

HOUSE BILL No. 1378

DIGEST OF INTRODUCED BILL

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

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

Effective: July 1, 2023.

Moseley

January 17, 2023, read first time and referred to Committee on Roads and Transportation.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1378



A BILL FOR AN ACT to amend the Indiana Code concerning transportation and to make an appropriation.

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, 2023]: 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 8-23-32 IS ADDED TO THE INDIANA CODE AS

9 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY

10 1, 2023]:

11 **Chapter 32. Worksite Speed Control Pilot Program**

12 **Sec. 1. This chapter applies to a part of a road or bridge on the**

13 **interstate system (as defined by IC 8-23-1-25) or a U.S. route.**

14 **Sec. 2. As used in this chapter, "motor vehicle" has the meaning**

15 **set forth in IC 9-13-2-105(a).**

16 **Sec. 3. As used in this chapter, "motor vehicle rental company"**

17 **means a person that routinely engages in the business of renting**

18 **motor vehicles for periods of not more than thirty (30) days.**

19 **Sec. 4. As used in this chapter, "owner" means a person in**

20 **whose name a motor vehicle is registered under any of the**

21 **following:**

- 22 (1) IC 9-18.1.
- 23 (2) The law of another state.
- 24 (3) The law of a foreign country.
- 25 (4) The International Registration Plan.

26 **Sec. 5. As used in this chapter, "pilot fund" means the worksite**

27 **speed control pilot fund established by section 21 of this chapter.**

28 **Sec. 6. As used in this chapter, "pilot program" means the**

29 **worksite speed control pilot program established under section 11**

30 **of this chapter.**

31 **Sec. 7. As used in this chapter, "worksite" has the meaning set**

32 **forth in IC 9-13-2-200.**

33 **Sec. 8. As used in this chapter, "worksite speed control system"**

34 **means a photographic device, radar device, laser device, or other**

35 **electrical or mechanical device or devices designed to:**

- 36 (1) record the speed of a motor vehicle; and
- 37 (2) obtain a clear photograph or other recorded image of the
- 38 rear of the motor vehicle and the license plate affixed to the
- 39 motor vehicle at the time the recorded speed of the motor
- 40 vehicle exceeds a worksite speed limit.

41 **Sec. 9. As used in this chapter, "worksite speed control system**

42 **operator" means a person described in section 14 of this chapter.**



1 **Sec. 10. As used in this chapter, "worksite speed limit" means**
 2 **a temporary speed limit established by:**

- 3 (1) the department;
 4 (2) the Indiana finance authority; or
 5 (3) a local unit in the vicinity of a worksite;

6 **under IC 9-21-5-11.**

7 **Sec. 11. (a) The department shall establish the worksite speed**
 8 **control pilot program for the purpose of enforcing worksite speed**
 9 **limits.**

10 **(b) The department shall work in coordination with the state**
 11 **police department to administer the pilot program.**

12 **(c) The department and the state police department may enter**
 13 **into an agreement to share information to administer the pilot**
 14 **program.**

15 **(d) The department may enter into an agreement with a third**
 16 **party vendor to assist in the administration of the pilot program.**

17 **Sec. 12. (a) The department may deploy not more than four (4)**
 18 **worksite speed control systems at any one (1) time under the pilot**
 19 **program.**

20 **(b) Subject to section 13 of this chapter, a worksite speed control**
 21 **system may be used under the pilot program to obtain a**
 22 **photograph or record an image of a motor vehicle traveling on a**
 23 **highway if all of the following apply:**

24 (1) The worksite speed control system is deployed at a
 25 worksite.

26 (2) The worksite is located on a freeway, expressway, or
 27 controlled access highway that has a speed limit of at least
 28 forty-five (45) miles per hour when there is not a worksite
 29 speed limit.

30 (3) Workers are present in the immediate vicinity of the
 31 worksite.

32 (4) The worksite speed control system is operated by a
 33 worksite speed control system operator.

34 (5) A conspicuous road sign alerting drivers that a worksite
 35 speed control system may be used to enforce the worksite
 36 speed limit is placed in a location before the beginning of the
 37 worksite in accordance with national traffic safety guidelines.

38 **Sec. 13. (a) Only a photograph or recorded image of a motor**
 39 **vehicle traveling at least twelve (12) miles per hour above the**
 40 **worksite speed limit may be obtained and used to enforce the**
 41 **worksite speed limit under this chapter.**

42 **(b) Except as otherwise provided by this chapter, use of a**



1 photograph or recorded image for the purpose of enforcing a
2 traffic offense (as defined in IC 9-13-2-183) is prohibited.

