.
- (2) Parking meter violations or violation of parking limitation signs.
- (3) Improper vehicle lighting.
- (4) Other citations for minor equipment deficiencies.

As added by P.L.2-1991, SEC. 16.

IC 9-28-2-7**Agreements with other jurisdictions; purpose**

Sec. 7. Upon recommendation of the bureau, the governor may enter into agreements with

jurisdictions for the purpose of assisting in the enforcement of traffic laws by assuring that persons licensed in jurisdictions that have entered into an agreement with this state meet the conditions of traffic violation citations. *As added by P.L.2-1991, SEC. 16.*

IC 9-28-2-8

Suspension of driving privileges

Sec. 8. The bureau may suspend a driver's license issued to a driver licensed under IC 9-24 for failure to meet the conditions of a traffic citation of a jurisdiction in which the traffic offense occurred. This section does not apply if the jurisdiction has not entered into an agreement with Indiana as provided under section 7 of this chapter. *As added by P.L.2-1991, SEC. 16.*

IC 9-28-2-9

Action against driver upon notification from jurisdiction of driver's failure to meet conditions of citation; notification of driver; answer; hearing; suspension of license; hardship license

Sec. 9. (a) Upon written notification from a jurisdiction that is a party to an agreement entered into under this chapter, the bureau shall take appropriate action against a licensed driver for failure to meet the conditions set out in the citation of the jurisdiction in which the traffic offense occurred.

(b) The bureau shall notify the driver by first class mail of the request by the respective jurisdiction to have the driver's license suspended. For the purposes of this chapter, a written notice sent to the driver's last registered address with the bureau meets the conditions of due notice.

(c) The driver has fifteen (15) days from the date of notice to satisfy the conditions of the citation issued by the jurisdiction or to request a hearing before a bureau hearing officer to show evidence or present information why the bureau should not suspend the license for failure to meet the terms of the citation.

(d) Upon holding the hearing, the bureau may suspend the driver's license until the conditions of the citation are met or a release from the citing jurisdiction is obtained.

(e) If the bureau does not receive information from the driver concerning the notification, the bureau shall suspend the driver's license until the conditions of the citation are met or a release is obtained.

(f) A driver that has been suspended for failure to meet the conditions of a citation is not eligible for a hardship license under IC 9-24-15.

(g) The bureau may not suspend a driver's license under this section for a nonmoving traffic offense occurring in another jurisdiction.

As added by P.L.2-1991, SEC. 16.

IC 9-28-2-10

Posting of collateral for a traffic citation; conditions

Sec. 10. A traffic court in Indiana may not require a driver licensed by a jurisdiction other than Indiana to post collateral for a traffic citation if the jurisdiction has a formal agreement with Indiana under this chapter. *As added by P.L.2-1991, SEC. 16.*

IC 9-28-2-11

Payment of dues or assessments by state; restrictions

Sec. 11. The state may not pay dues or assessments to a jurisdiction or an agency established to support the purposes of a nonresident violator agreement entered into under this chapter. *As added by P.L.2-1991, SEC. 16.*

IC 9-28-2-12

Withdrawal of state from agreement; notice

Sec. 12. An agreement entered into by the governor must permit the state to withdraw for any reason. However, the agreement must require the state to give the other jurisdictions at least ninety (90) days notice of termination. *As added by P.L.2-1991, SEC. 16.*

IC 9-24-18-12

Suspension of minor's driver's license for alcohol offense

Sec. 12. Upon receipt of a court order under IC 7.1-5-7-7 (minor possessing, consuming, or transporting alcohol or having alcohol present in a bodily substance), the bureau shall suspend the minor's driver's license for the period ordered by the court. *As added by P.L. 53-1994, SEC. 2.*
Amended by P.L. 33-1997, SEC. 6.

Information Maintained by the Office of Code Revision Indiana Legislative Services Agency IC 9-24-18

Chapter 18. General Penalty Provisions

IC 9-24-18-1

Driving without a license

Sec. 1. (a) A person, except a person exempted under IC 9-24-1-7, who knowingly or intentionally operates a motor vehicle upon a highway and has never received a valid driving license commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if the person has a prior unrelated conviction under this section.

(b) In addition to any other penalty imposed for a conviction under this section, the court shall recommend that the person be prohibited from receiving a valid driving license for a fixed period of at least ninety (90) days and not more than two (2) years.

