

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.

SENATE ENROLLED ACT No. 2

AN ACT to amend the Indiana Code concerning motor vehicles.

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

SECTION 1. IC 9-19-13-4, AS AMENDED BY P.L.1-2005, SECTION 102, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. A bus used to transport school children must be equipped as follows:

(1) At least two (2) signal lamps mounted as high and as widely spaced laterally as practicable, capable of displaying the front two (2) alternately flashing red lights located at the same level, and having sufficient intensity to be visible at five hundred (500) feet in normal sunlight.

(2) Black reflective tape mounted on:

(A) each side of the school bus;

(B) the front bumper; and

(C) the rear bumper.

~~(3)~~ **(3)** As required by the state school bus committee under IC 20-27-3-4.

~~(4)~~ **(4)** As required by IC 20-27-9.

SECTION 2. IC 9-21-8-52, AS AMENDED BY P.L.198-2016, SECTION 364, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 52. (a) A person who operates a vehicle and who recklessly:

(1) drives at such an unreasonably high rate of speed or at such an unreasonably low rate of speed under the circumstances as to:

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(A) endanger the safety or the property of others; or
 (B) block the proper flow of traffic;
 (2) passes another vehicle from the rear while on a slope or on a curve where vision is obstructed for a distance of less than five hundred (500) feet ahead;
 (3) drives in and out of a line of traffic, except as otherwise permitted; or
 (4) speeds up or refuses to give one-half (1/2) of the roadway to a driver overtaking and desiring to pass;
 commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if it causes bodily injury to a person.

(b) A person who operates a vehicle and who recklessly passes a school bus stopped on a roadway **or a private road** when the arm signal device specified in IC 9-21-12-13 is in the device's extended position commits a ~~Class B~~ **Class A** misdemeanor. However, the offense is a ~~Class A misdemeanor~~ **Level 6 felony** if it causes bodily injury to a person, **and a Level 5 felony if it causes the death of a person.**

(c) If an offense under subsection (a) ~~or (b)~~ results in damage to the property of another person, it is a Class B misdemeanor and the court may recommend the suspension of the current driving license of the person convicted of the offense described in ~~this~~ subsection **(a)** for a fixed period of not more than one (1) year.

(d) If an offense under subsection (a) ~~or (b)~~ causes bodily injury to a person, the court may recommend the suspension of the driving privileges of the person convicted of the offense described in this subsection for a fixed period of not more than one (1) year.

(e) In addition to any other penalty imposed under subsection (b), the court may suspend the person's driving privileges:

(1) for ninety (90) days; or

(2) if the person has committed at least one (1) previous offense under this section or IC 9-21-12-1, for one (1) year.

SECTION 3. IC 9-21-12-1, AS AMENDED BY P.L.217-2014, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) A person who drives a vehicle that:

(1) meets or overtakes from any direction a school bus stopped on a roadway **or a private road** and is not stopped before reaching the school bus when the arm signal device specified in IC 9-21-12-13 is in the device's extended position; or
 (2) proceeds before the arm signal device is no longer extended;
 commits a Class A infraction.

(b) In addition to any other penalty imposed under this section,



the court may suspend the person's driving privileges:

(1) for ninety (90) days; or

(2) if the person has committed at least one (1) previous offense under this section or IC 9-21-8-52(b), for one (1) year.

~~(b)~~ **(c)** This section is applicable only if the school bus is in substantial compliance with the markings required by the state school bus committee.

~~(c)~~ **(d)** There is a rebuttable presumption that the owner of the vehicle involved in the violation of this section committed the violation. This presumption does not apply to the owner of a vehicle involved in the violation of this section if the owner routinely engages in the business of renting the vehicle for periods of thirty (30) days or less.

SECTION 4. IC 9-21-12-13, AS AMENDED BY P.L.217-2014, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13. (a) Except:

(1) as provided in subsection (b); or

(2) when a school bus is stopped at an intersection or another place where traffic is controlled by a traffic control device or a police officer;

whenever a school bus is stopped on a roadway **or a private road** to load or unload a student, the driver shall use an arm signal device, which must be extended while the bus is stopped.

(b) The governing body of a public school may authorize a school bus driver to load or unload a student at a location off the roadway that the governing body designates as a special school bus loading area. The driver is not required to extend the arm signal device when loading or unloading a student in the designated area.

