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# HOUSE BILL No. 1124

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 8-23; IC 36-1-4-6.5.

**Synopsis:** Uniform roadside memorial markers. Permits the department of transportation (INDOT) to erect uniform roadside memorials for victims of fatal accidents involving intoxicated drivers. Requires a local governmental unit that erects memorials to conform to the standards of INDOT. Provides that an individual who requests the erection of a roadside memorial is responsible for associated costs.

**Effective:** July 1, 2010.

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January 7, 2010, read first time and referred to Committee on Interstate and International Cooperation.

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Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

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# HOUSE BILL No. 1124



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

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

1 SECTION 1. IC 8-23-1-25.2 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2010]: **Sec. 25.2 "Intoxicated" has the meaning set forth in**  
4 **IC 9-13-2-86.**

5 SECTION 2. IC 8-23-1-42.6 IS ADDED TO THE INDIANA CODE  
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
7 1, 2010]: **Sec. 42.6. "Uniform roadside memorial" means a marker**  
8 **designed and erected under IC 8-23-5-10.**

9 SECTION 3. IC 8-23-5-10 IS ADDED TO THE INDIANA CODE  
10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
11 1, 2010]: **Sec. 10. (a) If an individual dies as the result of a vehicular**  
12 **traffic accident involving an intoxicated driver and the accident**  
13 **occurred on a highway that is part of the state highway system, a**  
14 **member of the decedent's immediate family may request the**  
15 **department to erect a uniform roadside memorial in the honor of**  
16 **the decedent. A family member who makes a request under this**  
17 **subsection is responsible for all costs associated with the purchase**



1 and erection of the uniform roadside memorial to the extent the  
2 costs are not defrayed by gifts or grants received under subsection  
3 (g).

4 (b) After receiving a request and appropriate payment under  
5 subsection (a), the department shall erect a uniform roadside  
6 memorial within the right-of-way alongside the highway that is  
7 part of the state highway system to:

- 8 (1) memorialize the victim of the fatal vehicular traffic
- 9 accident involving an intoxicated driver; and
- 10 (2) serve as a reminder to others of the duty to drive in a safe
- 11 and unimpaired manner.

12 (c) A uniform roadside memorial higher than ground level may  
13 remain in place not longer than one (1) year.

14 (d) The department may adopt rules under IC 4-22-2 for the:

- 15 (1) application process for;
- 16 (2) size of;
- 17 (3) design of;
- 18 (4) construction of;
- 19 (5) placement, including length of time for display, of; and
- 20 (6) payment for;

21 uniform roadside memorials, with regard to the safety of vehicle  
22 operators, pedestrians, and employees and contractors of the  
23 department.

24 (e) The department shall remove roadside memorials that are  
25 not erected or sanctioned by the department.

26 (f) The department may consult and cooperate with the office of  
27 traffic safety established by IC 9-27-2-2 to carry out this section.

28 (g) The department may accept grants or gifts made to carry  
29 out the purpose of this section.

30 SECTION 4. IC 36-1-4-6.5 IS ADDED TO THE INDIANA CODE  
31 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
32 1, 2010]: **Sec. 6.5. (a) A unit may erect uniform roadside memorials  
33 within the right-of-way alongside highways, streets, or roads  
34 within the unit's jurisdiction to:**

- 35 (1) memorialize the victims of fatal vehicular traffic accidents
- 36 involving intoxicated drivers; and
- 37 (2) serve as a reminder to others of the duty to drive in a safe
- 38 and unimpaired manner.

39 (b) If a unit erects uniform roadside memorials under  
40 subsection (a), the uniform roadside memorials must conform to  
41 the:

- 42 (1) requirements for; and

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1           **(2) specifications of;**  
2           **uniform roadside memorials erected by the Indiana department of**  
3           **transportation as set forth in IC 8-23-5-10.**  
4           **(c) If a member of a victim's immediate family requests the**  
5           **erection of a uniform roadside memorial in the honor of the victim,**  
6           **the unit may require the family member to pay part or all of the**  
7           **costs associated with the purchase and erection of the uniform**  
8           **roadside memorial.**

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