3 **Sec. 14. (a) The department shall employ worksite speed control**
4 **system operators to operate a worksite speed control system at a**
5 **worksite.**

6 **(b) A worksite speed control system operator must be:**

7 **(1) an employee of the department or a police officer**
8 **employed by the state police department; and**

9 **(2) trained and certified to operate a worksite speed control**
10 **system under subsection (c).**

11 **(c) A worksite speed control system operator must complete**
12 **training by the manufacturer of the worksite speed control system**
13 **in the procedures for:**

14 **(1) deploying;**

15 **(2) testing; and**

16 **(3) operating;**

17 **a worksite speed control system.**

18 **(d) The manufacturer of the worksite speed control system shall**
19 **issue a certificate of training to a worksite speed control system**
20 **operator upon the successful completion of the training required**
21 **under subsection (c).**

22 **Sec. 15. A worksite speed control system operator shall complete**
23 **a daily log for the worksite speed control system that contains the**
24 **following:**

25 **(1) The location of the worksite where the worksite speed**
26 **control system is deployed.**

27 **(2) The date and time when workers are present at the**
28 **worksite.**

29 **(3) The location within the worksite where workers are**
30 **present.**

31 **(4) A statement that:**

32 **(A) the worksite speed control system operator successfully**
33 **performed; and**

34 **(B) the device passed;**

35 **the tests of the worksite speed control system specified by the**
36 **manufacturer before producing a photograph or recorded**
37 **image.**

38 **(5) The signature of the worksite speed control system**
39 **operator.**

40 **Sec. 16. (a) A worksite speed control system must undergo an**
41 **annual calibration check performed by an independent calibration**
42 **laboratory.**



1 (b) The independent calibration laboratory performing the
2 annual calibration check required under subsection (a) shall issue
3 a certificate of calibration to the department for the worksite speed
4 control system as proof that:

- 5 (1) the annual calibration check was performed; and
- 6 (2) the worksite speed control system is accurately calibrated.

7 Sec. 17. (a) Except as provided in section 20 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, as recorded by a worksite
10 speed control system deployed under this chapter, is liable for a
11 fine of seventy-five dollars (\$75).

12 (b) If the owner of a motor vehicle is relieved from liability
13 under section 20 of this chapter, the operator of a motor vehicle
14 traveling at least twelve (12) miles per hour in excess of a worksite
15 speed limit, as recorded by a worksite speed control system
16 deployed under this chapter, is liable for a fine of seventy-five
17 dollars (\$75).

18 Sec. 18. (a) A worksite speed control system operator shall mail
19 a citation to the owner of a motor vehicle recorded traveling at
20 least twelve (12) miles per hour in excess of a worksite speed limit.
21 The citation must include the following information:

- 22 (1) The name and address of the owner of the motor vehicle.
- 23 (2) The registration number of the motor vehicle.
- 24 (3) A statement that the owner of the motor vehicle is being
25 charged with a violation of a worksite speed limit.
- 26 (4) The location of the violation of the worksite speed limit.
- 27 (5) The date and time of the violation of the worksite speed
28 limit.
- 29 (6) At least one (1) photograph or recorded image of the
30 motor vehicle with a data bar imprinted on each photograph
31 or recorded image that includes the speed of the vehicle and
32 the date and time that the photograph or recorded image was
33 obtained.
- 34 (7) A statement that the fine for violating the worksite speed
35 limit when the violation is detected by a worksite speed
36 control system is seventy-five dollars (\$75).
- 37 (8) The date by which the fine must be paid.
- 38 (9) A signed statement by a police officer employed by the
39 state police department that the police officer has:
 - 40 (A) reviewed the photograph or recorded image; and
 - 41 (B) determined that the motor vehicle was traveling at
42 least twelve (12) miles per hour in excess of the worksite



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



1 the owner must notify the court and the state police department at
2 least twenty (20) days before the date of the proceeding to contest
3 the liability alleged in the citation.

4 (d) The following are admissible as evidence in a proceeding
5 conducted under this chapter:

6 (1) A certificate of training issued to a worksite speed control
7 system operator under section 14(d) of this chapter.

8 (2) A daily log entry completed under section 15 of this
9 chapter.

10 (3) A certificate of calibration issued under section 16(b) of
11 this chapter.

12 **Sec. 20. (a)** A circuit, superior, or traffic court conducting a
13 proceeding under this chapter shall determine a person's liability
14 for an violation of a worksite speed limit based on the
15 preponderance of the evidence.

16 (b) A circuit, superior, or traffic court conducting a proceeding
17 to contest the liability alleged in a citation issued under section 18
18 of this chapter may consider any of the following defenses to an
19 alleged violation of a worksite speed limit:

20 (1) That the motor vehicle or the registration plate of the
21 motor vehicle detected by the worksite speed control system
22 had been stolen before the violation occurred and was not
23 under the control or possession of the person receiving the
24 citation under section 18 of this chapter at the time of the
25 violation of the worksite speed limit.

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

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

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

40 (d) If the court:

41 (1) finds that the owner of the motor vehicle detected by the
42 worksite speed control system was not operating the motor



1 vehicle at the time of the violation; and

2 (2) receives evidence identifying the operator of the motor
3 vehicle at the time of the alleged violation;

4 the court shall provide to the state police department the evidence
5 substantiating who was operating the motor vehicle at the time of
6 the violation.

7 (e) Upon receipt of evidence substantiating the identity of the
8 individual who was operating the motor vehicle at the time of the
9 violation of the worksite speed limit, the state police department
10 may issue a citation to the individual who was identified by the
11 owner of the motor vehicle as the operator of the motor vehicle at
12 the time of the violation of the worksite speed limit containing the
13 following information:

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

16 (2) A description of the motor vehicle, including the name of
17 the owner of the motor vehicle.

18 (3) A statement that the individual is being charged with a
19 violation of a worksite speed limit as the operator of the
20 motor vehicle.

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

22 (5) The date and time of the violation of the worksite speed
23 limit.