(c) The court shall specify:

- (1) the length of the fixed period of the prohibition; and
- (2) the date the fixed period of the prohibition begins;

whenever the court makes a recommendation under subsection (b).

(d) The bureau shall, upon receiving a record of conviction of a person upon a charge of operating a motor vehicle while never having received a valid driving license, prohibit the person from receiving a driving license for a fixed period of at least 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 conviction, as provided in subsection (c).

(e) In a prosecution under this section, the burden is on the defendant to prove by a preponderance of the evidence that the defendant had been issued a driving license or permit that was valid at the time of the alleged offense.

As added by P.L. 2-1991, SEC. 12. Amended by P.L. 100-2010, SEC. 3.

IC 9-24-18-2

Misuse of licenses and permits; use of false information; inauthentic licenses and permits

Sec. 2. (a) A person may not do any of the following:

(1) Display, cause or permit to be displayed, or have in possession a license or permit issued under this article knowing that the license or permit is fictitious or has been canceled, revoked, suspended, or altered.

(2) Lend to a person or knowingly permit the use by a person not entitled to use a license or permit a license or permit issued under this article.

(3) Display or represent as the person's license or permit issued under this article a license or permit not issued to the person.

(4) Fail or refuse to surrender, upon demand of the proper official, a license or permit issued under this article that has been suspended, canceled, or revoked as provided by law.

(5) Knowingly sell, offer to sell, buy, possess, or offer as genuine, a license or permit required by this article to be issued

by the bureau that has not been issued by the bureau under this article or by the appropriate authority of any other state.

A person who knowingly or intentionally violates this subsection commits a Class C misdemeanor.

(b) A person who:

(1) knowingly or intentionally uses a false or fictitious name or gives a false or fictitious address in an application:

(A) for a license or permit issued under this article; or

(B) for a renewal or duplicate of a license or permit issued under this article; or

(2) knowingly or intentionally makes a false statement or conceals a material fact or otherwise commits a fraud in an application for a license or permit issued under this article; commits application fraud, a Class D felony.

As added by P.L.2-1991, SEC. 12. Amended by P.L.106-2006, SEC.2.

IC 9-24-18-3

Permitting unlicensed person to drive

Sec. 3. (a) A person that has a motor vehicle in the person's custody may not cause or knowingly permit a person to drive the vehicle upon a highway unless the person obtains a license or permit under this article.

(b) A person who violates this section commits a Class C infraction.

As added by P.L. 2-1991, SEC. 12.

IC 9-24-18-4

Permitting unlawful use of vehicle

Sec. 4. (a) A person may not authorize or knowingly permit a motor vehicle owned by the person or under the person's control to be driven by a person who does not have a legal right to do so or in violation of this title.

(b) A person who violates this section commits a Class C infraction.

As added by P.L. 2-1991, SEC. 12.

IC 9-24-18-5

Repealed

(Repealed by P.L.32-2000, SEC.27.)

IC 9-24-18-6

Required licenses; enforcement proceedings; burden of proof

Sec. 6. In a proceeding to enforce IC 9-24-1 requiring the operator of a vehicle to have a certain type of license, the burden is on the defendant to prove by a preponderance of the evidence that the defendant had been issued the applicable license or permit and that the license was valid at the time of the alleged offense. *As added by P.L.2-1991, SEC. 12.*

IC 9-24-18-7

Counterfeiting of licenses

Sec. 7. A person who counterfeits or falsely reproduces a driving license with intent to use the license or to permit another person to use the license commits a Class B misdemeanor. *As added by P.L.2-1991, SEC. 12.*

IC 9-24-18-8

Alcohol offenses

Sec. 8. (a) The bureau shall suspend for a mandatory period of at least ninety (90) days the current driving license or permit of a person who:

(1) uses or has possession of a driving license or permit of another person with the intent to violate or evade or to attempt to violate or evade any provision of law relating to the sale, purchase, use, or

possession of alcoholic beverages; or

(2) is convicted of the offenses listed in IC 7.1-5-7-1(b) or IC 7.1-5-7-10.

(b) The mandatory suspension provided by this section is in addition to all other sanctions provided by section 7 of this chapter and IC 9-30-4-9. *As added by P.L.2-1991, SEC.12. Amended by P.L. 1-1993, SEC.59.*

IC 9-24-18-9

Driving records; unlicensed persons

Sec. 9. (a) The bureau may establish a driving record for an Indiana resident who does not hold any type of valid driving license. The driving record shall be established for an unlicensed driver when an abstract of court conviction has been received by the bureau. The record shall be maintained for not less than three (3) years for each unlicensed driver.

