

HOUSE BILL No. 1169

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-23; IC 9-21; IC 33-37-5-14.

Synopsis: Highway worksite safety. Authorizes the Indiana state police and the Indiana department of transportation to establish a pilot program for the deployment of an automated worksite speed control system to enforce highway worksite speed limits. Provides that a worksite speed limit violation recorded by an automated worksite speed control system may not be enforced unless the violation is at least 12 miles per hour above the established worksite speed limit. Replaces the term "work zone" with "worksite" throughout the relevant statutes.

Effective: July 1, 2020.

Pressel

January 8, 2020, read first time and referred to Committee on Roads and Transportation.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1169

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 8-23-2-15, AS AMENDED BY P.L.217-2014,
- 2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2020]: Sec. 15. (a) As used in this section, "highway ~~work~~
- 4 ~~zone~~ **worksite**" means an area where:
- 5 (1) highway construction, reconstruction, or maintenance is
- 6 actually occurring; and
- 7 (2) notice is posted indicating that the highway ~~work zone~~
- 8 **worksite** is a specific area designated with signage on the
- 9 highway.
- 10 (b) The department may contract with the state police department
- 11 or local law enforcement agencies to hire off duty police officers to
- 12 patrol highway ~~work zones~~. **worksites**. The duties of a police officer
- 13 who is hired under this section:
- 14 (1) are limited to those duties that the police officer normally
- 15 performs while on active duty; and
- 16 (2) do not include the duties of a:
- 17 (A) flagman; or



- 1 (B) security officer.
- 2 (c) The department shall use the money transferred to the
3 department under IC 33-37-9-4(a)(6) to pay the costs of hiring off duty
4 police officers to perform the duties described in subsection (b).
- 5 (d) All money transferred to the department under
6 IC 33-37-9-4(a)(6) is annually appropriated to pay off duty police
7 officers to perform the duties described in subsection (b).
- 8 SECTION 2. IC 8-23-5.5 IS ADDED TO THE INDIANA CODE
9 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2020]:
- 11 **Chapter 5.5. Automated Worksite Speed Enforcement Pilot
12 Program**
- 13 **Sec. 1. As used in this chapter, "highway worksite" has the
14 meaning set forth in IC 8-23-2-15.**
- 15 **Sec. 2. As used in this chapter, "owner" means the registered
16 owner of a motor vehicle or a person leasing a motor vehicle under
17 a lease agreement for a period of at least six (6) months. The term
18 does not include a motor vehicle rental or leasing company.**
- 19 **Sec. 3. As used in this chapter, "recorded image" means an
20 image recorded by a worksite speed control system that:**
- 21 (1) is retained on a photograph, a microphotograph, a
22 electronic image, videotape, or any other medium;
- 23 (2) shows the rear of a motor vehicle and at least two (2) time
24 stamped images of the motor vehicle that include the same
25 stationary object near the motor vehicle; and
- 26 (3) clearly and legibly identifies the entire registration plate
27 of the motor vehicle.
- 28 **Sec. 4. As used in this chapter, "worksite speed control system"
29 means a device having one (1) or more motor vehicle sensors
30 connected to a camera system capable of producing recorded
31 images of motor vehicles traveling at or above a predetermined
32 speed in or approaching a highway worksite.**
- 33 **Sec. 5. As used in this chapter, "worksite speed control system
34 operator" means an individual who is:**
- 35 (1) trained and certified to operate a worksite speed control
36 system; and
- 37 (2) a state police officer or an employee of the department.
- 38 **Sec. 6. (a) The department and the state police department shall
39 jointly establish a pilot program for the deployment of worksite
40 speed control systems in Indiana. A maximum of four (4) worksite
41 speed control systems may be deployed at any particular time
42 under the pilot program.**



1 (b) Subject to section 7 of this chapter, a worksite speed control
2 system may be used under the pilot program to record the images
3 of motor vehicles traveling on a highway if all of the following
4 apply:

5 (1) The worksite speed control system is deployed within a
6 highway worksite.