24 (6) At least one (1) photograph or recorded image of the
25 motor vehicle with a data bar imprinted on each photograph
26 or recorded image that includes the speed of the vehicle and
27 the date and time that the photograph or recorded image was
28 obtained.

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

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

33 (9) A signed statement by a police officer employed by the
34 state police department that the police officer has:

35 (A) reviewed the photograph or recorded image; and

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

39 (10) A statement that a photograph or recorded image
40 obtained through a worksite speed control system is evidence
41 of a worksite speed limit violation.

42 (11) A statement advising the individual of the manner and



- 1 time in which the liability alleged in the citation may be
2 contested in the appropriate circuit, superior, or traffic court.
- 3 **(f) A citation issued under subsection (e) must be mailed not**
4 **later than thirty (30) days after the date the state police**
5 **department receives the information described in subsection (d).**
- 6 **(g) The operator of a motor vehicle who receives a citation**
7 **issued under this section may:**
- 8 **(1) pay the fine imposed before the deadline specified by the**
9 **citation; or**
- 10 **(2) contest the liability alleged by the citation in the manner**
11 **specified by the citation in the appropriate circuit, superior,**
12 **or traffic court.**
- 13 **(h) A circuit, superior, or traffic court conducting a proceeding**
14 **to contest the liability alleged in a citation issued under subsection**
15 **(e) may consider any of the following in defenses for a violation of**
16 **a worksite speed limit:**
- 17 **(1) Subject to subsection (i), that the individual was not**
18 **operating the motor vehicle at the time of the alleged**
19 **violation.**
- 20 **(2) Any other relevant information presented to the court.**
- 21 **(i) To satisfy the evidentiary burden of establishing a defense**
22 **described in subsection (h)(1), the individual shall submit to the**
23 **court a sworn affidavit stating that the person was not operating**
24 **the motor vehicle at the time of the violation of the worksite speed**
25 **limit. The individual must include in the sworn affidavit any**
26 **corroborating evidence that the individual was not operating the**
27 **motor vehicle at the time of the violation of the worksite speed limit**
28 **and any relevant evidence identifying the operator of the motor**
29 **vehicle at the time of the violation of the worksite speed limit.**
- 30 **Sec. 21. (a) The worksite speed control pilot fund is established**
31 **for the purpose of promoting and developing worksite safety under**
32 **the pilot program established under section 11 of this chapter.**
- 33 **(b) The pilot fund consists of all fines collected under this**
34 **chapter and shall be distributed as follows:**
- 35 **(1) Forty percent (40%) to the state police department, with**
36 **fifty percent (50%) allocated for recruiting, training, or**
37 **equipping cadets, and fifty percent (50%) allocated for**
38 **increased police presence in worksites.**
- 39 **(2) Forty percent (40%) to the department, to be allocated for**
40 **hiring off duty law enforcement officers who will function as**
41 **worksite speed control system operators as described in this**
42 **chapter.**



1 **(3) Twenty percent (20%) to the department, to be allocated**
 2 **for improving worksite safety.**

3 **(c) The department shall administer the pilot fund.**

4 **(d) The expenses of administering the pilot fund must be paid**
 5 **from money in the pilot fund.**

6 **(e) Money in the pilot fund at the end of a state fiscal year does**
 7 **not revert to the state general fund.**

8 **(f) The money in the pilot fund is continually appropriated to**
 9 **the department to fund the purposes specified in this chapter.**

10 **Sec. 22. Before September 1, 2025, the department shall submit**
 11 **a report to the legislative council in an electronic format under**
 12 **IC 5-14-6 detailing the costs incurred under the pilot program, the**
 13 **amount of fines collected under the pilot program, and the impact**
 14 **of the pilot program on worksite safety.**

15 SECTION 3. IC 9-21-4-20, AS ADDED BY P.L.40-2007,
 16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2023]: Sec. 20. (a) For purposes of this section, "highway
 18 ~~work zone~~ **worksite**" has the meaning set forth in IC 8-23-2-15.

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

22 **(1) IC 8-23-32;**

23 ~~(2)~~ **(2) IC 9-21-5-11; and**

24 ~~(3)~~ **(3) IC 9-21-8-56.**

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

27 (1) the Indiana department of transportation;

28 (2) a political subdivision; or

29 (3) a contractor of the:

30 (A) Indiana department of transportation; or

31 (B) political subdivision;

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

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

36 SECTION 4. IC 9-21-5-11, AS AMENDED BY P.L.41-2016,
 37 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2023]: Sec. 11. (a) Subject to subsection (b), the Indiana
 39 department of transportation, the Indiana finance authority, or a local
 40 authority may establish temporary maximum speed limits in their
 41 respective jurisdictions and in the vicinity of a worksite without
 42 conducting an engineering study and investigation required under this



1 article. The establishing authority shall post signs notifying the
 2 traveling public of the temporary maximum speed limits established
 3 under this section.

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

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

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

10 (2) If workers are not present in the immediate vicinity of the
 11 worksite, the establishing authority determines that the safety of
 12 the traveling public requires enforcement of the worksite speed
 13 limit.