(b) If an unlicensed driver applies for and receives any type of driving license in Indiana, the person's driving record as an unlicensed driver shall be recorded on the permanent record file. An unlicensed driver who has had at least two (2) traffic violation convictions in Indiana within twenty-four (24) months before applying for any type of driving license may not be issued a license within one (1) year after the date of the second traffic conviction as indicated on the abstract of court conviction record. If the bureau issues a license without knowledge of the second conviction, the bureau shall suspend the license upon learning of the second conviction and notify the person of the reason for the suspension and the term of the suspension.

(c) The bureau shall also certify traffic violation convictions on the driving record of an unlicensed driver who subsequently receives an Indiana driving license.

As added by P.L.2-1991, SEC. 12.

IC 9-24-18-10

Interstate compacts and agreements; offenses subject to IC 9-28

Sec. 10. The following are subject to IC 9-28:

(1)A:

(A) conviction for a crime; or

(B) judgment for an offense or ordinance violation;

under this article related to the use or operation of a motor vehicle. (2) The issuance of a citation (as defined in IC 9-28-2-1) under this article. *As added by P.L.2-1991, SEC. 12.*

IC 9-24-18-11

Reproduction of driver's license

Sec. 11. (a) The commissioner may enter into a contract or an agreement authorizing a person to create and use a reproduction of a driver's license issued under this article.

(b) A person may not create or use a reproduction of a driver's license issued under this article unless the creation or use of the reproduction is expressly authorized in writing by the commissioner. The commissioner may impose under IC 4-21.5 a civil penalty upon a person who violates this subsection.

The amount of a civil penalty imposed under this subsection:

(1) shall be determined by the commissioner; and

(2) may not exceed ten thousand dollars (\$10,000).

(c) Money paid to the bureau as:

(1) compensation to the state under a contract or an agreement entered into under subsection (a); or

(2) a civil penalty imposed under subsection (b);

shall be collected and deposited according to IC 9-29-1-1.

As added by P.L.115-1993, SEC.8.

Information Maintained by the Office of Code Revision Indiana Legislative Services Agency IC 9-30-2

Chapter 2. Arrests

IC 9-30-2-1 Application of chapter

Sec. 1. Sections 2 and 3 of this chapter do not apply to the following:

- (1) Officers or members of the state militia when on active duty.
- (2) Officers of the United States government.

As added by P.L.2-1991, SEC. 18.

IC 9-30-2-2**Uniform and badge; marked police vehicle**

Sec. 2. A law enforcement officer may not arrest or issue a traffic information and summons to a person for a violation of an Indiana law regulating the use and operation of a motor vehicle on an Indiana highway or an ordinance of a city or town regulating the use and operation of a motor vehicle on an Indiana highway unless at the time of the arrest the officer is:

- (1) wearing a distinctive uniform and a badge of authority; or
- (2) operating a motor vehicle that is clearly marked as a police vehicle;

that will clearly show the officer or the officer's vehicle to casual observations to be an officer or a police vehicle. This section does not apply to an officer making an arrest when there is a uniformed officer present at the time of the arrest. *As added by P.L.2-1991, SEC. 18.*

IC 9-30-2-3**Reward or other compensation for making arrests; prohibition**

Sec. 3. (a) This section does not apply to the fixed salary of an officer.

(b) A peace officer, even though wearing a distinctive uniform and badge at the time of making an arrest, may not receive and there may not be taxed for the officer's benefit against a defendant a fee, mileage, pay, charge, compensation, or reward that, except for this chapter, the officer might be otherwise entitled to receive for the arrest or upon the conviction of a defendant. *As added by P.L.2-1991, SEC. 18.*

IC 9-30-2-4**Misdemeanor offenders required to appear before court immediately**

Sec. 4. (a) This section does not apply to a person arrested for a misdemeanor under IC 9-30-5 (operating a vehicle while intoxicated).

(b) If a person is arrested for a misdemeanor under this title, the arrested person shall be immediately taken before a court within the county in which the offense charged is alleged to have been committed and that has jurisdiction of the offense and is nearest or

most accessible to the place where the arrest is made in any of the following cases:

- (1) When the person demands an immediate appearance before a court.
- (2) When the person is charged with an offense causing or contributing to an accident resulting in injury to or death of a person.

