

IC 9-21

ARTICLE 21. TRAFFIC REGULATION

IC 9-21-1

Chapter 1. Application

IC 9-21-1-1

Application of article

Sec. 1. Except as provided in sections 2 and 3 of this chapter, this article applies throughout Indiana.

As added by P.L.2-1991, SEC.9.

IC 9-21-1-2

Local authorities; adoption of additional regulations; conflict of law; fines; disbursement

Sec. 2. (a) Except as provided in section 3.5 of this chapter, a local authority may adopt by ordinance additional traffic regulations with respect to highways under the authority's jurisdiction. An ordinance adopted under this subsection may not conflict with or duplicate a statute.

(b) After a request has been made at a public meeting or by certified mail to the legislative body (as defined in IC 36-1-2-9) from the property owner, a local authority may adopt by ordinance additional traffic regulations with respect to a private road within the authority's jurisdiction. The ordinance:

- (1) must require a contractual agreement between the local authority and property owner of the private road setting forth the terms and responsibilities of the additional traffic regulations;
- (2) must require the contractual agreement required under subdivision (1) to be recorded after passage of the ordinance in the office of the recorder of the county in which the private road is located; and
- (3) may not conflict with or duplicate state law.

(c) A fine assessed for a violation of a traffic ordinance adopted by a local authority may be deposited into the general fund of the appropriate political subdivision.

As added by P.L.2-1991, SEC.9. Amended by P.L.128-2002, SEC.1; P.L.143-2002, SEC.5; P.L.1-2003, SEC.50.

IC 9-21-1-3

Powers of local authorities; effective date of ordinances

Sec. 3. (a) A local authority, with respect to private roads and highways under the authority's jurisdiction, in accordance with section 2 of this chapter, and within the reasonable exercise of the police power, may do the following:

- (1) Regulate the standing or parking of vehicles.
- (2) Regulate traffic by means of police officers or traffic control signals.
- (3) Regulate or prohibit processions or assemblages on the

highways.

(4) Designate a highway as a one-way highway and require that all vehicles operated on the highway be moved in one (1) specific direction.

(5) Regulate the speed of vehicles in public parks.

(6) Designate a highway as a through highway and require that all vehicles stop before entering or crossing the highway.

(7) Designate an intersection as a stop intersection and require all vehicles to stop at one (1) or more entrances to the intersection.

(8) Restrict the use of highways as authorized in IC 9-21-4-7.

(9) Regulate the operation of bicycles and require the registration and licensing of bicycles, including the requirement of a registration fee.

(10) Regulate or prohibit the turning of vehicles at intersections.

(11) Alter the prima facie speed limits authorized under IC 9-21-5.

(12) Adopt other traffic regulations specifically authorized by this article.

(13) Adopt traffic regulations governing traffic control on public school grounds when requested by the governing body of the school corporations.

(14) Regulate or prohibit the operation of low speed vehicles on highways.

(b) An ordinance or regulation adopted under subsection (a)(4), (a)(5), (a)(6), (a)(7), (a)(8), (a)(10), (a)(11), (a)(12), (a)(13), or (a)(14), is effective when signs giving notice of the local traffic regulations are posted upon or at the entrances to the highway or part of the highway that is affected.

As added by P.L.2-1991, SEC.9. Amended by P.L.128-2002, SEC.2; P.L.21-2003, SEC.6.

IC 9-21-1-3.5

Local authority; prohibition against or restriction on use of electric personal assistive mobility device

Sec. 3.5. A local authority may not adopt by ordinance any prohibition against or restriction on the use of an electric personal assistive mobility device operated on a path set aside for the exclusive use of bicycles as set forth in IC 9-21-11-1(b).

As added by P.L.143-2002, SEC.6.

IC 9-21-1-4

Posting of signs on state highways by local authorities; conditions; prohibitions

Sec. 4. (a) Notwithstanding IC 8-23-20, IC 9-21-5, and section 5 of this chapter, a city or town may, by ordinance, authorize and pay for signs to be erected along the routes of state highways if the following conditions are met:

(1) The sign is an information sign stating only that a famous person is or was a resident of that city or town.

(2) The sign conforms to the manual on traffic control devices standards for historical signs.

(3) A copy of the sign ordinance is sent to the bureau of the Indiana department of transportation.

(b) The commissioner of the Indiana department of transportation may, within sixty (60) days after the effective date of an ordinance adopted under subsection (a), prohibit the erection of or cause removal of the sign if the bureau finds that the sign:

(1) creates a traffic hazard; or

(2) expresses a commercial or partisan political message.

As added by P.L.2-1991, SEC.9.

IC 9-21-1-5

Local control of state highways; enforcement powers

Sec. 5. Local control of the routes of state highways in cities and towns includes only the power of enforcement of this article and of the regulations passed by the Indiana department of transportation.

