

IC 9-21-3.5

Chapter 3.5. Automated Traffic Law Enforcement System

IC 9-21-3.5-1

"Authority"

Sec. 1. As used in this chapter, "authority" refers to the Indiana finance authority.

As added by P.L.47-2006, SEC.45.

IC 9-21-3.5-2

"Automated traffic law enforcement system"

Sec. 2. As used in this chapter, "automated traffic law enforcement system" means a device that:

- (1) has one (1) or more motor vehicle sensors; and
- (2) is capable of producing a photographically recorded image of a motor vehicle, including an image of the vehicle's front or rear license plate, as the vehicle proceeds through a tollgate, toll zone, or other area on a tollway, qualifying project, private toll facility, or toll road that is marked as required by the department, the authority, or an operator as a place where a person using the tollway, qualifying project, private toll facility, or toll road must pay a toll.

As added by P.L.47-2006, SEC.45. Amended by P.L.152-2015, SEC.2.

IC 9-21-3.5-3

"Department"

Sec. 3. As used in this chapter, "department" refers to the Indiana department of transportation.

As added by P.L.47-2006, SEC.45.

IC 9-21-3.5-3.5

"Fee"

Sec. 3.5. As used in this chapter, "fee" means an amount assessed or imposed under:

- (1) rules adopted under section 10(a)(4) of this chapter; or
- (2) section 14(a)(2) of this chapter;

with respect to a toll violation.

As added by P.L.152-2015, SEC.3.

IC 9-21-3.5-4

"Operator"

Sec. 4. As used in this chapter, "operator" means:

- (1) with respect to a tollway, qualifying project, or toll road, an operator (as defined in IC 8-15.5-2-5 or IC 8-15.7-2-11); or
- (2) with respect to a private toll facility, a private entity that owns or operates the private toll facility.

As added by P.L.47-2006, SEC.45. Amended by P.L.152-2015,

SEC.4.

IC 9-21-3.5-5

"Owner"

Sec. 5. As used in this chapter, "owner" means a person in whose name a motor vehicle is registered under:

- (1) IC 9-18;
- (2) the laws of another state;
- (3) the laws of a foreign country; or
- (4) the International Registration Plan.

As added by P.L.47-2006, SEC.45.

IC 9-21-3.5-5.5

"Private toll facility"

Sec. 5.5. As used in this chapter, "private toll facility" means any new or existing highway, street, motorway, road, or bridge owned or operated by a private entity, including all tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, tollhouses, service stations, and administration, storage, and other buildings and facilities necessary or desirable for the operation of the private toll facility, together with all property, rights, easements, and interests which may be acquired by the private entity for the construction or operation of the facility. "Private toll facility" includes any subsequent improvement, betterment, enlargement, extension, or reconstruction of an existing private toll facility.

As added by P.L.152-2015, SEC.5.

IC 9-21-3.5-6

"Qualifying project"

Sec. 6. As used in this chapter, "qualifying project" has the meaning set forth in IC 8-15.7-2-16.

As added by P.L.47-2006, SEC.45.

IC 9-21-3.5-7

"Toll road"

Sec. 7. As used in this chapter, "toll road" has the meaning set forth for "toll road project" in IC 8-15-2-4(4).

As added by P.L.47-2006, SEC.45.

IC 9-21-3.5-7.5

"Toll violation"

Sec. 7.5. As used in this chapter, "toll violation" refers to the failure to pay a toll or user fee required under section 9 or 9.1 of this chapter.

As added by P.L.152-2015, SEC.6.

IC 9-21-3.5-8

"Tollway"

Sec. 8. As used in this chapter, "tollway" has the meaning set forth in IC 8-15-3-7.

As added by P.L.47-2006, SEC.45.

IC 9-21-3.5-9

Payment of toll by owner required

Sec. 9. (a) The owner of a motor vehicle, other than an authorized emergency vehicle, that is driven or towed through a toll collection facility on a toll road, tollway, or qualifying project shall pay the proper toll or user fee.

(b) A person who violates subsection (a) commits a moving violation, a Class C infraction.

As added by P.L.47-2006, SEC.45. Amended by P.L.163-2011, SEC.20.

IC 9-21-3.5-9.1

Payment of toll or user fee on private toll facility

Sec. 9.1. The owner of a motor vehicle, other than an authorized emergency vehicle, that is driven or towed through or on a private toll facility shall pay the proper toll or user fee.

As added by P.L.152-2015, SEC.7.

IC 9-21-3.5-10

Rules concerning automated traffic law enforcement systems at facilities other than private toll facilities

Sec. 10. (a) The department or the authority may adopt and enforce rules concerning:

- (1) the placement and use of automated traffic law enforcement systems to enforce collection of user fees;
- (2) required notification in the form of a citation to the owner of a vehicle used in the commission of a moving violation under section 9 of this chapter;
- (3) the process for notification, collection, and enforcement of unpaid amounts;
- (4) the amount of fines, charges, and assessments for toll violations, including, with respect to amounts unpaid by violators who are not subject to IC 9-18-2-17(b):
 - (A) contracting with a collection agency; and
 - (B) authorizing the collection agency in the contract for collection services to impose on and collect from the violator an additional collection fee; and
- (5) other matters relating to automated traffic law enforcement systems that the department or the authority considers appropriate.