14 **(3) In the case of a worksite speed limit enforced through a**
 15 **worksite speed control system under IC 8-23-32, if the**
 16 **automated traffic control system indicates that the operator**
 17 **of a motor vehicle has exceeded the worksite speed limit set**
 18 **under this section by at least twelve (12) miles per hour.**

19 (d) **This subsection does not apply to a person whose violation**
 20 **of a worksite speed limit is detected and enforced through a**
 21 **worksite speed system under IC 8-23-32.** Notwithstanding
 22 IC 34-28-5-4(b), a judgment for the infraction of violating a speed limit
 23 set under this section must be entered as follows:

24 (1) If the person has not previously committed the infraction of
 25 violating a speed limit set under this section, a judgment for a
 26 Class B infraction and a fine of at least three hundred dollars
 27 (\$300) shall be imposed.

28 (2) If the person has committed one (1) infraction of violating a
 29 speed limit set under this section in the previous three (3) years,
 30 a judgment for a Class B infraction and a fine of at least five
 31 hundred dollars (\$500) shall be imposed.

32 (3) If the person has committed two (2) or more infractions of
 33 violating a speed limit set under this section in the previous three
 34 (3) years, a judgment for a Class B infraction and a fine of one
 35 thousand dollars (\$1,000) shall be imposed.

36 (e) **This subsection does not apply to a person whose violation of**
 37 **a worksite speed limit is detected and enforced through a worksite**
 38 **speed control system under IC 8-23-32.** Notwithstanding
 39 IC 34-28-5-5(c), the funds collected as judgments for the infraction of
 40 violating a speed limit set under this section shall be transferred to the
 41 Indiana department of transportation to pay the costs of hiring off duty
 42 police officers to perform the duties described in IC 8-23-2-15(b).



1 (f) **This subsection does not apply to a person whose violation of**
 2 **a worksite speed limit is detected and enforced through a worksite**
 3 **speed control system under IC 8-23-32.** If judgment has been
 4 imposed for committing two (2) infractions under this section within
 5 one (1) year, an additional penalty of the suspension of the driving
 6 privileges of the person who committed the infractions may be imposed
 7 by the court imposing the sentence for the second violation. If the court
 8 suspends a person's driving privileges under this subsection, the court
 9 shall issue an order to the bureau:

10 (1) stating that judgment against the person has been entered for
 11 committing the infraction of exceeding a worksite speed limit
 12 under this section for the second time in one (1) year; and

13 (2) ordering the suspension of the person's driving privileges by
 14 the bureau under IC 9-30-13-9.

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

18 (g) **In the case of a worksite speed limit enforced through a**
 19 **worksite speed control system, a civil penalty shall be assessed**
 20 **under IC 8-23-32.**

21 SECTION 5. IC 9-21-8-56, AS AMENDED BY P.L.217-2014,
 22 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2023]: Sec. 56. (a) For purposes of this section, "highway
 24 ~~work zone~~ **worksite**" has the meaning set forth in IC 8-23-2-15.

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

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

33 (1) damage traffic control devices; or

34 (2) inflict bodily injury on a worker;

35 commits a Class A misdemeanor.

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

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

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

40 in the immediate vicinity of a highway ~~work zone~~ **worksite** when
 41 workers are present commits a Class A misdemeanor.

42 (e) Except as provided in subsections (f) through (h), a person who



1 recklessly fails to obey a traffic control device or flagman, as
 2 prohibited under section 41 of this chapter, in the immediate vicinity
 3 of a highway ~~work zone~~ **worksite** when workers are present commits
 4 a Class A misdemeanor.

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

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

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

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

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

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

24 SECTION 6. IC 33-37-4-1, AS AMENDED BY P.L.24-2018,
 25 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2023]: Sec. 1. (a) For each action that results in a felony
 27 conviction under IC 35-50-2 or a misdemeanor conviction under
 28 IC 35-50-3, the clerk shall collect from the defendant a criminal costs
 29 fee of one hundred twenty dollars (\$120).

30 (b) In addition to the criminal costs fee collected under this section,
 31 the clerk shall collect from the defendant the following fees if they are
 32 required under IC 33-37-5:

33 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
 34 IC 33-37-5-4).

35 (2) A marijuana eradication program fee (IC 33-37-5-7).

36 (3) An alcohol and drug services program fee (IC 33-37-5-8(b)).

37 (4) A law enforcement continuing education program fee (IC
 38 33-37-5-8(c)).

39 (5) A drug abuse, prosecution, interdiction, and correction fee (IC
 40 33-37-5-9).

41 (6) An alcohol and drug countermeasures fee (IC 33-37-5-10).

42 (7) A child abuse prevention fee (IC 33-37-5-12).