(c) A school bus driver who knowingly or intentionally violates subsection (a) commits a Class C misdemeanor.

SECTION 5. IC 9-21-12-15, AS AMENDED BY P.L.217-2014, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 15. (a) The driver of a school bus shall use flashing lights as prescribed by the state school bus committee to give adequate warning that the school bus is stopped or about to stop on the roadway **or the private road** to load or unload a student.

(b) A school bus driver who knowingly or intentionally violates subsection (a) commits a Class C misdemeanor.

SECTION 6. IC 9-21-12-15.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 15.5. Whenever a school bus is in operation and transporting passengers, the driver of a school bus**



shall have the daytime running lights illuminated at all times.

SECTION 7. IC 9-21-12-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 20. (a) Except as provided in subsection (b), when a school bus is operated on a:**

(1) U.S. route or state route, the driver may not load or unload a student at a location that requires the student to cross a roadway unless no other safe alternatives are available; and

(2) street or highway other than a U.S. route or state route, the driver shall load and unload a student as close to the right-hand curb or edge of the roadway as practicable.

(b) Subsection (a)(1) does not apply to a location on a U.S. route or state route that is within the boundary of a city or town.

SECTION 8. IC 9-21-12-20.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 20.5. (a) As used in this section, "elementary school":**

(1) has the meaning set forth in IC 20-18-2-4; and

(2) includes public elementary schools and accredited nonpublic elementary schools.

(b) As used in this section, "governing body" has the meaning set forth in IC 20-18-2-5.

(c) If a school bus driver must load or unload an elementary school student at a location that requires the student to cross a roadway that is a U.S. route or state route as described in section 20(a)(1) of this chapter, the superintendent or the superintendent's designee shall present the school bus route described in this subsection to the governing body for approval.

SECTION 9. IC 9-21-12-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 21. (a) As used in this section, "qualified school district" refers to:**

(1) a school corporation (as defined in IC 20-18-2-16(a));

(2) a charter school (as defined in IC 20-24-1-4); or

(3) a nonpublic school with at least one (1) employee.

(b) A qualified school district may purchase, install, and operate equipment described in 575 IAC 1-9-14. If a qualified school district purchases or uses equipment described in 575 IAC 1-9-14 to enforce section 1 of this chapter, the qualified school district, with the approval of the governing body (or the equivalent for a charter school or nonpublic school with at least one (1) employee),



may petition the county council or a township board (in a county having a consolidated city) to receive funding for reimbursement only in an amount sufficient to pay in full for equipment described in 575 IAC 1-9-14. Once the cost of the equipment described in 575 IAC 1-9-14 has been paid in full, the qualified school district may no longer receive funds from the county or, if applicable, the township, for this purpose. A qualified school district shall provide documentation to the county council or, if applicable, the township board, necessary for the county council or township board to determine the amount of the total cost for equipment described in 575 IAC 1-9-14.

SECTION 10. IC 9-24-10-4, AS AMENDED BY P.L.147-2018, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) Except as provided in subsection (c), an examination for a learner's permit or driver's license must include the following:

- (1) A test of the following of the applicant:
 - (A) Eyesight.
 - (B) Ability to read and understand highway signs regulating, warning, and directing traffic.
 - (C) Knowledge of Indiana traffic laws, including IC 9-26-1-1.5 **and IC 9-21-12-1.**

- (2) An actual demonstration of the applicant's skill in exercising ordinary and reasonable control in the operation of a motor vehicle under the type of permit or driver's license applied for.

(b) The examination may include further physical and mental examination that the bureau finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon a highway. The applicant must provide the motor vehicle used in the examination. An autocycle may not be used as the motor vehicle provided for the examination.

- (c) The bureau may waive:
 - (1) the testing required under subsection (a)(1)(A) if the applicant provides evidence from a licensed ophthalmologist or licensed optometrist that the applicant's vision is fit to operate a motor vehicle in a manner that does not jeopardize the safety of individuals or property;
 - (2) the actual demonstration required under subsection (a)(2) for an individual who has passed:
 - (A) a driver's education class and a skills test given by a driver training school; or
 - (B) a driver education program given by an entity licensed



under IC 9-27; and

(3) the testing, other than eyesight testing under subsection (a)(1)(A), of an applicant who has passed:

(A) an examination concerning:

(i) subsection (a)(1)(B); and

(ii) subsection (a)(1)(C); and

(B) a skills test;

given by a driver training school or an entity licensed under IC 9-27.

