
HOUSE BILL No. 1275

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-21; IC 9-30-13-1.

Synopsis: Motor vehicle operation penalties. Increases penalties for a person who violates certain laws concerning motor vehicle operation if the violation results in: (1) an injury to another person; (2) a serious bodily injury to another person; or (3) the death of another person.

Effective: July 1, 2009.

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January 13, 2009, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

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HOUSE BILL No. 1275



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

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

1 SECTION 1. IC 9-21-8-49, AS AMENDED BY P.L.40-2007,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]: Sec. 49. (a) Except as provided in **subsection (b) and**
4 sections 50, 51, 52, 54, 55, and 56 of this chapter, a person who
5 violates this chapter commits a Class C infraction.

6 (b) **However, except as provided in sections 50, 51, 52, 54, 55,**
7 **and 56 of this chapter, a person who violates this chapter commits**
8 **a Class B infraction if the violation results in the death of another**
9 **person.**

10 (c) **Except as provided in sections 50, 51, 52, 54, 55, and 56 of**
11 **this chapter, in addition to any other penalty imposed, if a violation**
12 **of this chapter results in:**

13 (1) **injury to another person, the court shall recommend that**
14 **the person's driving privileges be suspended for thirty (30)**
15 **days;**

16 (2) **serious bodily injury to another person, the court shall**
17 **recommend that the person's driving privileges be suspended**



1 **for ninety (90) days; or**
 2 **(3) the death of another person, the court shall recommend**
 3 **that the person's driving privileges be suspended for one**
 4 **hundred eighty (180) days.**

5 SECTION 2. IC 9-21-8-50 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 50. (a) A person who
 7 operates a tractor-trailer combination in a reckless or deliberate attempt
 8 to:

- 9 (1) endanger the safety or property of others; or
 10 (2) block the proper flow of traffic;
 11 commits a Class B misdemeanor. **However, the offense is a Class A**
 12 **misdemeanor if it results in the death of another person.**

13 **(b) In addition to any other penalty imposed, if an offense under**
 14 **subsection (a) results in:**

- 15 **(1) injury to another person, the court shall recommend that**
 16 **the person's driving privileges be suspended for one (1) year;**
 17 **or**
 18 **(2) the death of another person, the court shall recommend**
 19 **that the person's driving privileges be suspended for three (3)**
 20 **years.**

21 SECTION 3. IC 9-21-8-51 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 51. (a) A person who:

- 23 (1) operates a vehicle; and
 24 (2) fails to dim bright or blinding lights when meeting another
 25 vehicle or pedestrian;
 26 commits a Class B infraction.

27 **(b) In addition to any other penalty imposed, if a violation of**
 28 **subsection (a) results in:**

- 29 **(1) injury to another person, the court shall recommend that**
 30 **the person's driving privileges be suspended for thirty (30)**
 31 **days;**
 32 **(2) serious bodily injury to another person, the court shall**
 33 **recommend that the person's driving privileges be suspended**
 34 **for ninety (90) days; or**
 35 **(3) the death of another person, the court shall recommend**
 36 **that the person's driving privileges be suspended for one**
 37 **hundred eighty (180) days.**

38 SECTION 4. IC 9-21-8-52, AS AMENDED BY P.L.1-2005,
 39 SECTION 103, IS AMENDED TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2009]: Sec. 52. (a) A person who operates a
 41 vehicle and who recklessly:

- 42 (1) drives at such an unreasonably high rate of speed or at such an

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- 1 unreasonably low rate of speed under the circumstances as to:
- 2 (A) endanger the safety or the property of others; or
- 3 (B) block the proper flow of traffic;
- 4 (2) passes another vehicle from the rear while on a slope or on a
- 5 curve where vision is obstructed for a distance of less than five
- 6 hundred (500) feet ahead;
- 7 (3) drives in and out of a line of traffic, except as otherwise
- 8 permitted;
- 9 (4) speeds up or refuses to give one-half (1/2) of the roadway to
- 10 a driver overtaking and desiring to pass; or
- 11 (5) passes a school bus stopped on a roadway when the arm signal
- 12 device specified in IC 9-21-12-13 is in the device's extended
- 13 position;

14 commits a Class B misdemeanor. **However, the offense is a Class A**
 15 **misdemeanor if it results in the death of another person.**

16 (b) **In addition to any other penalty imposed**, if an offense under
 17 subsection (a) results in:

18 (1) damage to the property of another person, the court shall
 19 recommend **that the suspension of the current driving license of**
 20 **the person person's driving privileges be suspended** for a fixed
 21 period of:

- 22 ~~(1)~~ (A) not less than thirty (30) days; and
- 23 ~~(2)~~ (B) not more than one (1) year;

24 (2) **injury to another person, the court shall recommend that**
 25 **the person's driving privileges be suspended for one (1) year;**
 26 **or**

27 (3) **the death of another person, the court shall recommend**
 28 **that the person's driving privileges be suspended for three (3)**
 29 **years.**

30 SECTION 5. IC 9-21-8-54 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 54. (a) A person who
 32 violates section 35(b) or section 35(c) of this chapter commits a Class
 33 A infraction.