- 1 (8) A domestic violence prevention and treatment fee (IC
2 33-37-5-13).
- 3 (9) A highway worksite ~~zone~~ fee (IC 33-37-5-14).
- 4 (10) A deferred prosecution fee (IC 33-37-5-17).
- 5 (11) A document storage fee (IC 33-37-5-20).
- 6 (12) An automated record keeping fee (IC 33-37-5-21).
- 7 (13) A late payment fee (IC 33-37-5-22).
- 8 (14) A sexual assault victims assistance fee (IC 33-37-5-23).
- 9 (15) A public defense administration fee (IC 33-37-5-21.2).
- 10 (16) A judicial insurance adjustment fee (IC 33-37-5-25).
- 11 (17) A judicial salaries fee (IC 33-37-5-26).
- 12 (18) A court administration fee (IC 33-37-5-27).
- 13 (19) A DNA sample processing fee (IC 33-37-5-26.2).
- 14 (c) Instead of the criminal costs fee prescribed by this section,
15 except for the automated record keeping fee (IC 33-37-5-21), the clerk
16 shall collect a pretrial diversion program fee if an agreement between
17 the prosecuting attorney and the accused person entered into under
18 IC 33-39-1-8 requires payment of those fees by the accused person.
19 The pretrial diversion program fee is:
- 20 (1) an initial user's fee of fifty dollars (\$50) for a misdemeanor
21 offense;
- 22 (2) an initial user's fee of seventy-five dollars (\$75) for a felony
23 offense;
- 24 (3) a monthly user's fee of twenty dollars (\$20) for each month
25 that the person remains in the pretrial diversion program; and
- 26 (4) any additional program fee or cost that is:
- 27 (A) reasonably related to the person's rehabilitation; and
- 28 (B) approved by the court.
- 29 A monthly user fee may not be collected beyond the maximum length
30 of the possible sentence.
- 31 (d) The clerk shall transfer to the county auditor or city or town
32 fiscal officer the following fees, not later than thirty (30) days after the
33 fees are collected:
- 34 (1) The pretrial diversion fee.
- 35 (2) The marijuana eradication program fee.
- 36 (3) The alcohol and drug services program fee.
- 37 (4) The law enforcement continuing education program fee.
- 38 The auditor or fiscal officer shall deposit fees transferred under this
39 subsection in the appropriate user fee fund established under
40 IC 33-37-8.
- 41 (e) Unless otherwise directed by a court, if a clerk collects only part
42 of a criminal costs fee from a defendant under this section, the clerk



1 shall distribute the partial payment of the criminal costs fee as follows:

2 (1) The clerk shall apply the partial payment to general court
3 costs.

4 (2) If there is money remaining after the partial payment is
5 applied to general court costs under subdivision (1), the clerk
6 shall distribute the remainder of the partial payment for deposit in
7 the appropriate county user fee fund.

8 (3) If there is money remaining after distribution under
9 subdivision (2), the clerk shall distribute the remainder of the
10 partial payment for deposit in the state user fee fund.

11 (4) If there is money remaining after distribution under
12 subdivision (3), the clerk shall distribute the remainder of the
13 partial payment to any other applicable user fee fund.

14 (5) If there is money remaining after distribution under
15 subdivision (4), the clerk shall apply the remainder of the partial
16 payment to any outstanding fines owed by the defendant.

17 SECTION 7. IC 33-37-4-2, AS AMENDED BY P.L.85-2017,
18 SECTION 109, IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2023]: Sec. 2. (a) Except as provided in
20 subsections (d) and (e), for each action that results in a judgment:

21 (1) for a violation constituting an infraction; or

22 (2) for a violation of an ordinance of a municipal corporation (as
23 defined in IC 36-1-2-10);

24 the clerk shall collect from the defendant an infraction or ordinance
25 violation costs fee of seventy dollars (\$70).

26 (b) In addition to the infraction or ordinance violation costs fee
27 collected under this section, the clerk shall collect from the defendant
28 the following fees, if they are required under IC 33-37-5:

29 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
30 IC 33-37-5-4).

31 (2) An alcohol and drug services program fee (IC 33-37-5-8(b)).

32 (3) A law enforcement continuing education program fee (IC
33 33-37-5-8(c)).

34 (4) An alcohol and drug countermeasures fee (IC 33-37-5-10).

35 (5) A highway worksite ~~zone~~ fee (IC 33-37-5-14).

36 (6) A deferred prosecution fee (IC 33-37-5-17).

37 (7) A jury fee (IC 33-37-5-19).

38 (8) A document storage fee (IC 33-37-5-20).

39 (9) An automated record keeping fee (IC 33-37-5-21).

40 (10) A late payment fee (IC 33-37-5-22).

41 (11) A public defense administration fee (IC 33-37-5-21.2).

42 (12) A judicial insurance adjustment fee (IC 33-37-5-25).