(b) A rule adopted under subsection (a)(2) must establish:

- (1) a deadline for the department, authority, or operator, as applicable, to issue a citation to an owner of a vehicle used in the commission of a moving violation under section 9 of this

chapter; and

(2) a deadline, not to exceed thirty (30) days following receipt of the citation as determined under section 12(2) of this chapter, for the owner to pay a fine, charge, or other assessment for the toll violation.

(c) The department or the authority shall establish a process by which the department, authority, or operator, as applicable, shall notify the bureau of an owner's failure to pay a fine, charge, or other assessment for a toll violation following the expiration of the deadline described in subsection (b)(2).

(d) This section does not apply with respect to a private toll facility.

As added by P.L.47-2006, SEC.45. Amended by P.L.163-2011, SEC.21; P.L.152-2015, SEC.8.

IC 9-21-3.5-11

Advance warning signs

Sec. 11. (a) Before enforcing a rule adopted under section 10 of this chapter, the department, the authority, or an operator must install advance warning signs along the tollways, toll roads, or qualifying projects proceeding to the location at which an automated traffic law enforcement system is located.

(b) Before imposing or collecting a toll or fee under section 14 of this chapter, an operator must install advance warning signs along the private toll facility proceeding to the location at which an automated traffic law enforcement system is located.

As added by P.L.47-2006, SEC.45. Amended by P.L.152-2015, SEC.9.

IC 9-21-3.5-12

Enforcement of toll violations

Sec. 12. In the enforcement of a toll violation, including the collection of fees:

(1) proof that the motor vehicle was driven or towed through the toll collection or private toll facility without payment of the proper toll or user fee may be shown by a video recording, a photograph, an electronic recording, or other appropriate evidence, including evidence obtained by an automated traffic law enforcement system;

(2) it is presumed that any notice of nonpayment was received on the fifth day after the date of mailing; and

(3) a computer record of the department, the authority, or the operator regarding the registered owner of the vehicle is prima facie evidence of its contents and that the toll violator was the registered owner of the vehicle at the time of the underlying event of nonpayment.

As added by P.L.47-2006, SEC.45. Amended by P.L.152-2015, SEC.10.

IC 9-21-3.5-13

Seizure of transponders

Sec. 13. (a) For purposes of this section, "transponder" means a device, placed on or within a motor vehicle, that is capable of transmitting information used to assess or collect tolls. A transponder is "insufficiently funded" when there are no remaining funds in the account in connection with which the transponder was issued.

(b) Any police officer of Indiana may seize a stolen or insufficiently funded transponder and return it to the department, the authority, or an operator, except that an insufficiently funded transponder may not be seized from the holder of an account sooner than the thirtieth day after the date the department, the authority, or an operator has sent a notice of delinquency to the holder of the account.

(c) The department or the authority may enter into an agreement with one (1) or more persons to market and sell transponders for use on tollways, toll roads, or qualifying projects.

(d) The department, the authority, or an operator may charge reasonable fees for initiating, administering, and maintaining electronic toll collection customer accounts.

(e) Electronic toll collection customer account information, including contact and payment information and trip data, is confidential and not subject to disclosure under IC 5-14-3. A contract for the acquisition, construction, maintenance, or operation of a tollway, toll road, or qualifying project must ensure the confidentiality of all electronic toll collection customer account information.

As added by P.L.47-2006, SEC.45.

IC 9-21-3.5-14

Powers of operator of private toll facility

Sec. 14. (a) The operator of a private toll facility may do the following:

(1) Fix, revise, charge, and collect tolls for the use of a private toll facility by any person, partnership, association, limited liability company, or corporation desiring the use of any part of the private toll facility, including the right of way adjoining the paved portion of the private toll facility. For purposes of this subdivision, the use of a private toll facility includes the placement of telephone, telegraph, electric, or power lines on any part of the private toll facility.

(2) Fix the terms, conditions, and rates of charge for use of the private toll facility, including fees for nonpayment of required tolls. However, a fee imposed for nonpayment of a required toll may not exceed fifty dollars (\$50) for each unpaid toll.

(3) Collect tolls and fees through manual or nonmanual methods, including automated traffic law enforcement systems, automatic vehicle identification systems, electronic toll

collection systems, global positioning systems, and photo or video based toll collection or toll collection enforcement systems.

(b) The operator of a private toll facility may not impose a fee under subsection (a)(2) for nonpayment of a required toll until the operator has provided notice of the unpaid toll to the toll violator in accordance with notice requirements published on the Internet web site of the private toll facility. The operator shall include with the notice of the unpaid toll a summary of the notice requirements published on the Internet web site of the private toll facility.

As added by P.L.152-2015, SEC.11.

IC 9-21-3.5-15

Agreement between operator and bureau

Sec. 15. (a) The operator of a private toll facility may enter into an agreement with the bureau to obtain information under IC 9-14-12 necessary to enforce violations of section 9.1 of this chapter, including information regarding the registered owner of a vehicle operated in violation of section 9.1 of this chapter.

(b) The bureau may use any reciprocal arrangement that applies to the bureau to obtain information for purposes of subsection (a).

(c) An operator may use information provided under this section only for the purposes of this section.

(d) The operator of a private toll facility shall inform the bureau of the operator's process to notify the bureau of an owner's failure to pay a fine, charge, fee, or other assessment for a toll violation following the expiration of the deadline for payment of the fine, charge, fee, or other assessment as set forth in the operator's notice requirements published on the Internet web site of the private toll facility under section 14(b) of this chapter.

As added by P.L.152-2015, SEC.12. Amended by P.L.198-2016, SEC.362.