As added by P.L.2-1991, SEC.9.

IC 9-21-1-6

Drivers of vehicles; application of chapter

Sec. 6. Except as provided in sections 7 and 8 of this chapter, this article applies to the drivers of vehicles owned or operated by the United States, this state, or a political subdivision of the state.

As added by P.L.2-1991, SEC.9.

IC 9-21-1-7

Highway construction vehicles; application of article

Sec. 7. Unless specifically made applicable, this article does not apply to a person, team, motor vehicle, and other equipment actually engaged in work on the surface of a highway. This article applies to a person and vehicle when traveling to or from work on the surface of a highway.

As added by P.L.2-1991, SEC.9.

IC 9-21-1-8

Emergency vehicles

Sec. 8. (a) This section applies to the person who drives an authorized emergency vehicle when:

(1) responding to an emergency call;

(2) in the pursuit of an actual or suspected violator of the law;
or

(3) responding to, but not upon returning from, a fire alarm.

(b) The person who drives an authorized emergency vehicle may do the following:

(1) Park or stand, notwithstanding other provisions of this article.

(2) Proceed past a red or stop signal or stop sign, but only after slowing down as necessary for safe operation.

(3) Exceed the maximum speed limits if the person who drives

the vehicle does not endanger life or property.

(4) Disregard regulations governing direction of movement or turning in specified directions.

(c) This section applies to an authorized emergency vehicle only when the vehicle is using audible or visual signals as required by law. An authorized emergency vehicle operated as a police vehicle is not required to be equipped with or display red and blue lights visible from in front of the vehicle.

(d) This section does not do the following:

(1) Relieve the person who drives an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons.

(2) Protect the person who drives an authorized emergency vehicle from the consequences of the person's reckless disregard for the safety of others.

As added by P.L.2-1991, SEC.9.

IC 9-21-1-9

Private roads

Sec. 9. Except when a different place is specifically referred to, this article applies to the operation of vehicles upon highways and private roads of a residential subdivision, regardless of who maintains them.

As added by P.L.2-1991, SEC.9. Amended by P.L.128-2002, SEC.3.

IC 9-21-1-10

Animals; vehicles drawn by animals

Sec. 10. A person who rides an animal or drives an animal drawing a vehicle upon a roadway is:

(1) subject to the provisions of this article applicable to the person who drives a vehicle; and

(2) is not subject to the provisions of this article that by their nature have no application.

As added by P.L.2-1991, SEC.9.

IC 9-21-1-11

Interstate compacts and agreements; application to crimes and offenses under this article

Sec. 11. The following are subject to IC 9-28:

(1) A:

(A) conviction for a crime; or

(B) judgment for an offense or ordinance violation;

under this article related to the use or operation of a motor vehicle.

(2) The issuance of a citation (as defined in IC 9-28-2-1) under this article.

As added by P.L.2-1991, SEC.9.

IC 34-18-2

Chapter 2. Definitions

IC 34-18-2-1

Application of definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-2

Terms of art

Sec. 2. A legal term or word of art that is used in this article, if not otherwise defined, has the meaning that is consistent with the common law.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-3 Repealed

(Repealed by P.L.205-2003, SEC.44.)

IC 34-18-2-4

"Ambulance service"

Sec. 4. "Ambulance service" means a person who employs:

- (1) emergency medical technicians;
- (2) emergency medical technicians-basic advanced;
- (3) emergency medical technicians-intermediate; or
- (4) paramedics.

As added by P.L.1-1998, SEC.13. Amended by P.L.205-2003, SEC.40.

IC 34-18-2-5

"Annual aggregate"

Sec. 5. "Annual aggregate" means the limitation on a health care provider's liability as provided in IC 34-18-4.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-6

"Authority"

Sec. 6. "Authority" refers to the residual malpractice insurance authority established under IC 34-18-17 (or IC 27-12-17 before its repeal).

As added by P.L.1-1998, SEC.13.

IC 34-18-2-7

"College", "university", and "junior college"

Sec. 7. "College, university, or junior college" means an institution for postsecondary school education accredited by the North Central Association.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-8

"Commissioner"

Sec. 8. "Commissioner" refers to the insurance commissioner.
As added by P.L.1-1998, SEC.13.

IC 34-18-2-9

"Community health center"

Sec. 9. "Community health center" means a provider of primary health care organized as a nonprofit corporation under IC 23-7-1.1 (before its repeal on August 1, 1991) or IC 23-17 and governed by a board of directors, at least fifty-one percent (51%) of whom are representatives of consumers.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-10

"Community mental health center"

Sec. 10. "Community mental health center" means a public or private mental health center established under IC 12-29.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-11

"Community mental retardation center"

Sec. 11. "Community mental retardation center" means a public or private community mental retardation and other developmental disabilities center established under IC 12-29.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-12

"Emergency medical technician"

Sec. 12. "Emergency medical technician" has the meaning set forth in IC 16-18-2-112 but does not include such a person while operating an emergency vehicle.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-12.1

"Emergency medical technician-basic advanced"; exclusion

Sec. 12.1. (a) "Emergency medical technician-basic advanced" has the meaning set forth in IC 16-18-2-112.5.