(d) The following are not civilly or criminally liable for a report made in good faith to the bureau, commission, or driver licensing medical advisory board concerning the fitness of the applicant to operate a motor vehicle in a manner that does not jeopardize the safety of individuals or property:

(1) An instructor having a license under IC 9-27-6-8.

(2) A licensed ophthalmologist or licensed optometrist.

SECTION 11. IC 9-30-2-2, AS AMENDED BY P.L.164-2018, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) Except as provided in subsection (b), a law enforcement officer may not arrest or issue a traffic information and summons to a person for a violation of an Indiana law regulating the use and operation of a motor vehicle on a highway or an ordinance of a city or town regulating the use and operation of a motor vehicle on a highway unless at the time of the arrest the officer is:

(1) wearing a distinctive uniform and a badge of authority; or

(2) operating a motor vehicle that is clearly marked as a police vehicle;

that will clearly show the officer or the officer's vehicle to casual observations to be an officer or a police vehicle.

(b) Subsection (a) does not apply to an officer in an unmarked police vehicle making an arrest or issuing a traffic information and summons:

(1) when there is a uniformed officer present at the time of the arrest; or

(2) for a violation of one (1) or more of the following:

(A) IC 9-21-8-52(a)(1)(A) (reckless driving causing endangerment).

(B) IC 9-21-8-52(b) as a ~~Class A misdemeanor~~ **Level 6 felony** (recklessly passing a stopped school bus resulting in bodily injury).

(C) **IC 9-21-8-52(b) as a Level 5 felony (recklessly passing a stopped school bus resulting in death).**



~~(C)~~ **(D)** IC 9-30-5-2(b) as a Class A misdemeanor (operating while intoxicated in a manner that endangers a person).

SECTION 12. IC 9-30-16-1, AS AMENDED BY P.L.46-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) Except as provided in subsection (b), the following are ineligible for specialized driving privileges under this chapter:

- (1) A person who has never been an Indiana resident.
- (2) A person seeking specialized driving privileges with respect to a suspension based on the person's refusal to submit to a chemical test offered under IC 9-30-6 or IC 9-30-7.
- (3) A person whose driving privileges have been suspended or revoked under IC 9-24-10-7(b)(2)(A).
- (4) A person whose driving privileges have been suspended under IC 9-21-8-52(e) or IC 9-21-12-1(b).**

(b) This chapter applies to the following:

(1) A person who held an operator's, a commercial driver's, a public passenger chauffeur's, or a chauffeur's license at the time of:

- (A) the criminal conviction for which the operation of a motor vehicle is an element of the offense;
- (B) any criminal conviction for an offense under IC 9-30-5, IC 35-46-9, or IC 14-15-8 (before its repeal); or
- (C) committing the infraction of exceeding a worksite speed limit for the second time in one (1) year under IC 9-21-5-11(f).

(2) A person who:

- (A) has never held a valid Indiana driver's license or does not currently hold a valid Indiana learner's permit; and
- (B) was an Indiana resident when the driving privileges for which the person is seeking specialized driving privileges were suspended.

(c) Except as specifically provided in this chapter, a court may suspend the driving privileges of a person convicted of any of the following offenses for a period up to the maximum allowable period of incarceration under the penalty for the offense:

- (1) Any criminal conviction in which the operation of a motor vehicle is an element of the offense.
- (2) Any criminal conviction for an offense under IC 9-30-5, IC 35-46-9, or IC 14-15-8 (before its repeal).
- (3) Any offense under IC 35-42-1, IC 35-42-2, or IC 35-44.1-3-1 that involves the use of a vehicle.

(d) Except as provided in section 3.5 of this chapter, a suspension



of driving privileges under this chapter may begin before the conviction. Multiple suspensions of driving privileges ordered by a court that are part of the same episode of criminal conduct shall be served concurrently. A court may grant credit time for any suspension that began before the conviction, except as prohibited by section 6(a)(2) of this chapter.

(e) If a person has had an ignition interlock device installed as a condition of specialized driving privileges or under IC 9-30-6-8(d), the period of the installation shall be credited as part of the suspension of driving privileges.

(f) This subsection applies to a person described in subsection (b)(2). A court shall, as a condition of granting specialized driving privileges to the person, require the person to apply for and obtain an Indiana driver's license.