- 1 (13) A judicial salaries fee (IC 33-37-5-26).
 2 (14) A court administration fee (IC 33-37-5-27).
 3 (15) A DNA sample processing fee (IC 33-37-5-26.2).
 4 (c) The clerk shall transfer to the county auditor or fiscal officer of
 5 the municipal corporation the following fees, not later than thirty (30)
 6 days after the fees are collected:
 7 (1) The alcohol and drug services program fee (IC 33-37-5-8(b)).
 8 (2) The law enforcement continuing education program fee (IC
 9 33-37-5-8(c)).
 10 (3) The deferral program fee (subsection (e)).
 11 The auditor or fiscal officer shall deposit the fees in the user fee fund
 12 established under IC 33-37-8.
 13 (d) The defendant is not liable for any ordinance violation costs fee
 14 in an action if all the following apply:
 15 (1) The defendant was charged with an ordinance violation
 16 subject to IC 33-36.
 17 (2) The defendant denied the violation under IC 33-36-3.
 18 (3) Proceedings in court against the defendant were initiated
 19 under IC 34-28-5 (or IC 34-4-32 before its repeal).
 20 (4) The defendant was tried and the court entered judgment for
 21 the defendant for the violation.
 22 (e) Instead of the infraction or ordinance violation costs fee
 23 prescribed by subsection (a), except for the automated record keeping
 24 fee (IC 33-37-5-21), the clerk shall collect a deferral program fee if an
 25 agreement between a prosecuting attorney or an attorney for a
 26 municipal corporation and the person charged with a violation entered
 27 into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires
 28 payment of those fees by the person charged with the violation. The
 29 deferral program fee is:
 30 (1) an initial user's fee not to exceed fifty-two dollars (\$52); and
 31 (2) a monthly user's fee not to exceed ten dollars (\$10) for each
 32 month the person remains in the deferral program.
 33 (f) The fees prescribed by this section are costs for purposes of
 34 IC 34-28-5-5 and may be collected from a defendant against whom
 35 judgment is entered. Any penalty assessed is in addition to costs.
 36 SECTION 8. IC 33-37-5-14, AS AMENDED BY P.L.85-2013,
 37 SECTION 114, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2023]: Sec. 14. (a) This section applies to
 39 criminal, infraction, and ordinance violation actions that are traffic
 40 offenses (as defined in IC 9-13-2-183).
 41 (b) The clerk shall collect a highway worksite ~~zone~~ fee of fifty cents
 42 (\$0.50). However, the clerk shall collect a highway worksite ~~zone~~ fee



1 of twenty-five dollars and fifty cents (\$25.50) if:

2 (1) the criminal action, infraction, or ordinance violation is:

3 (A) exceeding a worksite speed limit (as provided in
4 IC 9-21-5-2 and authorized by IC 9-21-5-3); or

5 (B) failure to merge (as provided in IC 9-21-8-7.5); and

6 (2) the judge orders the clerk to collect the fee for exceeding a
7 worksite speed limit or failure to merge.

8 SECTION 9. IC 33-37-7-2, AS AMENDED BY P.L.174-2022,
9 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2023]: Sec. 2. (a) The clerk of a circuit court shall distribute
11 semiannually to the auditor of state as the state share for deposit in the
12 homeowner protection unit account established by IC 4-6-12-9 one
13 hundred percent (100%) of the automated record keeping fees collected
14 under IC 33-37-5-21 with respect to actions resulting in the accused
15 person entering into a pretrial diversion program agreement under
16 IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and
17 for deposit in the state general fund seventy percent (70%) of the
18 amount of fees collected under the following:

19 (1) IC 33-37-4-1(a) (criminal costs fees).

20 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

21 (3) IC 33-37-4-3(a) (juvenile costs fees).

22 (4) IC 33-37-4-4(a) (civil costs fees).

23 (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

24 (6) IC 33-37-4-7(a) (probate costs fees).

25 (7) IC 33-37-5-17 (deferred prosecution fees).

26 (b) The clerk of a circuit court shall distribute semiannually to the
27 auditor of state for deposit in the state user fee fund established in
28 IC 33-37-9-2 the following:

29 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
30 interdiction, and correction fees collected under
31 IC 33-37-4-1(b)(5).

32 (2) Twenty-five percent (25%) of the alcohol and drug
33 countermeasures fees collected under IC 33-37-4-1(b)(6),
34 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

35 (3) One hundred percent (100%) of the child abuse prevention
36 fees collected under IC 33-37-4-1(b)(7).

37 (4) One hundred percent (100%) of the domestic violence
38 prevention and treatment fees collected under IC 33-37-4-1(b)(8).

39 (5) One hundred percent (100%) of the highway worksite ~~zone~~
40 fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).

41 (6) Seventy-five percent (75%) of the safe schools fee collected
42 under IC 33-37-5-18.



- 1 (7) One hundred percent (100%) of the automated record keeping
 2 fee collected under IC 33-37-5-21 not distributed under
 3 subsection (a).
- 4 (c) The clerk of a circuit court shall distribute monthly to the county
 5 auditor the following:
- 6 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
 7 interdiction, and correction fees collected under
 8 IC 33-37-4-1(b)(5).
- 9 (2) Seventy-five percent (75%) of the alcohol and drug
 10 countermeasures fees collected under IC 33-37-4-1(b)(6),
 11 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 12 The county auditor shall deposit fees distributed by a clerk under this
 13 subsection into the county drug free community fund established under
 14 IC 5-2-11.
- 15 (d) The clerk of a circuit court shall distribute monthly to the county
 16 auditor one hundred percent (100%) of the late payment fees collected
 17 under IC 33-37-5-22. The county auditor shall deposit fees distributed
 18 by a clerk under this subsection as follows:
- 19 (1) If directed to do so by an ordinance adopted by the county
 20 fiscal body, the county auditor shall deposit forty percent (40%)
 21 of the fees in the clerk's record perpetuation fund established
 22 under IC 33-37-5-2 and sixty percent (60%) of the fees in the
 23 county general fund.
- 24 (2) If the county fiscal body has not adopted an ordinance
 25 described in subdivision (1), the county auditor shall deposit all
 26 the fees in the county general fund.
- 27 (e) The clerk of the circuit court shall distribute semiannually to the
 28 auditor of state for deposit in the sexual assault victims assistance fund
 29 established by IC 5-2-6-23(d) one hundred percent (100%) of the
 30 sexual assault victims assistance fees collected under IC 33-37-5-23.
- 31 (f) The clerk of a circuit court shall distribute monthly to the county
 32 auditor the following:
- 33 (1) One hundred percent (100%) of the support and maintenance
 34 fees for cases designated as non-Title IV-D child support cases in
 35 the Indiana support enforcement tracking system (ISETS) or the
 36 successor statewide automated support enforcement system
 37 collected under IC 33-37-5-6.
- 38 (2) The percentage share of the support and maintenance fees for
 39 cases designated as Title IV-D child support cases in ISETS or the
 40 successor statewide automated support enforcement system
 41 collected under IC 33-37-5-6 that is reimbursable to the county at
 42 the federal financial participation rate.