(3) When the person is charged with failure to stop for an accident causing death, personal injuries, or damage to property.

(4) When the person refuses to give the person's written promise to appear in court.

(5) When the person is charged with driving while the person's license is suspended or revoked.

As added by P.L.2-1991, SEC. 18. Amended by P.L 99-1996, SEC. 1.

IC 9-30-2-5

Misdemeanor offenders not appearing before court immediately; release from custody; written promise to appear; security deposit; contents of security agreement and written promise; nonresident requirements; refusal of security deposit

Sec. 5. (a) If a person who is an Indiana resident:

(1) is arrested for a misdemeanor regulating the use and operation of motor vehicles, other than the misdemeanor of operating a vehicle while intoxicated; and

(2) is not immediately taken to court as provided in section 4 of this chapter;

the person shall be released from custody by the arresting officer upon signing a written promise to appear in the proper court at a time and date indicated on the promise. The resident shall be given a copy of the promise.

(b) Except as provided in IC 9-28-1 and IC 9-28-2, if a person who is not an Indiana resident is arrested for a violation of a traffic ordinance or a statute punishable as an infraction or a misdemeanor that regulates the use and operation of a motor vehicle and is not immediately taken to court as provided in section 4 of this chapter, the person shall be released upon the deposit of a security. The security shall be:

(1) the amount of the fine and costs for the violation in the form of cash, a money order, or a traveler's check made payable to the clerk of the court; or

(2) a valid motor club card of a motor club that, by written plan approved by the secretary of state as provided in section 8 of this chapter, guarantees the nonresident's deposit in the amount of the fine and costs.

The proper court shall provide a list of security deposits, which must be equal to the fine and costs for the violation, and a security deposit agreement that acts as a receipt for the deposit. A nonresident who does not choose to deposit a security shall be taken to the proper court.

(c) The agreement for the security deposit and the written promise or notice to appear in court must contain the following:

(1) A citation of the violation.

(2) The name and address of the person accused of committing the violation.

(3) The number of the person's license to operate a motor vehicle.

(4) The registration number of the person's vehicle, if any.

(5) The time and place the person must appear in court.

If the violation is a misdemeanor, the time specified for appearance must be at least five (5) days after the arrest unless the arrested person demands an earlier hearing. The place specified for appearance must be in the proper court within the county where the person was arrested or given a notice to appear in the case of an infraction or ordinance. The nonresident shall be properly informed of the consequences of a guilty plea or an agreed judgment. The agreement for the security must also contain a provision in which the nonresident agrees that the court shall take permanent possession of the deposit, and if the nonresident fails to appear in court or is not represented in court, a guilty plea or an offer of judgment shall be entered on the court's record on behalf of the nonresident. Upon proper appearance or representation, the security shall be returned to the nonresident.

(d) A nonresident licensed by a jurisdiction that has entered into an agreement with Indiana under IC 9-28-2 may deposit the nonresident's license to operate a motor vehicle with the law enforcement officer as security for release. A nonresident shall, by the date required on the security deposit

- (1) Appear in court.
- (2) Be represented in court.
- (3) Deliver to the court by mail or courier the amount of the fine and costs prescribed for the violation.

The license to operate a motor vehicle shall be returned to the nonresident upon payment of the fine and costs and entry of a guilty plea or upon other judgment of the court. Until a judgment has been entered upon the court's records, the nonresident's copy of the security deposit agreement acts as a temporary license to operate a motor vehicle. Upon failure to appear or to be represented, the nonresident's license to operate a motor vehicle and a copy of the judgment shall be sent by the court to the bureau, which shall notify the appropriate agency in accordance with IC 9-30-3-8.

(e) A nonresident who requests to deposit a security in the amount of the fine and costs shall be accompanied to the nearest United States mail receptacle and instructed by the law enforcement officer to place:

- (1) the amount of the fine and costs; and
- (2) one (1) signed copy of the security deposit agreement;

into a stamped, addressed envelope, which the proper court shall supply to the officer for the nonresident. The officer shall observe

this transaction and shall observe the nonresident deposit the envelope in the mail receptacle. The nonresident shall then be released and given a copy of the security deposit agreement. If the nonresident does not appear in court or is not represented in court at the time and date specified on the receipt, a guilty plea or judgment against the nonresident shall be entered and the security deposit shall be used to satisfy the amount of the fine and costs prescribed for the violation.

