

HOUSE BILL No. 1465

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-23-5.5; IC 9-21-5-11.

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

Effective: July 1, 2021.

Pressel, Soliday, Moseley, Saunders

January 14, 2021, read first time and referred to Committee on Roads and Transportation.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1465



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 8-23-5.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]:
4 **Chapter 5.5. Automated Work Zone Speed Enforcement Pilot**
5 **Program**
6 **Sec. 1. As used in this chapter, "highway work zone" has the**
7 **meaning set forth in IC 8-23-2-15.**
8 **Sec. 2. As used in this chapter, "owner" means the registered**
9 **owner of a motor vehicle or a person leasing a motor vehicle under**
10 **a lease agreement for a period of at least six (6) months. The term**
11 **does not include a motor vehicle rental or leasing company.**
12 **Sec. 3. As used in this chapter, "recorded image" means an**
13 **image recorded by a work zone speed control system that:**
14 **(1) is retained on a photograph, a microphotograph, a**
15 **electronic image, videotape, or any other medium;**
16 **(2) shows the rear of a motor vehicle and at least two (2) time**
17 **stamped images of the motor vehicle that include the same**



1 stationary object near the motor vehicle; and

2 (3) clearly and legibly identifies the entire registration plate
3 of the motor vehicle.

4 Sec. 4. As used in this chapter, "work zone speed control
5 system" means a device having one (1) or more motor vehicle
6 sensors connected to a camera system capable of producing
7 recorded images of motor vehicles traveling at or above a
8 predetermined speed in or approaching a highway work zone.

9 Sec. 5. As used in this chapter, "work zone speed control system
10 operator" means an individual who is:

11 (1) trained and certified to operate a work zone speed control
12 system; and

13 (2) a state police officer or an employee of the department.

14 Sec. 6. (a) The department and the state police department shall
15 jointly establish a pilot program for the deployment of work zone
16 speed control systems in Indiana. A maximum of four (4) work
17 zone speed control systems may be deployed at any particular time
18 under the pilot program.

19 (b) The department may enter into an agreement with a third
20 party vendor to assist in the administration of this chapter.

21 (c) Subject to section 7 of this chapter, a work zone speed
22 control system may be used under the pilot program to record the
23 images of motor vehicles traveling on a highway if all of the
24 following apply:

25 (1) The work zone speed control system is deployed within a
26 highway work zone.

27 (2) The highway work zone is located on a freeway,
28 expressway, or controlled access highway that has a speed
29 limit of at least forty-five (45) miles per hour when the speed
30 limit is not reduced for a highway work zone under
31 IC 9-21-5-11.

32 (3) Workers are present in the immediate vicinity of the
33 highway work zone.

34 (4) The work zone speed control system is operated by a work
35 zone speed control system operator.

36 (5) A conspicuous road sign alerting drivers that a work zone
37 speed control system may be used to enforce highway work
38 zone speed limits is placed a reasonable distance before the
39 beginning of the highway work zone in accordance with
40 national traffic safety guidelines.

41 (d) Before September 1, 2023, the department shall submit a
42 report to the legislative council in an electronic format under



1 IC 5-14-6 detailing the costs incurred under the pilot program, the
2 amount of fines collected under the pilot program, and the impact
3 of the pilot program on highway work zone safety.

4 Sec. 7. Only recorded images of motor vehicles traveling at least
5 twelve (12) miles per hour above the posted highway work zone
6 speed limit may be retained and used to enforce the posted
7 highway work zone speed limit under this chapter.

8 Sec. 8. An individual who wishes to become a work zone speed
9 control system operator must complete training by the
10 manufacturer of the work zone speed control system in the
11 procedures for deploying, testing, and operating the work zone
12 speed control system. The manufacturer shall issue a certificate of
13 training to the individual upon the individual's completion of the
14 training.

15 Sec. 9. A work zone speed control system operator shall
16 complete and sign a daily log for a work zone speed control system
17 that records the following information:

18 (1) The date, time, and location of the deployment of the work
19 zone speed control system.

20 (2) A statement that the work zone speed control system
21 operator successfully performed, and the device passed, the
22 manufacturer specified tests of the work zone speed control
23 system before producing a recorded image.

24 Sec. 10. A work zone speed control system must undergo an
25 annual calibration check performed by an independent calibration
26 laboratory. The laboratory performing the calibration check shall
27 issue a certificate of calibration to the department.