(g) If a person indicates to the court at an initial hearing (as described in IC 35-33-7) that the person intends to file a petition for a specialized driving privileges hearing with that court under section 3 or 4 of this chapter, the following apply:

(1) The court shall:

(A) stay the suspension of the person's driving privileges at the initial hearing and shall not submit the probable cause affidavit related to the person's offense to the bureau; and

(B) set the matter for a specialized driving privileges hearing not later than thirty (30) days after the initial hearing.

(2) If the person does not file a petition for a specialized driving privileges hearing not later than ten (10) days after the date of the initial hearing, the court shall lift the stay of the suspension of the person's driving privileges and shall submit the probable cause affidavit related to the person's offense to the bureau for automatic suspension.

(3) If the person files a petition for a specialized driving privileges hearing not later than ten (10) days after the initial hearing, the stay of the suspension of the person's driving privileges continues until the matter is heard and a determination is made by the court at the specialized driving privileges hearing.

(4) If the specialized driving privileges hearing is continued due to:

(A) a congestion of the court calendar;

(B) the prosecuting attorney's motion for a continuance; or

(C) the person's motion for a continuance with no objection by the prosecuting attorney;

the stay of the suspension of the person's driving privileges



continues until addressed at the next hearing.

(5) If the person moves for a continuance of the specialized driving privileges hearing and the court grants the continuance over the prosecuting attorney's objection, the court shall lift the stay of the suspension of the person's driving privileges and shall submit the probable cause affidavit related to the person's offense to the bureau for automatic suspension.

SECTION 13. IC 20-27-9-2, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. The governing body of a school corporation may allow, by written authorization, the use of a school bus **or a special purpose bus** for the transportation of adults at least sixty-five (65) years of age **or adults with developmental or physical disabilities**.

SECTION 14. IC 20-27-9-5, AS AMENDED BY P.L.228-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) A special purpose bus may be used:

(1) by a school corporation to provide regular transportation of a student between one (1) school and another school but not between the student's residence and the school;

(2) to transport students and their supervisors, including coaches, managers, and sponsors to athletic or other extracurricular school activities and field trips;

(3) by a school corporation to provide transportation between an individual's residence and the school for an individual enrolled in a special program for the habilitation or rehabilitation of persons with a developmental or physical disability, and, if applicable, the individual's sibling; ~~and~~

(4) to transport homeless students under IC 20-27-12; **and**

(5) by a school corporation to provide regular transportation of an individual described in section 4 or 7 of this chapter between the individual's residence and the school.

(b) The mileage limitation of section 3 of this chapter does not apply to special purpose buses.

(c) The operator of a special purpose bus must be at least twenty-one (21) years of age, be authorized by the school corporation, and meet the following requirements:

(1) **Except as provided in subdivision (2)(B) and in addition to the license required under this subdivision**, if the special purpose bus has a capacity of less than sixteen (16) passengers, the operator must hold a valid:

(A) operator's;



- (B) chauffeur's;
 - (C) public passenger chauffeur's; or
 - (D) commercial driver's;
- license.

(2) If the special purpose bus:

- (A) has a capacity of more than fifteen (15) passengers; **or**
- (B) is used to provide transportation to an individual described in subsection (a)(3) or (a)(5);**

the operator must meet the requirements for a school bus driver set out in IC 20-27-8.

(d) A special purpose bus is not required to be constructed, equipped, or painted as specified for school buses under this article or by the rules of the committee.

(e) An owner or operator of a special purpose bus, other than a special purpose bus owned or operated by a school corporation or a nonpublic school, is subject to IC 8-2.1.

SECTION 15. IC 20-27-9-6, AS AMENDED BY P.L.233-2015, SECTION 204, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) In addition to the exemptions granted in this chapter and notwithstanding section 16 of this chapter, a school corporation may allow a school bus operated under a fleet or transportation contract and not owned in whole or in part by a public agency to be used for the transportation of a group or an organization for any distance, if that group or organization agrees to maintain the condition of the school bus and to maintain order on the school bus while in use.

(b) When authorizing transportation described in subsection (a), the school corporation shall require the owner of the school bus to:

- (1) obtain written authorization of the superintendent of the contracting school corporation;
- (2) clearly identify the school bus with the name of the sponsoring group; and
- (3) provide proof to the superintendent and the sponsoring group of financial responsibility, as required by IC 9-25 for the transportation.