(f) A nonresident motorist may deposit with the law enforcement officer a valid motor club card as a guarantee of security if the motor club or its affiliated clubs have a written plan approved by the secretary of state that guarantees the payment of the security in the amount of the fine and costs if the motorist:

- (1) does not appear in court; or
- (2) is not represented in court on the date and time specified in the security agreement.

(g) The recipient court may refuse acceptance of a security deposit agreement for a second moving traffic charge within a twelve (12) month period. The court may send notice requiring a personal court appearance on a date specified. Upon failure to appear the court shall take the appropriate action as described in this section.

As added by P.L.2-1991, SEC.18. Amended by P.L.99-1996, SEC.2.

IC 9-30-2-6

Warrantless arrests; violations; procedure

Sec. 6. A law enforcement officer may, without a warrant, arrest a person in case of violations of:

- (1) IC 9-26-1-1(1), IC 9-26-1-1(2), IC 9-26-1-2(1), IC 9-26-1-2(2), IC 9-26-1-3, or IC 9-26-1-4;

and

- (2) IC 9-30-5 if the violation of IC 9-30-5 is coupled with an accident;

when the law enforcement officer has reasonable cause to believe that the violation was committed by the person. The procedure prescribed in this section is not the only method prescribed by law for the arrest and prosecution of a person for an offense of similar grade. *As added by P.L.2-1991, SEC. 18. Amended by P.L. 1-1992, SEC. 61.*

IC 9-30-2-7

Report of arrests to bureau; contents; filing; retention

Sec. 7. (a) The:

- (1) superintendent of the state police department;

- (3) sheriff of each county; and
- (4) town marshal or police chief of each town;

shall report to the bureau immediately the arrest of a person for a violation of an Indiana law or a city ordinance relating to the operation of motor vehicles upon the highways.

(b) The report must state the following:

- (1) The offense with which the operator or driver is charged.
- (2) The court in which pending.
- (3) The names of all available witnesses to the violation.
- (4) The name and address of the operator.
- (5) If the operator is the holder of a license, the following:
 - (A) The kind of license and license number.
 - (B) The license plate number of the vehicle operated by the operator.

(c) The bureau shall cause the report:

- (1) to be filed in the bureau; and
- (2) retained for at least two (2) years.

(d) The bureau shall prescribe and the bureau shall furnish the form of the report required by this section.

As added by P. L. 2-1991, SEC. 18. Amended by P.L.I-2007, SEC.94.

IC 9-30-2-8

Motor club card plans; guarantee to pay security in amount of fines and costs; fees; renewal; termination; distribution of lists of acceptable cards

Sec. 8. (a) A motor club that is a domestic corporation or a foreign corporation qualified to transact business in Indiana under IC 23-1 or IC 23-17, or otherwise duly qualified to transact business in Indiana under Indiana corporation law, may guarantee as security the club's motor club card or any card of a motor club affiliated with the motor club, if the motor club files a plan guaranteeing to pay the security in the amount of the fine and costs. The ability to pay the security in the amount of the fine and costs must be demonstrated by evidence of the motor club's financial responsibility that must be:

(1) a balance sheet certified by a certified public accountant at the end of the club's last available fiscal year showing net assets of the motor club in excess of five hundred thousand dollars (\$500,000); or

(2) a deposit by a surety company qualified to transact business in Indiana of an annual bond in the amount of twenty-five thousand dollars (\$25,000) payable to the state guaranteeing, in the amount of fines and costs, the motor club cards covered by the plan when used as a security deposit.

(b) A motor club that is a foreign corporation not qualified to transact business in Indiana under IC 23-1, IC 23-17, or any other Indiana corporation law shall demonstrate the club's ability to guarantee payment of the club's card or cards of an affiliated member as a security deposit upon the filing of a plan with the secretary of state guaranteeing payment of the fines and costs of the security and a deposit, by a surety company qualified to transact business in Indiana, of an annual bond in the amount of twenty-five thousand dollars (\$25,000) payable to the state, guaranteeing, in the amount of fines and costs, the motor club's cards covered by the plan when used as a security deposit.

(c) A motor club must, upon filing a plan with the secretary of state, pay a filing fee of fifty dollars (\$50).

(d) A motor club must annually renew the club's motor card plan.

Renewal must be made by filing before May 1 of each year a new certified balance sheet or surety bond together with a renewal fee of fifty dollars (\$50) with the secretary of state.