28 Sec. 11. (a) Except as provided in section 14 of this chapter, the
29 owner of a motor vehicle traveling at least twelve (12) miles per
30 hour in excess of a work zone speed limit established under
31 IC 9-21-5-11, as recorded by a work zone speed control system
32 deployed under this chapter, is liable for a fine of seventy-five
33 dollars (\$75).

34 (b) If the owner of a motor vehicle is relieved from liability
35 under section 14 of this chapter, the operator of a motor vehicle
36 traveling at least twelve (12) miles per hour in excess of a work
37 zone speed limit established under IC 9-21-5-11, as recorded by a
38 work zone speed control system deployed under this chapter, is
39 liable for the fine of seventy-five dollars (\$75).

40 Sec. 12. (a) A work zone speed control system operator shall
41 mail a citation to the owner of a motor vehicle recorded traveling
42 at least twelve (12) miles per hour in excess of a work zone speed



1 **limit established under IC 9-21-5-11. The citation must include the**
 2 **following information:**

3 (1) **The name and address of the registered owner of the**
 4 **motor vehicle.**

5 (2) **The registration number of the motor vehicle.**

6 (3) **A statement that the owner of the motor vehicle is being**
 7 **charged with violating a work zone speed limit.**

8 (4) **The location of the violation of the work zone speed limit.**

9 (5) **The date and time of the violation of the work zone speed**
 10 **limit.**

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

14 (7) **A statement that the fine for violating the work zone speed**
 15 **limit when the violation is detected by a work zone speed**
 16 **control system is seventy-five dollars (\$75).**

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

18 (9) **A signed statement by a police officer employed by the**
 19 **state police department that the police officer has:**

20 (A) **reviewed the recorded images; and**

21 (B) **determined that the motor vehicle was traveling at**
 22 **least twelve (12) miles per hour in excess of the work zone**
 23 **speed limit.**

24 (10) **A statement that the recorded images obtained through**
 25 **a work zone speed control system are evidence of a work zone**
 26 **speed limit violation.**

27 (11) **A statement advising the owner of the motor vehicle of**
 28 **the manner and time in which the liability alleged in the**
 29 **citation may be contested in the appropriate circuit, superior,**
 30 **or traffic court.**

31 (b) **A citation issued under this section must be mailed not later**
 32 **than:**

33 (1) **fourteen (14) days after the alleged violation with respect**
 34 **to work zone speed limit violations committed in a motor**
 35 **vehicle registered in Indiana; and**

36 (2) **thirty (30) days after the alleged violation with respect to**
 37 **work zone speed limit violations committed in a motor vehicle**
 38 **registered in a jurisdiction other than Indiana.**

39 (c) **The owner of a motor vehicle who receives a citation issued**
 40 **under this section may:**

41 (1) **pay the fine imposed before the deadline specified by the**
 42 **citation; or**



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

4 **Sec. 13. (a) A certificate:**

5 (1) alleging that a violation of a work zone speed limit
 6 occurred and was detected by a work zone speed control
 7 system;

8 (2) stating that the work zone speed control system was
 9 deployed and operated in the manner required by this
 10 chapter;

11 (3) stating that a police officer employed by the state police
 12 department has reviewed the recorded images obtained by the
 13 work zone speed control system to determine that the
 14 violation of the work zone speed limit occurred; and

15 (4) signed and affirmed by the police officer described in
 16 subdivision (3);

17 is evidence of the facts contained in the certificate. The certificate
 18 is admissible in a proceeding conducted under this chapter without
 19 requiring the presence or testimony of the appropriate work zone
 20 speed control system operator.

21 (b) If the owner of a motor vehicle receives a citation under
 22 section 12 of this chapter, contests the liability alleged in the
 23 citation, and wants to require a work zone speed control operator
 24 to be present and testify in the proceeding, the owner must notify
 25 the court and the state police department at least twenty (20) days
 26 before the date of the proceeding to contest the liability alleged in
 27 the citation.

28 (c) The following are admissible in a proceeding conducted
 29 under this chapter:

30 (1) A certificate of training issued to a work zone speed
 31 control system operator under section 8 of this chapter.

32 (2) A daily log entry completed under section 9 of this
 33 chapter.

34 (3) A certificate of calibration issued under section 10 of this
 35 chapter.