(c) The governing body of a school corporation may allow, by written authorization, the use of a school bus owned in whole or in part by the school corporation for the transportation needs of ~~a fair or festival operated by or affiliated with~~ a nonprofit organization exempt from federal taxation under Section 501(c)(3) through 501(c)(7) of the Internal Revenue Code.

SECTION 16. IC 20-27-10-0.5 IS ADDED TO THE INDIANA



CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. (a) On or before September 1, 2019, and each September 1 thereafter, each school corporation, charter school, and accredited nonpublic school that provides transportation for students must review the school's school bus routes and school bus safety policies to improve the safety of students and adults.**

(b) The state school bus committee, in consultation with the department, shall develop and post on the department's Internet web site school bus safety guidelines or best practices. The guidelines or best practices must include procedures to be taken to ensure that students do not enter a roadway until approaching traffic has come to a complete stop.

(c) In addition to the requirements under subsection (b), the department, in consultation with the department of transportation, shall include on the department's Internet web site information on how an individual or school may petition to reduce maximum speed limits in areas necessary to ensure that students are safely loaded onto or unloaded from a school bus.

SECTION 17. IC 33-37-5-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 18. (a) In each criminal action in which a person is convicted of an offense in which the possession or use of a firearm was an element of the offense, the court shall assess a safe schools fee of at least two hundred dollars (\$200) and not more than one thousand dollars (\$1,000).**

(b) In each offense described in IC 9-21-8-52(b), the court may assess a safe schools fee of at least two hundred dollars (\$200) and not more than one thousand dollars (\$1,000).

~~(b)~~ **(c) In determining the amount of the safe schools fee assessed against a person under subsection (a), a court shall consider the person's ability to pay the fee.**

~~(c)~~ **(d) The clerk shall collect the safe schools fee set by the court when a person is convicted of an offense:**

(1) in which the possession or use of a firearm was an element of the offense; or

(2) described in IC 9-21-8-52(b) and the court assesses a safe schools fee under subsection (b).

SECTION 18. IC 33-37-7-2, AS AMENDED BY P.L.39-2017, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 2. (a) The clerk of a circuit court shall distribute semiannually to the auditor of state as the state share for deposit in the homeowner protection unit account established by IC 4-6-12-9 one**



hundred percent (100%) of the automated record keeping fees collected under IC 33-37-5-21 with respect to actions resulting in the accused person entering into a pretrial diversion program agreement under IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-3(a) (juvenile costs fees).
- (4) IC 33-37-4-4(a) (civil costs fees).
- (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- (6) IC 33-37-4-7(a) (probate costs fees).
- (7) IC 33-37-5-17 (deferred prosecution fees).

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

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- (3) One hundred percent (100%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7).
- (4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- (5) One hundred percent (100%) of the highway worksite zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- (6) ~~One hundred percent (100%)~~ **Seventy-five percent (75%)** of the safe schools fee collected under IC 33-37-5-18.
- (7) One hundred percent (100%) of the automated record keeping fee collected under IC 33-37-5-21 not distributed under subsection (a).

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

- (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).
- (2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this



subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall distribute monthly to the county auditor one hundred percent (100%) of the late payment fees collected under IC 33-37-5-22. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:

(1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-37-5-2 and sixty percent (60%) of the fees in the county general fund.

(2) If the county fiscal body has not adopted an ordinance described in subdivision (1), the county auditor shall deposit all the fees in the county general fund.

(e) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the sexual assault victims assistance fund established by IC 5-2-6-23(j) one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-37-5-23.

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

(1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) or the successor statewide automated support enforcement system collected under IC 33-37-5-6.

(2) The percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS or the successor statewide automated support enforcement system collected under IC 33-37-5-6 that is reimbursable to the county at the federal financial participation rate.

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

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

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

(2) One hundred percent (100%) of the small claims garnishee



service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for deposit in the county general fund.

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

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

- (1) The public defense administration fee collected under IC 33-37-5-21.2.
- (2) The judicial salaries fees collected under IC 33-37-5-26.
- (3) The DNA sample processing fees collected under IC 33-37-5-26.2.
- (4) The court administration fees collected under IC 33-37-5-27.

(i) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.

