



February 1, 2011

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## SENATE BILL No. 338

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DIGEST OF SB 338 (Updated January 25, 2011 12:18 pm - DI 71)

**Citations Affected:** IC 9-21.

**Synopsis:** Work zone safety. Requires a worksite speed limit to be at least ten miles per hour below the maximum established speed limit for the location on the road or highway on which the worksite is located. Provides that a driver who, in a highway work zone, engages in certain acts that in combination otherwise constitute the offense of aggressive driving commits a Class B infraction. Provides that the Indiana department of transportation may use funds collected as judgments for these infractions to hire off-duty police officers to patrol highway work zones.

**Effective:** July 1, 2011.

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January 11, 2011, read first time and referred to Committee on Homeland Security, Transportation & Veterans Affairs.  
January 31, 2011, reported favorably — Do Pass.

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SB 338—LS 7346/DI 103+



February 1, 2011

First Regular Session 117th General Assembly (2011)

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

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## SENATE BILL No. 338



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 9-21-5-11, AS AMENDED BY P.L.40-2007,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2011]: Sec. 11. (a) Subject to subsection (b), the Indiana  
4 department of transportation, the Indiana finance authority, or a local  
5 authority may establish temporary maximum speed limits in their  
6 respective jurisdictions and in the vicinity of a worksite without  
7 conducting an engineering study and investigation required under this  
8 article. The establishing authority shall post signs notifying the  
9 traveling public of the temporary maximum speed limits established  
10 under this section.

11 (b) Worksite speed limits set under this section must be **at least ten**  
12 (10) miles **per hour** below the maximum established speed limit. ~~A~~  
13 ~~worksite speed limit may not exceed forty-five (45) miles per hour in~~  
14 ~~any location.~~

15 (c) A worksite speed limit set under this section may be enforced  
16 only if:

17 (1) workers are present in the immediate vicinity of the worksite;

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1 or  
2 (2) if workers are not present in the immediate vicinity of the  
3 worksite, the establishing authority determines that the safety of  
4 the traveling public requires enforcement of the worksite speed  
5 limit.

6 (d) Notwithstanding IC 34-28-5-4(b), a judgment for the infraction  
7 of violating a speed limit set under this section must be entered as  
8 follows:

9 (1) If the person has not previously committed the infraction of  
10 violating a speed limit set under this section, a judgment of at  
11 least three hundred dollars (\$300).

12 (2) If the person has committed one (1) infraction of violating a  
13 speed limit set under this section in the previous three (3) years,  
14 a judgment of at least five hundred dollars (\$500).

15 (3) If the person has committed two (2) or more infractions of  
16 violating a speed limit set under this section in the previous three  
17 (3) years, a judgment of one thousand dollars (\$1,000).

18 (e) Notwithstanding IC 34-28-5-5(c), the funds collected as  
19 judgments for the infraction of violating a speed limit set under this  
20 section shall be transferred to the Indiana department of transportation  
21 to pay the costs of hiring off duty police officers to perform the duties  
22 described in IC 8-23-2-15(b).

23 SECTION 2. IC 9-21-8-56, AS ADDED BY P.L.40-2007,  
24 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25 JULY 1, 2011]: Sec. 56. (a) For purposes of this section, "highway  
26 work zone" has the meaning set forth in IC 8-23-2-15.

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

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

34 (1) damage traffic control devices; or

35 (2) inflict bodily injury on a worker;

36 commits a Class A misdemeanor.

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

39 (1) aggressive driving, as defined in section 55 of this chapter; or

40 (2) a speed contest, as prohibited under IC 9-21-6-1;

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

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

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

8 (1) has a prior unrelated conviction under this section in the  
9 previous five (5) years; or

10 (2) is operating the vehicle in violation of IC 9-30-5-1 or  
11 IC 9-30-5-2.

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

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

16 (i) **A person who knowingly, intentionally, or recklessly engages**  
17 **in an act described in section 55(b)(1), 55(b)(2), 55(b)(3), 55(b)(4),**  
18 **55(b)(5), or 55(b)(6) of this chapter in the immediate vicinity of a**  
19 **highway work zone when workers are present commits a Class B**  
20 **infraction. Notwithstanding IC 34-28-5-5(c), the funds collected as**  
21 **judgments for an infraction under this subsection shall be**  
22 **transferred to the Indiana department of transportation to pay the**  
23 **costs of hiring off duty police officers to perform the duties**  
24 **described in IC 8-23-2-15(b).**

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COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill No. 338, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 338 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 8, Nays 1.

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