7 (2) The highway worksite is located on a freeway, expressway,
8 or controlled access highway that has a speed limit of at least
9 forty-five (45) miles per hour when the speed limit is not
10 reduced for a highway worksite under IC 9-21-5-11.

11 (3) Workers are present in the immediate vicinity of the
12 highway worksite.

13 (4) The worksite speed control system is operated by a
14 worksite speed control system operator.

15 (5) A conspicuous road sign alerting drivers that a worksite
16 speed control system may be used to enforce highway
17 worksite speed limits is placed a reasonable distance before
18 the beginning of the highway worksite in accordance with
19 national traffic safety guidelines.

20 (c) Before September 1, 2022, the department shall submit a
21 report to the legislative council in an electronic format under
22 IC 5-14-6 detailing the costs incurred under the pilot program, the
23 amount of fines collected under the pilot program, and the impact
24 of the pilot program on highway worksite safety.

25 Sec. 7. Only recorded images of motor vehicles traveling at least
26 twelve (12) miles per hour above the posted highway worksite
27 speed limit may be retained and used to enforce the posted
28 highway worksite speed limit under this chapter.

29 Sec. 8. An individual who wishes to become a worksite speed
30 control system operator must complete training by the
31 manufacturer of the worksite speed control system in the
32 procedures for deploying, testing, and operating the worksite speed
33 control system. The manufacturer shall issue a certificate of
34 training to the individual upon the individual's completion of the
35 training.

36 Sec. 9. A worksite speed control system operator shall complete
37 and sign a daily log for a worksite speed control system that
38 records the following information:

39 (1) The date, time, and location of the deployment of the
40 worksite speed control system.

41 (2) A statement that the worksite speed control system
42 operator successfully performed, and the device passed, the



- 1 manufacturer specified tests of the worksite speed control
2 system before producing a recorded image.
- 3 **Sec. 10. A worksite speed control system must undergo an**
4 **annual calibration check performed by an independent calibration**
5 **laboratory. The laboratory performing the calibration check shall**
6 **issue a certificate of calibration to the department.**
- 7 **Sec. 11. (a) Except as provided in section 14 of this chapter, the**
8 **owner of a motor vehicle traveling at least twelve (12) miles per**
9 **hour in excess of a worksite speed limit established under**
10 **IC 9-21-5-11, as recorded by a worksite speed control system**
11 **deployed under this chapter, is liable for a fine of seventy-five**
12 **dollars (\$75).**
- 13 **(b) If the owner of a motor vehicle is relieved from liability**
14 **under section 14 of this chapter, the operator of a motor vehicle**
15 **traveling at least twelve (12) miles per hour in excess of a worksite**
16 **speed limit established under IC 9-21-5-11, as recorded by a**
17 **worksite speed control system deployed under this chapter, is liable**
18 **for the fine of seventy-five dollars (\$75).**
- 19 **Sec. 12. (a) A worksite speed control system operator shall mail**
20 **a citation to the owner of a motor vehicle recorded traveling at**
21 **least twelve (12) miles per hour in excess of a worksite speed limit**
22 **established under IC 9-21-5-11. The citation must include the**
23 **following information:**
- 24 **(1) The name and address of the registered owner of the**
25 **motor vehicle.**
- 26 **(2) The registration number of the motor vehicle.**
- 27 **(3) A statement that the owner of the motor vehicle is being**
28 **charged with violating a worksite speed limit.**
- 29 **(4) The location of the violation of the worksite speed limit.**
- 30 **(5) The date and time of the violation of the worksite speed**
31 **limit.**
- 32 **(6) At least one (1) recorded image of the motor vehicle with**
33 **a data bar imprinted on each image that includes the speed of**
34 **the vehicle and the date and time that the image was recorded.**
- 35 **(7) A statement that the fine for violating the worksite speed**
36 **limit when the violation is detected by a worksite speed**
37 **control system is seventy-five (\$75) dollars.**
- 38 **(8) The date by which the fine must be paid.**
- 39 **(9) A signed statement by a police officer employed by the**
40 **state police department that:**
- 41 **(A) the police officer has reviewed the recorded images;**
42 **and**