(e) An approved plan may be terminated by the motor club sixty (60) days after written notice or termination has been delivered to the secretary of state. Upon failure of a motor club to guarantee a

(f) Termination by the secretary of state does not relieve a motor club of the club's obligation to pay judgments on cards covered by the club's plan and accepted as security as provided in this chapter. The attorney general may bring an action for the state in an Indiana court against a motor club to enforce an obligation.

(g) The secretary of state shall, by June 1 of each year and at other times necessary for the administration of this section, prepare and distribute to all courts having jurisdiction over minor traffic violations and to the superintendent of the state police department lists of motor club cards that may be accepted as a security deposit.

As added by P.L.2-1991, SEC.18. Amended by P.L. 1-2010, SEC.51.

**Information Maintained by the Office of Code Revision Indiana Legislative Services Agency
IC 9-21-4**

Chapter 4. Traffic Control Devices

IC 9-21-4-1

Signing, marking, and erection; guidelines

Sec. 1. A governmental agency in Indiana that is responsible for the signing, marking, and erection of traffic control devices on streets and highways within Indiana shall follow the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways. *As added by P.L.2-1991, SEC.9.*

IC 9-21-4-2

Placement and maintenance; department of transportation; local authorities; unnecessary signals; removal

Sec. 2. (a) The Indiana department of transportation shall place and, except as otherwise provided in this section, maintain traffic control devices conforming to the state manual and specifications upon all state highways, including the state maintained routes through a city or town, as necessary to indicate and to carry out this article or to regulate, warn, or guide traffic.

(b) A local authority may not place or maintain a traffic control device upon a highway in the state highway system or the state maintained routes through a city or town until the authority has received written permission from the Indiana department of transportation.

(c) If the department determines, upon the basis of an engineering and traffic investigation, that any traffic control signal is not necessary for the safe, convenient, economical, and orderly movement of traffic, the signal shall be removed by the Indiana department of transportation and be returned to the authority responsible for the signal's erection. If the Indiana department of transportation determines, based on an engineering and traffic investigation, that a traffic control signal now in place is necessary for the safe, convenient, economical, and orderly movement of traffic, the signal must remain in place, and the Indiana department of transportation shall affix a tag or seal to the signal showing that the signal has been approved by the Indiana department of transportation.

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

IC 9-21-4-3

Local authorities; jurisdiction; duties; traffic calming devices

Sec. 3. (a) As used in this section, "traffic calming device" means a device erected to slow traffic on residential streets, including the following:

- (1) traffic circles;
- (2) curb extensions;
- (3) neck downs;
- (4) diagonal diverters;
- (5) truncated diagonal diverters; or

(6) chicanes.

(b) A local authority shall place and maintain traffic control devices upon highways under the authority's jurisdiction, not including state highways, the authority considers necessary to indicate and to carry out this article or local traffic ordinances or to regulate, warn, or guide traffic. All traffic control devices, except traffic calming devices, erected under this section after June 30 1939 must conform to

the Indiana manual on uniform traffic control devices for streets and highways, ("the state manual") and design specifications. However, the design and use of traffic calming devices shall conform to generally accepted engineering principles of road design, and shall not affect the requirements of the state manual and design specifications as regards any other traffic control device, as used in this chapter. *As added by P.L.2-1991, SEC. 9. Amended by P.L. 93-1996, SEC. 1.*

IC 9-21-4-4

Unauthorized traffic control devices; prohibition

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 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 traffic control device or a railroad sign or signal.

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

IC 9-21-4-5

Commercial advertising; placement on traffic control devices; prohibition; exceptions; tourist attraction signage; lights maintained on private property; restrictions

Sec. 5. (a) Except as provided in subsection (b), a person may not place or maintain upon a highway a traffic sign or signal bearing commercial advertising. A public authority may not permit the placement of a traffic sign or signal that bears a commercial message.

(b) Under criteria to be jointly established by the Indiana department of transportation and the office of tourism development, the Indiana department of transportation may authorize the posting of any of the following:

- (1) Limited tourist attraction signage.
- (2) Business signs on specific information panels on the interstate system of highways and other freeways.

All costs of manufacturing, installation, and maintenance to the Indiana department of transportation for a business sign posted under this subsection shall be paid by the business.

(c) Criteria established under subsection (b) for tourist attraction signage must include a category for a tourist attraction that:

- (1) is a trademarked destination brand; and
- (2) encompasses buildings, structures, sites, or other facilities

that are:

- (A) listed on the National Register of Historic Places established under 16 U.S.C. 470 et seq.; or
 - (B) listed on the register of Indiana historic sites and historic structures established under IC 14-21-1;
- regardless of the distance of the tourist attraction from the highway on which the tourist attraction signage is placed.