1 The county clerk shall distribute monthly to the department of child
 2 services the percentage share of the support and maintenance fees for
 3 cases designated as Title IV-D child support cases in ISETS, or the
 4 successor statewide automated support enforcement system, collected
 5 under IC 33-37-5-6 that is not reimbursable to the county at the
 6 applicable federal financial participation rate.

7 (g) The clerk of a circuit court shall distribute monthly to the county
 8 auditor the following:

9 (1) One hundred percent (100%) of the small claims service fee
 10 under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in
 11 the county general fund.

12 (2) One hundred percent (100%) of the small claims garnishee
 13 service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for
 14 deposit in the county general fund.

15 (3) Twenty-five percent (25%) of the safe schools fee collected
 16 under IC 33-37-5-18 for deposit in the county general fund.

17 (h) This subsection does not apply to court administration fees
 18 collected in small claims actions filed in a court described in IC 33-34.
 19 The clerk of a circuit court shall semiannually distribute to the auditor
 20 of state for deposit in the state general fund one hundred percent
 21 (100%) of the following:

22 (1) The public defense administration fee collected under
 23 IC 33-37-5-21.2.

24 (2) The judicial salaries fees collected under IC 33-37-5-26.

25 (3) The DNA sample processing fees collected under
 26 IC 33-37-5-26.2.

27 (4) The court administration fees collected under IC 33-37-5-27.

28 (5) The judicial insurance adjustment fee collected under
 29 IC 33-37-5-25.

30 (i) The proceeds of the service fee collected under
 31 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as
 32 follows:

33 (1) The clerk shall distribute one hundred percent (100%) of the
 34 service fees collected in a circuit, superior, county, or probate
 35 court to the county auditor for deposit in the county general fund.

36 (2) The clerk shall distribute one hundred percent (100%) of the
 37 service fees collected in a city or town court to the city or town
 38 fiscal officer for deposit in the city or town general fund.

39 (j) The proceeds of the garnishee service fee collected under
 40 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as
 41 follows:

42 (1) The clerk shall distribute one hundred percent (100%) of the



1 garnishee service fees collected in a circuit, superior, county, or
 2 probate court to the county auditor for deposit in the county
 3 general fund.

4 (2) The clerk shall distribute one hundred percent (100%) of the
 5 garnishee service fees collected in a city or town court to the city
 6 or town fiscal officer for deposit in the city or town general fund.

7 (k) The clerk of the circuit court shall distribute semiannually to the
 8 auditor of state for deposit in the home ownership education account
 9 established by IC 5-20-1-27 one hundred percent (100%) of the
 10 following:

11 (1) The mortgage foreclosure counseling and education fees
 12 collected under IC 33-37-5-33 (before its expiration on July 1,
 13 2017).

14 (2) Any civil penalties imposed and collected by a court for a
 15 violation of a court order in a foreclosure action under
 16 IC 32-30-10.5.

17 (l) The clerk of a circuit court shall distribute semiannually to the
 18 auditor of state one hundred percent (100%) of the pro bono legal
 19 services fees collected before July 1, 2025, under IC 33-37-5-31. The
 20 auditor of state shall transfer semiannually the pro bono legal services
 21 fees to the Indiana Bar Foundation (or a successor entity) as the entity
 22 designated to organize and administer the interest on lawyers trust
 23 accounts (IOLTA) program under Rule 1.15 of the Rules of
 24 Professional Conduct of the Indiana supreme court. The Indiana Bar
 25 Foundation shall:

26 (1) deposit in an appropriate account and otherwise manage the
 27 fees the Indiana Bar Foundation receives under this subsection in
 28 the same manner the Indiana Bar Foundation deposits and
 29 manages the net earnings the Indiana Bar Foundation receives
 30 from IOLTA accounts; and

31 (2) use the fees the Indiana Bar Foundation receives under this
 32 subsection to assist or establish approved pro bono legal services
 33 programs.

34 The handling and expenditure of the pro bono legal services fees
 35 received under this section by the Indiana Bar Foundation (or its
 36 successor entity) are subject to audit by the state board of accounts. The
 37 amounts necessary to make the transfers required by this subsection are
 38 appropriated from the state general fund.

39 SECTION 10. IC 33-37-7-8, AS AMENDED BY P.L.174-2022,
 40 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2023]: Sec. 8. (a) The clerk of a city or town court shall
 42 distribute semiannually to the auditor of state as the state share for



1 deposit in the homeowner protection unit account established by
 2 IC 4-6-12-9 one hundred percent (100%) of the automated record
 3 keeping fees collected under IC 33-37-5-21 with respect to actions
 4 resulting in the accused person entering into a pretrial diversion
 5 program agreement under IC 33-39-1-8 or a deferral program
 6 agreement under IC 34-28-5-1 and for deposit in the state general fund
 7 fifty-five percent (55%) of the amount of fees collected under the
 8 following:

- 9 (1) IC 33-37-4-1(a) (criminal costs fees).
- 10 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 11 (3) IC 33-37-4-4(a) (civil costs fees).
- 12 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 13 (5) IC 33-37-5-17 (deferred prosecution fees).