- 1 **(B) determined that the motor vehicle was traveling at**
 2 **least twelve (12) miles per hour in excess of the worksite**
 3 **speed limit.**
- 4 **(10) A statement that the recorded images obtained through**
 5 **a worksite speed control system are evidence of a worksite**
 6 **speed limit violation.**
- 7 **(11) A statement advising the owner of the motor vehicle of**
 8 **the manner and time in which the liability alleged in the**
 9 **citation may be contested in the appropriate circuit, superior,**
 10 **or traffic court.**
- 11 **(b) A citation issued under this section must be mailed not later**
 12 **than:**
- 13 **(1) fourteen (14) days after the alleged violation with respect**
 14 **to worksite speed limit violations committed in a motor**
 15 **vehicle registered in Indiana; and**
- 16 **(2) thirty (30) days after the alleged violation with respect to**
 17 **worksite speed limit violations committed in a motor vehicle**
 18 **registered in a jurisdiction other than Indiana.**
- 19 **(c) The owner of a motor vehicle who receives a citation issued**
 20 **under this section may:**
- 21 **(1) pay the fine imposed before the deadline specified by the**
 22 **citation; or**
- 23 **(2) contest the liability alleged by the citation in the manner**
 24 **specified by the citation in the appropriate circuit, superior,**
 25 **or traffic court.**
- 26 **Sec. 13. (a) A certificate:**
- 27 **(1) alleging that a violation of a worksite speed limit occurred**
 28 **and was detected by a worksite speed control system;**
- 29 **(2) stating that the worksite speed control system was**
 30 **deployed and operated in the manner required by this**
 31 **chapter;**
- 32 **(3) stating that a police officer employed by the state police**
 33 **department has reviewed the recorded images obtained by the**
 34 **speed control system to determine that the violation of the**
 35 **worksite speed limit occurred; and**
- 36 **(4) signed and affirmed by the police officer described in**
 37 **subdivision (3);**
- 38 **is evidence of the facts contained in the certificate. The certificate**
 39 **is admissible in a proceeding conducted under this chapter without**
 40 **requiring the presence or testimony of the appropriate worksite**
 41 **speed control system operator.**
- 42 **(b) If the owner of a motor vehicle receives a citation under**



1 section 12 of this chapter, contests the liability alleged in the
2 citation, and wants to require a worksite speed control operator to
3 be present and testify in the proceedings, the owner must notify the
4 court and the state police department at least twenty (20) days
5 before the date of the proceeding to contest the liability alleged in
6 the citation.

7 (c) The following are admissible in a proceeding conducted
8 under this chapter:

9 (1) A certificate of training issued to a worksite speed control
10 system operator under section 8 of this chapter.

11 (2) A daily log entry completed under section 9 of this
12 chapter.

13 (3) A certificate of calibration issued under section 10 of this
14 chapter.

15 Sec. 14. (a) A circuit, superior, or traffic court conducting a
16 proceeding under this chapter shall determine a person's liability
17 for an alleged violation of a worksite speed limit based on the
18 preponderance of the evidence.

19 (b) A circuit, superior, or traffic court conducting a proceeding
20 to contest the liability alleged in a citation issued under section 12
21 of this chapter may consider any of the following in a defense of an
22 alleged violation of a worksite speed limit:

23 (1) That the motor vehicle or the registration plate of the
24 motor vehicle detected by the worksite speed control system
25 had been stolen before the violation occurred and was not
26 under the control or possession of the person receiving the
27 citation under section 12 at the time of the alleged violation.

28 (2) Subject to subsection (c), that the owner of the motor
29 vehicle detected by the worksite speed control system was not
30 operating the motor vehicle at the time of the alleged
31 violation.

32 (3) Any other relevant information presented to the court.

