

# HOUSE BILL No. 1457

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-21-8-56.

**Synopsis:** Reckless operation in a highway work zone. Provides that each death or instance of bodily injury caused by reckless operation of a motor vehicle in a highway work zone constitutes a separate offense.

**Effective:** July 1, 2019.

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January 15, 2019, read first time and referred to Committee on Roads and Transportation.

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First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## HOUSE BILL No. 1457

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

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

1 SECTION 1. IC 9-21-8-56, AS AMENDED BY P.L.217-2014,  
2 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2019]: Sec. 56. (a) For purposes of this section, "highway  
4 work zone" has the meaning set forth in IC 8-23-2-15.

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

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

12 (1) damage traffic control devices; or

13 (2) inflict bodily injury on a worker;

14 commits a Class A misdemeanor.

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

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



1 (2) a speed contest, as prohibited under IC 9-21-6-1;  
2 in the immediate vicinity of a highway work zone when workers are  
3 present commits a Class A misdemeanor.

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

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

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

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

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

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

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

27 **(j) A person who violates this section commits a separate offense**  
28 **for each:**

29 **(1) person whose death is caused; or**

30 **(2) instance of bodily injury caused;**

31 **by the violation.**