(d) Criteria established under subsection (b) for tourist attraction signage must include a category for a tourist attraction that is an establishment licensed under IC 7.1-3-2-7(5).

(e) A person may not place, maintain, or display a flashing, a rotating, or an alternating light, beacon, or other lighted device that:

- (1) is visible from a highway; and
- (2) may be mistaken for or confused with a traffic control device or for an authorized warning device on an emergency vehicle.

(f) This section does not prohibit the erection, upon private property adjacent to highways, of signs

As added by P.L.2-1991, SEC.9. Amended by P.L.229-2005, SEC.8; P.L.30-2007, SEC.1; P.L.94-2008 SEC.59.

IC 9-21-4-6

Advertising signs, signals, and devices; placement on or over roadway; prohibition; removal

Sec. 6. (a) A person may not place, maintain, or display an advertising sign, signal, or device on or over the roadway of a highway.

(b) A person may not place, maintain, or display an advertising sign, signal, or device on a highway in a city between the curb and sidewalk. If the curb and sidewalk join, a person may not place, maintain, or display on the sidewalk an advertising sign, signal, or device closer than ten (10) feet from the curb line. Overhanging signs may not overhang the curb.

(c) A person may not place, maintain, or display an advertising sign or device of any character within one hundred (100) feet of a highway outside the corporate limits of an incorporated city or town that obstructs the view of:

(1) the highway; or

(2) an intersecting highway, street, alley, or private driveway;

of a person traveling the highway for a distance of five hundred (500) feet or less from the sign or device as the person approaches the highway or intersecting highway.

(d) A person may not place, maintain, or display an advertising sign or a device of a permanent or semipermanent character on a highway right-of-way.

(e) Each sign, signal, or marking prohibited under this section is declared to be a public nuisance. The authority having jurisdiction over the highway may remove or cause to be removed the prohibited sign, signal, or marking without notice.

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

IC 9-21-4-7

Designation or determination of the location of, necessity for, and extent of traffic control devices; order of department of transportation; violation; trial; certification of order; permits

Sec. 7. (a) Whenever, under this article, the Indiana department of transportation designates or determines the location of, necessity for, and extent of:

(1) traffic control devices;

(2) state speed limits, other than maximum limits;

(3) speed limits on elevated structures;

(4) no passing zones;

(5) one-way roadways;

(6) certain lanes for slow moving traffic;

(7) course of turning movements at intersections;

(8) dangerous railroad crossings requiring stops;

(9) through highways and stop intersections;

(10) angle parking; or

(11) restrictions on the use of highways for certain periods or for certain vehicles, including low speed vehicles;

the designation or determination shall be by order of the commissioner of the Indiana department of transportation and shall, except for subdivision (1), be evidenced by official signs or markings under this article.

(b) At a trial of a person charged with a violation of the restrictions imposed by subsection (a) and in all civil actions, oral evidence of the location and content of the signs or markings is prima facie evidence of the adoption and application of the restriction by the Indiana department of transportation and the validity of the adoption and application of the restriction. The Indiana department of

department of transportation, a certification of the order establishing the restriction in question. A certification under this subsection shall be accepted by any court as conclusive proof of the designation or determination by the commissioner of the Indiana department of transportation. Certified copies shall be furnished without cost to the parties to a court action involving the restriction upon request.

(c) Whenever, under this article, a permit or permission of the Indiana department of transportation is required, the permit must be in writing and under the seal of the Indiana department of transportation. *As added by P.L.2-1991, SEC.9. Amended by P.L.21-2003, SEC. 7.*

IC 9-21-4-8

Rules of statewide application not evidenced by official signs and not authorized by this article; adoption; use of administrative rules

Sec. 8. The rules for construction of private drives and controlling the cutting of curbs in cities and any other rules of statewide

application that are:

- (1) not evidenced by official signs or markings;
- (2) made by the Indiana department of transportation; and
- (3) not authorized by this article but authorized by other statutes;

shall be adopted under IC 4-22-2.

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

IC 9-21-4-9

Administrative rules; adoption of rules of statewide application; exceptions

Sec. 9. (a) Except as provided in subsections (b) and (c), all rules of statewide application shall be adopted under IC 4-22-2.