33 (c) To satisfy the evidentiary burden of establishing a defense
34 described in subsection (b)(2), the owner of a motor vehicle shall
35 submit to the court a sworn affidavit stating that the person was
36 not operating the motor vehicle at the time of the alleged worksite
37 speed limit violation. The owner must include in the sworn
38 affidavit any corroborating evidence that the owner was not
39 operating the motor vehicle at the time of the alleged violation and
40 any relevant evidence identifying the operator of the motor vehicle
41 at the time of the alleged violation.

42 (d) If the court finds that the owner of the motor vehicle



1 detected by the worksite speed control system was not operating
2 the motor vehicle at the time of the alleged violation and receives
3 evidence identifying the operator of the motor vehicle at the time
4 of the alleged violation, the court shall provide to the state police
5 department the evidence substantiating who was operating the
6 motor vehicle at the time of the alleged violation.

7 (e) Upon receipt of evidence substantiating who was operating
8 the motor vehicle at the time of the alleged violation, the state
9 police department may issue a citation to the operator of the motor
10 vehicle containing the following information:

11 (1) The name and address of the individual identified as the
12 operator of the motor vehicle.

13 (2) A description of the motor vehicle, including the name of
14 the owner of the motor vehicle.

15 (3) A statement that the individual is being charged with
16 violating a worksite speed limit as the operator of the motor
17 vehicle.

18 (4) The location of the violation of the worksite speed limit.

19 (5) The date and time of the violation of the worksite speed
20 limit.

21 (6) At least one (1) recorded image of the motor vehicle with
22 a data bar imprinted on each image that includes the speed of
23 the vehicle and the date and time that the image was recorded.

24 (7) A statement that the fine for violating the worksite speed
25 limit when the violation is detected by a worksite speed
26 control system is seventy-five (\$75) dollars.

27 (8) The date by which the fine must be paid.

28 (9) A signed statement by a police officer employed by the
29 state police department that:

30 (A) the police officer has reviewed the recorded images;
31 and

32 (B) determined that the motor vehicle was traveling at
33 least twelve (12) miles per hour in excess of the worksite
34 speed limit.

35 (10) A statement that the recorded images obtained through
36 a worksite speed control system are evidence of a worksite
37 speed limit violation.

38 (11) A statement advising the individual of the manner and
39 time in which the liability alleged in the citation may be
40 contested in the appropriate circuit, superior, or traffic court.

41 (f) A citation issued under subsection (e) must be mailed not
42 later than thirty (30) days after the date that the state police



1 department receives the information described in subsection (d)
2 from the court.

3 (g) The operator of a motor vehicle who receives a citation
4 issued under this section may:

5 (1) pay the fine imposed before the deadline specified by the
6 citation; or

7 (2) contest the liability alleged by the citation in the manner
8 specified by the citation in the appropriate circuit, superior,
9 or traffic court.

10 (h) A circuit, superior, or traffic court conducting a proceeding
11 to contest the liability alleged in a citation issued under subsection
12 (e) may consider any of the following in a defense of an alleged
13 violation of a worksite speed limit:

14 (1) Subject to subsection (i), that the individual was not
15 operating the motor vehicle at the time of the alleged
16 violation.

17 (2) Any other relevant information presented to the court.

18 (i) To satisfy the evidentiary burden of establishing a defense
19 described in subsection (h)(1), the individual shall submit to the
20 court a sworn affidavit stating that the person was not operating
21 the motor vehicle at the time of the alleged worksite speed limit
22 violation. The individual must include in the sworn affidavit any
23 corroborating evidence that the individual was not operating the
24 motor vehicle at the time of the alleged violation and any relevant
25 evidence identifying the operator of the motor vehicle at the time
26 of the alleged violation.

27 **Sec. 15. Fines collected under this chapter must be deposited in**
28 **the spinal cord and brain injury fund established by**
29 **IC 16-41-42.2-3.**

30 SECTION 3. IC 9-21-4-20, AS ADDED BY P.L.40-2007,
31 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2020]: Sec. 20. (a) For purposes of this section, "highway
33 ~~work zone~~" **worksite**" has the meaning set forth in IC 8-23-2-15.