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

- (1) The clerk shall distribute one hundred percent (100%) of the service fees collected in a circuit, superior, county, or probate court to the county auditor for deposit in the county general fund.
- (2) The clerk shall distribute one hundred percent (100%) of the service fees collected in a city or town court to the city or town fiscal officer for deposit in the city or town general fund.

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

- (1) The clerk shall distribute one hundred percent (100%) of the garnishee service fees collected in a circuit, superior, county, or probate court to the county auditor for deposit in the county general fund.
- (2) The clerk shall distribute one hundred percent (100%) of the garnishee service fees collected in a city or town court to the city or town fiscal officer for deposit in the city or town general fund.

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



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

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

(m) The clerk of a circuit court shall distribute semiannually to the auditor of state one hundred percent (100%) of the pro bono legal services fees collected before July 1, 2022, under IC 33-37-5-31. The auditor of state shall transfer semiannually the pro bono legal services fees to the Indiana Bar Foundation (or a successor entity) as the entity designated to organize and administer the interest on lawyers trust accounts (IOLTA) program under Rule 1.15 of the Rules of Professional Conduct of the Indiana supreme court. The Indiana Bar Foundation shall:

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

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

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

SECTION 19. IC 33-37-7-8, AS AMENDED BY P.L.39-2017, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) The clerk of a city or town court shall distribute semiannually to the auditor of state as the state share for deposit in the homeowner protection unit account established by IC 4-6-12-9 one hundred percent (100%) of the automated record keeping fees collected under IC 33-37-5-21 with respect to actions resulting in the accused person entering into a pretrial diversion program agreement under IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and for deposit in the state general fund fifty-five percent (55%) of the amount of fees collected under the following:

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

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



- (3) IC 33-37-4-4(a) (civil costs fees).
- (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- (5) IC 33-37-5-17 (deferred prosecution fees).

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

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

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

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

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

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- (3) One hundred percent (100%) of the highway worksite zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- (4) ~~One hundred percent (100%)~~ **Seventy-five percent (75%)** of the safe schools fee collected under IC 33-37-5-18.
- (5) One hundred percent (100%) of the automated record keeping fee collected under IC 33-37-5-21 not distributed under subsection (a).

(e) The clerk of a city or town court shall distribute monthly to the county auditor the following:

- (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).
- (2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6),



IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(f) The clerk of a city or town court shall distribute monthly to the city or town fiscal officer (as defined in IC 36-1-2-7) one hundred percent (100%) of the following:

- (1) The late payment fees collected under IC 33-37-5-22.
- (2) The small claims service fee collected under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).
- (3) The small claims garnishee service fee collected under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3).

(4) Twenty-five percent (25%) of the safe schools fee collected under IC 33-37-5-18.

The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit fees distributed by a clerk under this subsection in the city or town general fund.

(g) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the following:

- (1) The public defense administration fee collected under IC 33-37-5-21.2.
- (2) The DNA sample processing fees collected under IC 33-37-5-26.2.
- (3) The court administration fees collected under IC 33-37-5-27.

(h) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.

(i) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund seventy-five percent (75%) of the judicial salaries fee collected under IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five percent (25%) of the judicial salaries fee collected under IC 33-37-5-26. The funds retained by the city or town shall be prioritized to fund city or town court operations.

(j) The clerk of a city or town court shall distribute semiannually to the auditor of state one hundred percent (100%) of the pro bono legal services fees collected before July 1, 2022, under IC 33-37-5-31. The auditor of state shall transfer semiannually the pro bono legal services fees to the Indiana Bar Foundation (or a successor entity) as the entity



designated to organize and administer the interest on lawyers trust accounts (IOLTA) program under Rule 1.15 of the Rules of Professional Conduct of the Indiana supreme court. The Indiana Bar Foundation shall:

- (1) deposit in an appropriate account and otherwise manage the fees the Indiana Bar Foundation receives under this subsection in the same manner the Indiana Bar Foundation deposits and manages the net earnings the Indiana Bar Foundation receives from IOLTA accounts; and
- (2) use the fees the Indiana Bar Foundation receives under this subsection to assist or establish approved pro bono legal services programs.

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

SECTION 20. IC 35-52-9-19.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2019]: **Sec. 19.5. IC 9-21-12-1 defines a crime concerning traffic regulation.**

SECTION 21. **An emergency is declared for this act.**



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

SEA 2 — CC 1