36 **Sec. 14. (a) A circuit, superior, or traffic court conducting a**
 37 **proceeding under this chapter shall determine a person's liability**
 38 **for an alleged violation of a work zone speed limit based on the**
 39 **preponderance of the evidence.**

40 (b) A circuit, superior, or traffic court conducting a proceeding
 41 to contest the liability alleged in a citation issued under section 12
 42 of this chapter may consider any of the following in a defense of an



1 **alleged violation of a work zone speed limit:**

2 **(1) That the motor vehicle or the registration plate of the**
3 **motor vehicle detected by the work zone speed control system**
4 **had been stolen before the violation occurred and was not**
5 **under the control or possession of the person receiving the**
6 **citation under section 12 of this chapter at the time of the**
7 **alleged violation.**

8 **(2) Subject to subsection (c), that the owner of the motor**
9 **vehicle detected by the work zone speed control system was**
10 **not operating the motor vehicle at the time of the alleged**
11 **violation.**

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

13 **(c) To satisfy the evidentiary burden of establishing a defense**
14 **described in subsection (b)(2), the owner of a motor vehicle must**
15 **submit to the court a sworn affidavit stating that the person was**
16 **not operating the motor vehicle at the time of the alleged work**
17 **zone speed limit violation. The owner must include in the sworn**
18 **affidavit any corroborating evidence that the owner was not**
19 **operating the motor vehicle at the time of the alleged violation and**
20 **any relevant evidence identifying the operator of the motor vehicle**
21 **at the time of the alleged violation.**

22 **(d) If the court finds that the owner of the motor vehicle**
23 **detected by the work zone speed control system was not operating**
24 **the motor vehicle at the time of the alleged violation and receives**
25 **evidence identifying the operator of the motor vehicle at the time**
26 **of the alleged violation, the court shall provide to the state police**
27 **department the evidence substantiating who was operating the**
28 **motor vehicle at the time of the alleged violation.**

29 **(e) Upon receipt of evidence substantiating who was operating**
30 **the motor vehicle at the time of the alleged violation, the state**
31 **police department may issue a citation to the operator of the motor**
32 **vehicle containing the following information:**

33 **(1) The name and address of the individual identified as the**
34 **operator of the motor vehicle.**

35 **(2) A description of the motor vehicle, including the name of**
36 **the owner of the motor vehicle.**

37 **(3) A statement that the individual is being charged with**
38 **violating a work zone speed limit as the operator of the motor**
39 **vehicle.**

40 **(4) The location of the violation of the work zone speed limit.**

41 **(5) The date and time of the violation of the work zone speed**
42 **limit.**



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

4 **(7) A statement that the fine for violating the work zone speed**
5 **limit when the violation is detected by a work zone speed**
6 **control system is seventy-five dollars (\$75).**

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

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

10 **(A) reviewed the recorded images; and**

11 **(B) determined that the motor vehicle was traveling at**
12 **least twelve (12) miles per hour in excess of the work zone**
13 **speed limit.**

14 **(10) A statement that the recorded images obtained through**
15 **a work zone speed control system are evidence of a work zone**
16 **speed limit violation.**

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

20 **(f) A citation issued under subsection (e) must be mailed not**
21 **later than thirty (30) days after the date that the state police**
22 **department receives the information described in subsection (d)**
23 **from the court.**

24 **(g) The operator of a motor vehicle who receives a citation**
25 **issued under this section may:**

26 **(1) pay the fine imposed before the deadline specified by the**
27 **citation; or**

28 **(2) contest the liability alleged by the citation in the manner**
29 **specified by the citation in the appropriate circuit, superior,**
30 **or traffic court.**

31 **(h) A circuit, superior, or traffic court conducting a proceeding**
32 **to contest the liability alleged in a citation issued under subsection**
33 **(e) may consider any of the following in a defense of an alleged**
34 **violation of a work zone speed limit:**

35 **(1) Subject to subsection (i), that the individual was not**
36 **operating the motor vehicle at the time of the alleged**
37 **violation.**

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

39 **(i) To satisfy the evidentiary burden of establishing a defense**
40 **described in subsection (h)(1), the individual shall submit to the**
41 **court a sworn affidavit stating that the person was not operating**
42 **the motor vehicle at the time of the alleged work zone speed limit**



1 violation. The individual must include in the sworn affidavit any
 2 corroborating evidence that the individual was not operating the
 3 motor vehicle at the time of the alleged violation and any relevant
 4 evidence identifying the operator of the motor vehicle at the time
 5 of the alleged violation.

6 Sec. 15. (a) The work zone pilot fund is established for the
 7 purpose of promoting and developing work zone safety under the
 8 work zone pilot program established by this chapter.