(b) Traffic regulations carrying a penalty for violation and requiring the use of signs or markers to make them effective need not be adopted under IC 4-22-2.

(c) Traffic regulations, except maximum speed limits and worksite speed limits, shall be officially adopted by order of the Indiana department of transportation.

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

IC 9-21-4-10

Emergency rules; adoption under administrative rules provisions

Sec. 10. If the Indiana department of transportation designates a rule under section 8 or 9 of this chapter as an emergency rule, the department may adopt the rule under IC 4-22-2-37.1. *As added by P.L.2-1991, SEC.9.*

IC 9-21-4-11

Through highways; stop or yield intersections; designation; erection of signs

Sec. 11. The Indiana department of transportation, with reference to state highways and highway routes through cities, and local authorities, with reference to other highways under their jurisdiction, may, upon an engineering and traffic investigation, designate:

- (1) through highways and erect stop or yield signs at specified entrances to the highways; or
- (2) an intersection as a stop or yield intersection and erect stop or yield signs at one (1) or more entrances to the intersection.

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

IC 9-21-4-12

No passing zones and narrow bridges on state highways; designation; erection of signs

Sec. 12. (a) The Indiana department of transportation may determine by an engineering and traffic

roadway would be especially hazardous and may, by appropriate signs or marks on the roadway, indicate the beginning and end of the zones.

(b) The Indiana department of transportation may determine that a bridge, a culvert, or an approach to a bridge or culvert on a state highway does not have sufficient clear roadway width to safely permit the passing of two (2) vehicles. A bridge or culvert described in this subsection shall be designated a one-lane bridge or a narrow bridge. *As added by P.L.2-1991, SEC.9.*

IC 9-21-4-13

No passing zones; designation by local authorities; erection of signs

Sec. 13. A local unit that has responsibility for roads and streets may determine by an engineering and traffic investigation those parts of a road or street, including bridges, under the unit's jurisdiction where overtaking and passing or driving to the left of the roadway would be especially hazardous. Upon making that determination, the local unit may, by ordinance, designate no-passing zones by appropriate signs or marks on the roadway. *As added by P.L.2-1991, SEC.9.*

IC 9-21-4-14

One-way highways and streets; designation; erection of signs

Sec. 14. The Indiana department of transportation may designate a highway or separate roadway under the department's jurisdiction for one-way traffic and shall erect appropriate signs giving notice of the designation. *As added by P.L.2-1991, SEC.9.*

IC 9-21-4-15

Repealed

(Repealed by P.L.81-1996, SEC. 12.)

IC 9-21-4-16

Stopping at railroad crossings; procedure

Sec. 16. When a stop sign is erected at a railroad crossing, the driver of a vehicle shall stop within fifty (50) feet but not less than ten (10) feet from the nearest track of the grade crossing and shall proceed only upon exercising due care. *As added by P.L.2-1991, SEC. 9.*

IC 9-21-4-17

Preferential right-of-way at intersections; signs

Sec. 17. Whenever traffic at an intersection is controlled by signs, preferential right-of-way may be indicated by stop signs or yield signs under this chapter. *As added by P.L.2-1991, SEC.9.*

IC 9-21-4-18

Operation of motor vehicle; obedience of markings or signs

Sec. 18. A person who drives a vehicle must obey the markings or signs posted under this chapter.

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

IC 9-21-4-19

Violations; Class C infraction

Sec. 19. A person who violates section 4, 5, 6, 16, 17, or 18 of this chapter commits a Class C

infraction.

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

IC 9-21-4-20

Highway work zones; signage; penalties

Sec. 20. (a) For purposes of this section, "highway work zone" has the meaning set forth in IC 8-23-2-15.

(b) The Indiana department of transportation shall design and manufacture or have manufactured signs that inform vehicle operators of the offenses and penalties under:

- (1) IC 9-21-5-11; and
- (2) IC 9-21-8-56.

(c) A sign described in subsection (b) shall be posted at a reasonable distance before a highway work zone by:

- (1) the Indiana department of transportation;
- (2) a political subdivision; or
- (3) a contractor of the:
 - (A) Indiana department of transportation; or
 - (B) political subdivision;

that is working at the highway work zone.

A sign that is posted before a highway work zone must be posted in accordance with the Indiana Manual on Uniform Traffic Control Devices or the Indiana Work Site Traffic Control Manual. *As added by P.L. 40-2007, SEC.1.*