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

39 (c) If a violation of section 35(c) of this chapter results in damage
 40 to the property of another person of at least two hundred fifty dollars
 41 (\$250), in addition to any other penalty imposed, the court shall
 42 recommend that the person's driving privileges be suspended for a

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1 fixed period of not less than ninety (90) days and not more than one (1)
2 year.

3 (d) If a violation of section 35(b) or section 35(c) of this chapter
4 results in injury to another person, in addition to any other penalty
5 imposed, the court shall recommend that the person's driving privileges
6 be suspended for a fixed period of not less than one ~~hundred eighty~~
7 ~~(180) days~~ **(1) year** and not more than two (2) years.

8 (e) If a violation of section 35(b) or section 35(c) of this chapter
9 results in the death of another person, in addition to any other penalty
10 imposed, the court shall recommend that the person's driving privileges
11 be suspended for ~~two (2)~~ **three (3)** years.

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

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

16 (2) extend the period of an existing suspension for a fixed period;
17 of not less than ninety (90) days and not more than ~~two (2)~~ **three (3)**
18 years. The bureau shall fix this period in accordance with the
19 recommendation of the court that entered the judgment.

20 SECTION 6. IC 9-21-8-55, AS AMENDED BY P.L.40-2007,
21 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2009]: Sec. 55. (a) This section does not apply to a law
23 enforcement official engaged in the law enforcement official's official
24 duties.

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

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

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

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

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

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

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

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

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

40 (9) Repeatedly flashing the vehicle's headlights.

41 (c) A person who, with the intent to harass or intimidate a person in
42 another vehicle, knowingly or intentionally engages in aggressive

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1 driving commits aggressive driving, a Class A misdemeanor, except as
2 provided in IC 9-21-8-56(d), ~~(f)~~, ~~(g)~~, and ~~(h)~~. **IC 9-21-8-56(f),**
3 **IC 9-21-8-56(g), and IC 9-21-8-56(h).**

4 **(d) In addition to any other penalty imposed, if an offense under**
5 **this section results in:**

6 **(1) injury to another person, the court shall recommend that**
7 **the person's driving privileges be suspended for one (1) year;**
8 **or**

9 **(2) the death of another person, the court shall recommend**
10 **that the person's driving privileges be suspended for three (3)**
11 **years.**

12 SECTION 7. IC 9-21-8-56, AS ADDED BY P.L.40-2007,
13 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2009]: Sec. 56. (a) For purposes of this section, "highway
15 work zone" has the meaning set forth in IC 8-23-2-15.

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

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

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

25 commits a Class A misdemeanor.

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

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

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

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

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

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

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

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

5 (i) **In addition to any other penalty imposed, if an offense under
6 this section results in:**

7 (1) **injury to another person, the court shall recommend that
8 the person's driving privileges be suspended for one (1) year;
9 or**

10 (2) **the death of another person, the court shall recommend
11 that the person's driving privileges be suspended for three (3)
12 years.**

13 SECTION 8. IC 9-21-10-6 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) A motorcycle is
15 entitled to the full use of a traffic lane, and a vehicle may not be driven
16 or operated in a manner that deprives another vehicle of the full use of
17 a traffic lane. Motorcycles may, with the consent of both persons who
18 operate the motorcycles, be operated with not more than two (2) abreast
19 in a single traffic lane. **A person who violates this section commits
20 a Class C infraction. However, a violation of this section is a Class
21 B infraction if the violation results in the death of another person.**

22 (b) **In addition to any other penalty imposed, if a violation of
23 subsection (a) results in:**

24 (1) **injury to another person, the court shall recommend that
25 the person's driving privileges be suspended for thirty (30)
26 days;**

27 (2) **serious bodily injury to another person, the court shall
28 recommend that the person's driving privileges be suspended
29 for ninety (90) days; or**

30 (3) **the death of another person, the court shall recommend
31 that the person's driving privileges be suspended for one
32 hundred eighty (180) days.**

33 SECTION 9. IC 9-21-10-13 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. **Except as
35 provided in section 6 of this chapter,** a person who violates this
36 chapter commits a Class C infraction.

37 SECTION 10. IC 9-30-13-1 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. **Except as provided
39 in IC 9-21-8-55(d),** for a person who uses a motor vehicle to commit
40 recklessness under IC 35-42-2-2, the judge of the court in which the
41 person is convicted shall recommend that the current driver's license of
42 the person be suspended for not less than sixty (60) days and not more

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1 than two (2) years.
2 SECTION 11. [EFFECTIVE JULY 1, 2009] IC 9-21-8-50 and
3 IC 9-21-8-52, both as amended by this act, apply only to offenses
4 committed after June 30, 2009.

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