9 (b) The fund consists of all fines collected under this chapter and
 10 shall be distributed as follows:

11 (1) Forty percent (40%) to the Indiana state police, with fifty
 12 percent (50%) of that amount allocated for recruiting,
 13 training, or equipping cadets, and fifty percent (50%) of that
 14 amount allocated for increased police presence in work zones.

15 (2) Forty percent (40%) to the department, to be allocated for
 16 hiring off-duty law enforcement officers who will function as
 17 work zone speed control system operators as described in this
 18 chapter.

19 (3) Twenty percent (20%) to the department, to be allocated
 20 to improving work zone safety.

21 (c) The fund shall be administered by the department.

22 (d) The expenses of administering the fund shall be paid from
 23 money in the fund.

24 (e) Money in the fund at the end of a state fiscal year does not
 25 revert to the state general fund.

26 (f) The money in the fund is continually appropriated to the
 27 department to fund the purposes specified in this chapter.

28 SECTION 2. IC 9-21-5-11, AS AMENDED BY P.L.41-2016,
 29 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2021]: Sec. 11. (a) Subject to subsection (b), the Indiana
 31 department of transportation, the Indiana finance authority, or a local
 32 authority may establish temporary maximum speed limits in their
 33 respective jurisdictions and in the vicinity of a worksite without
 34 conducting an engineering study and investigation required under this
 35 article. The establishing authority shall post signs notifying the
 36 traveling public of the temporary maximum speed limits established
 37 under this section.

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

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

42 (1) If workers are present in the immediate vicinity of the



- 1 worksite. 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 **(3) In the case of a work zone speed limit enforced through**
- 7 **work zone speed control system under IC 8-23-5.5, if:**
- 8 **(A) workers are present in the immediate vicinity of the**
- 9 **work zone; and**
- 10 **(B) the work zone speed control system indicates that the**
- 11 **operator of a motor vehicle has exceeded the work zone**
- 12 **speed limit set under this section by at least twelve (12)**
- 13 **miles per hour.**
- 14 **(d) This subsection does not apply to a person whose violation**
- 15 **of a work zone speed limit is detected and enforced through a work**
- 16 **zone speed control system under IC 8-23-5.5.** Notwithstanding
- 17 IC 34-28-5-4(b), a judgment for the infraction of violating a speed limit
- 18 set under this section must be entered as follows:
- 19 (1) If the person has not previously committed the infraction of
- 20 violating a speed limit set under this section, a judgment for a
- 21 Class B infraction and a fine of at least three hundred dollars
- 22 (\$300) shall be imposed.
- 23 (2) If the person has committed one (1) infraction of violating a
- 24 speed limit set under this section in the previous three (3) years,
- 25 a judgment for a Class B infraction and a fine of at least five
- 26 hundred dollars (\$500) shall be imposed.
- 27 (3) If the person has committed two (2) or more infractions of
- 28 violating a speed limit set under this section in the previous three
- 29 (3) years, a judgment for a Class B infraction and a fine of one
- 30 thousand dollars (\$1,000) shall be imposed.
- 31 **(e) This subsection does not apply to person whose violation of**
- 32 **a work zone speed limit is detected and enforced through a work**
- 33 **zone speed control system under IC 8-23-5.5.** Notwithstanding
- 34 IC 34-28-5-5(c), the funds collected as judgments for the infraction of
- 35 violating a speed limit set under this section shall be transferred to the
- 36 Indiana department of transportation to pay the costs of hiring off duty
- 37 police officers to perform the duties described in IC 8-23-2-15(b).
- 38 **(f) This subsection does not apply to person whose violation of**
- 39 **a work zone speed limit is detected and enforced through a work**
- 40 **zone speed control system under IC 8-23-5.5.** If judgment has been
- 41 imposed for committing two (2) infractions under this section within
- 42 one (1) year, an additional penalty of the suspension of the driving



1 privileges of the person who committed the infractions may be imposed
2 by the court imposing the sentence for the second violation. If the court
3 suspends a person's driving privileges under this subsection, the court
4 shall issue an order to the bureau:
5 (1) stating that judgment against the person has been entered for
6 committing the infraction of exceeding a worksite speed limit
7 under this section for the second time in one (1) year; and
8 (2) ordering the suspension of the person's driving privileges by
9 the bureau under IC 9-30-13-9.
10 The suspension of a person's driving privileges under this section is in
11 addition to any other penalties imposed under this section and any fee
12 imposed under IC 33-37-5-14.