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

37 (1) IC 9-21-5-11; and

38 (2) IC 9-21-8-56.

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

41 (1) the Indiana department of transportation;

42 (2) a political subdivision; or



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

4 that is working at the highway ~~work zone~~: **worksite**.

5 A sign that is posted before a highway ~~work zone~~ **worksite** must be
 6 posted in accordance with the Indiana Manual on Uniform Traffic
 7 Control Devices or the Indiana Work Site Traffic Control Manual.

8 SECTION 4. IC 9-21-5-11, AS AMENDED BY P.L.41-2016,
 9 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2020]: Sec. 11. (a) Subject to subsection (b), the Indiana
 11 department of transportation, the Indiana finance authority, or a local
 12 authority may establish temporary maximum speed limits in their
 13 respective jurisdictions and in the vicinity of a worksite without
 14 conducting an engineering study and investigation required under this
 15 article. The establishing authority shall post signs notifying the
 16 traveling public of the temporary maximum speed limits established
 17 under this section.

18 (b) Worksite speed limits set under this section must be at least ten
 19 (10) miles per hour below the maximum established speed limit.

20 (c) A worksite speed limit set under this section may be enforced
 21 ~~only if:~~ **as follows:**

22 (1) **If workers are present in the immediate vicinity of the**
 23 **worksite. ~~or~~**

24 (2) **If workers are not present in the immediate vicinity of the**
 25 **worksite, the establishing authority determines that the safety of**
 26 **the traveling public requires enforcement of the worksite speed**
 27 **limit.**

28 (3) **In the case of a worksite speed limit enforced through**
 29 **worksite speed control system under IC 8-23-5.5, if:**

30 (A) **workers are present in the immediate vicinity of the**
 31 **worksite; and**

32 (B) **the worksite speed control system indicates that the**
 33 **operator of a motor vehicle has exceeded the worksite**
 34 **speed limit set under this section by at least twelve (12)**
 35 **miles per hour.**

36 (d) **This subsection does not apply to a person whose violation**
 37 **of a worksite speed limit is detected and enforced through a**
 38 **worksite speed control system under IC 8-23-5.5.** Notwithstanding
 39 IC 34-28-5-4(b), a judgment for the infraction of violating a speed limit
 40 set under this section must be entered as follows:

41 (1) **If the person has not previously committed the infraction of**
 42 **violating a speed limit set under this section, a judgment for a**



- 1 Class B infraction and a fine of at least three hundred dollars
- 2 (\$300) shall be imposed.
- 3 (2) If the person has committed one (1) infraction of violating a
- 4 speed limit set under this section in the previous three (3) years,
- 5 a judgment for a Class B infraction and a fine of at least five
- 6 hundred dollars (\$500) shall be imposed.
- 7 (3) If the person has committed two (2) or more infractions of
- 8 violating a speed limit set under this section in the previous three
- 9 (3) years, a judgment for a Class B infraction and a fine of one
- 10 thousand dollars (\$1,000) shall be imposed.

11 (e) **This subsection does not apply to person whose violation of**
 12 **a worksite speed limit is detected and enforced through a worksite**
 13 **speed control system under IC 8-23-5.5.** Notwithstanding
 14 IC 34-28-5-5(c), the funds collected as judgments for the infraction of
 15 violating a speed limit set under this section shall be transferred to the
 16 Indiana department of transportation to pay the costs of hiring off duty
 17 police officers to perform the duties described in IC 8-23-2-15(b).