14 (b) The city or town fiscal officer shall distribute monthly to the
 15 county auditor as the county share twenty percent (20%) of the amount
 16 of fees collected under the following:

- 17 (1) IC 33-37-4-1(a) (criminal costs fees).
- 18 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 19 (3) IC 33-37-4-4(a) (civil costs fees).
- 20 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 21 (5) IC 33-37-5-17 (deferred prosecution fees).

22 (c) The city or town fiscal officer shall retain twenty-five percent
 23 (25%) as the city or town share of the fees collected under the
 24 following:

- 25 (1) IC 33-37-4-1(a) (criminal costs fees).
- 26 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 27 (3) IC 33-37-4-4(a) (civil costs fees).
- 28 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 29 (5) IC 33-37-5-17 (deferred prosecution fees).

30 (d) The clerk of a city or town court shall distribute semiannually to
 31 the auditor of state for deposit in the state user fee fund established in
 32 IC 33-37-9 the following:

- 33 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
 34 interdiction, and correction fees collected under
 35 IC 33-37-4-1(b)(5).
- 36 (2) Twenty-five percent (25%) of the alcohol and drug
 37 countermeasures fees collected under IC 33-37-4-1(b)(6),
 38 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 39 (3) One hundred percent (100%) of the highway worksite ~~zone~~
 40 fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 41 (4) Seventy-five percent (75%) of the safe schools fee collected
 42 under IC 33-37-5-18.



- 1 (5) One hundred percent (100%) of the automated record keeping
 2 fee collected under IC 33-37-5-21 not distributed under
 3 subsection (a).
- 4 (e) The clerk of a city or town court shall distribute monthly to the
 5 county auditor the following:
- 6 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
 7 interdiction, and correction fees collected under
 8 IC 33-37-4-1(b)(5).
- 9 (2) Seventy-five percent (75%) of the alcohol and drug
 10 countermeasures fees collected under IC 33-37-4-1(b)(6),
 11 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 12 The county auditor shall deposit fees distributed by a clerk under this
 13 subsection into the county drug free community fund established under
 14 IC 5-2-11.
- 15 (f) The clerk of a city or town court shall distribute monthly to the
 16 city or town fiscal officer (as defined in IC 36-1-2-7) one hundred
 17 percent (100%) of the following:
- 18 (1) The late payment fees collected under IC 33-37-5-22.
- 19 (2) The small claims service fee collected under
 20 IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).
- 21 (3) The small claims garnishee service fee collected under
 22 IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3).
- 23 (4) Twenty-five percent (25%) of the safe schools fee collected
 24 under IC 33-37-5-18.
- 25 The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit
 26 fees distributed by a clerk under this subsection in the city or town
 27 general fund.
- 28 (g) The clerk of a city or town court shall semiannually distribute to
 29 the auditor of state for deposit in the state general fund one hundred
 30 percent (100%) of the following:
- 31 (1) The public defense administration fee collected under
 32 IC 33-37-5-21.2.
- 33 (2) The DNA sample processing fees collected under
 34 IC 33-37-5-26.2.
- 35 (3) The court administration fees collected under IC 33-37-5-27.
- 36 (4) The judicial insurance adjustment fee collected under
 37 IC 33-37-5-25.
- 38 (h) The clerk of a city or town court shall semiannually distribute to
 39 the auditor of state for deposit in the state general fund seventy-five
 40 percent (75%) of the judicial salaries fee collected under
 41 IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five
 42 percent (25%) of the judicial salaries fee collected under



1 IC 33-37-5-26. The funds retained by the city or town shall be
2 prioritized to fund city or town court operations.
3 (i) The clerk of a city or town court shall distribute semiannually to
4 the auditor of state one hundred percent (100%) of the pro bono legal
5 services fees collected before July 1, 2025, under IC 33-37-5-31. The
6 auditor of state shall transfer semiannually the pro bono legal services
7 fees to the Indiana Bar Foundation (or a successor entity) as the entity
8 designated to organize and administer the interest on lawyers trust
9 accounts (IOLTA) program under Rule 1.15 of the Rules of
10 Professional Conduct of the Indiana supreme court. The Indiana Bar
11 Foundation shall:
12 (1) deposit in an appropriate account and otherwise manage the
13 fees the Indiana Bar Foundation receives under this subsection in
14 the same manner the Indiana Bar Foundation deposits and
15 manages the net earnings the Indiana Bar Foundation receives
16 from IOLTA accounts; and
17 (2) use the fees the Indiana Bar Foundation receives under this
18 subsection to assist or establish approved pro bono legal services
19 programs.
20 The handling and expenditure of the pro bono legal services fees
21 received under this section by the Indiana Bar Foundation (or its
22 successor entity) are subject to audit by the state board of accounts. The
23 amounts necessary to make the transfers required by this subsection are
24 appropriated from the state general fund.