18 (f) **This subsection does not apply to person whose violation of**
 19 **a worksite speed limit is detected and enforced through a worksite**
 20 **speed control system under IC 8-23-5.5.** If judgment has been
 21 imposed for committing two (2) infractions under this section within
 22 one (1) year, an additional penalty of the suspension of the driving
 23 privileges of the person who committed the infractions may be imposed
 24 by the court imposing the sentence for the second violation. If the court
 25 suspends a person's driving privileges under this subsection, the court
 26 shall issue an order to the bureau:

- 27 (1) stating that judgment against the person has been entered for
- 28 committing the infraction of exceeding a worksite speed limit
- 29 under this section for the second time in one (1) year; and
- 30 (2) ordering the suspension of the person's driving privileges by
- 31 the bureau under IC 9-30-13-9.

32 The suspension of a person's driving privileges under this section is in
 33 addition to any other penalties imposed under this section and any fee
 34 imposed under IC 33-37-5-14.

35 SECTION 5. IC 9-21-8-56, AS AMENDED BY P.L.217-2014,
 36 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2020]: Sec. 56. (a) For purposes of this section, "highway
 38 ~~work zone~~ **worksite**" has the meaning set forth in IC 8-23-2-15.

39 (b) Except as provided in subsections (f) through (h), a person who
 40 recklessly operates a vehicle in the immediate vicinity of a highway
 41 ~~work zone~~ **worksite** when workers are present commits a Class A
 42 misdemeanor.



1 (c) Except as provided in subsections (f) through (h), a person who
 2 knowingly or intentionally operates a motor vehicle in the immediate
 3 vicinity of a highway **work zone worksite** when workers are present
 4 with the intent to:

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

7 commits a Class A misdemeanor.

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

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

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

14 (e) Except as provided in subsections (f) through (h), a person who
 15 recklessly fails to obey a traffic control device or flagman, as
 16 prohibited under section 41 of this chapter, in the immediate vicinity
 17 of a highway **work zone worksite** when workers are present commits
 18 a Class A misdemeanor.

19 (f) An offense under subsection (b), (c), (d), or (e) is a Level 6
 20 felony if the person who commits the offense:

- 21 (1) has a prior unrelated conviction under this section in the
 22 previous five (5) years; or
- 23 (2) is operating the vehicle in violation of IC 9-30-5-1 or
 24 IC 9-30-5-2.

25 (g) An offense under subsection (b), (c), (d), or (e) is a Level 6
 26 felony if the offense results in bodily injury to a worker in the worksite.

27 (h) An offense under subsection (b), (c), (d), or (e) is a Level 5
 28 felony if the offense results in the death of a worker in the worksite.

29 (i) A person who knowingly, intentionally, or recklessly engages in
 30 an act described in section 55(b)(1), 55(b)(2), 55(b)(3), 55(b)(4),
 31 55(b)(5), or 55(b)(6) of this chapter in the immediate vicinity of a
 32 highway **work zone worksite** when workers are present commits a
 33 Class B infraction. Notwithstanding IC 34-28-5-5(c), the funds
 34 collected as judgments for an infraction under this subsection shall be
 35 transferred to the Indiana department of transportation to pay the costs
 36 of hiring off duty police officers to perform the duties described in
 37 IC 8-23-2-15(b).

38 SECTION 6. IC 33-37-5-14, AS AMENDED BY P.L.85-2013,
 39 SECTION 114, IS AMENDED TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2020]: Sec. 14. (a) This section applies to
 41 criminal, infraction, and ordinance violation actions that are traffic
 42 offenses (as defined in IC 9-13-2-183).



- 1 (b) The clerk shall collect a highway worksite ~~zone~~ fee of fifty cents
2 (\$0.50). However, the clerk shall collect a highway worksite ~~zone~~ fee
3 of twenty-five dollars and fifty cents (\$25.50) if:
4 (1) the criminal action, infraction, or ordinance violation is:
5 (A) exceeding a worksite speed limit (as provided in
6 IC 9-21-5-2 and authorized by IC 9-21-5-3); or
7 (B) failure to merge (as provided in IC 9-21-8-7.5); and
8 (2) the judge orders the clerk to collect the fee for exceeding a
9 worksite speed limit or failure to merge.