(b) The term does not include a person while the person is operating an emergency vehicle.

As added by P.L.205-2003, SEC.41.

IC 34-18-2-12.2

"Emergency medical technician-intermediate"; exclusion

Sec. 12.2. (a) "Emergency medical technician-intermediate" has the meaning set forth in IC 16-18-2-112.7.

(b) The term does not include a person while the person is operating an emergency vehicle.

As added by P.L.205-2003, SEC.42.

IC 34-18-2-13

"Health care"

Sec. 13. "Health care" means an act or treatment performed or furnished, or that should have been performed or furnished, by a health care provider for, to, or on behalf of a patient during the patient's medical care, treatment, or confinement.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-14

"Health care provider"

Sec. 14. "Health care provider" means any of the following:

(1) An individual, a partnership, a limited liability company, a corporation, a professional corporation, a facility, or an institution licensed or legally authorized by this state to provide health care or professional services as a physician, psychiatric hospital, hospital, health facility, emergency ambulance service (IC 16-18-2-107), dentist, registered or licensed practical nurse, physician assistant, midwife, optometrist, podiatrist, chiropractor, physical therapist, respiratory care practitioner, occupational therapist, psychologist, paramedic, emergency medical technician-intermediate, emergency medical technician-basic advanced, or emergency medical technician, or a person who is an officer, employee, or agent of the individual, partnership, corporation, professional corporation, facility, or institution acting in the course and scope of the person's employment.

(2) A college, university, or junior college that provides health care to a student, faculty member, or employee, and the governing board or a person who is an officer, employee, or agent of the college, university, or junior college acting in the course and scope of the person's employment.

(3) A blood bank, community mental health center, community mental retardation center, community health center, or migrant health center.

(4) A home health agency (as defined in IC 16-27-1-2).

(5) A health maintenance organization (as defined in IC 27-13-1-19).

(6) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).

(7) A corporation, limited liability company, partnership, or professional corporation not otherwise qualified under this section that:

(A) as one (1) of its functions, provides health care;

(B) is organized or registered under state law; and

(C) is determined to be eligible for coverage as a health care provider under this article for its health care function.

Coverage for a health care provider qualified under this subdivision is limited to its health care functions and does not extend to other causes of action.

As added by P.L.1-1998, SEC.13. Amended by P.L.205-2003, SEC.43.

IC 34-18-2-15**"Health facility"**

Sec. 15. "Health facility" means a facility licensed under IC 16-28.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-16**"Hospital"**

Sec. 16. "Hospital" means a public or private institution licensed under IC 16-21-2.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-17**"Insurer"**

Sec. 17. "Insurer" means the authority or an insurance company engaged on an admitted or nonadmitted basis in making in this state Class 2(h) malpractice liability insurance under IC 27-1-5-1.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-18**"Malpractice"**

Sec. 18. "Malpractice" means a tort or breach of contract based on health care or professional services that were provided, or that should have been provided, by a health care provider, to a patient.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-19**"Midwife"**

Sec. 19. "Midwife" means a registered nurse who holds a limited license to practice midwifery under IC 25-23-1-13.1.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-20**"Migrant health center"**

Sec. 20. "Migrant health center" means a provider of primary health care organized as a nonprofit corporation under IC 23-7-1.1 (before its repeal on August 1, 1991) or IC 23-17 governed by a board of directors, at least fifty-one percent (51%) of whom are representatives of consumers and funded under Section 329 of the United States Public Health Service Act (42 U.S.C. 254b).

As added by P.L.1-1998, SEC.13.

IC 34-18-2-21**"Paramedic"**

Sec. 21. (a) "Paramedic", except as provided in subsection (b), has the meaning set forth in IC 16-18-2-266.

(b) The term does not include such a person while operating an emergency vehicle.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-22**"Patient"**

Sec. 22. "Patient" means an individual who receives or should have received health care from a health care provider, under a contract, express or implied, and includes a person having a claim of any kind, whether derivative or otherwise, as a result of alleged malpractice on the part of a health care provider. Derivative claims include the claim of a parent or parents, guardian, trustee, child, relative, attorney, or any other representative of the patient including claims for loss of services, loss of consortium, expenses, and other similar claims.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-23**"Physician"**

Sec. 23. "Physician" means an individual with an unlimited license to practice medicine under IC 25-22.5.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-24**"Psychiatric hospital"**

Sec. 24. "Psychiatric hospital" means a private institution licensed under IC 12-25 and public institutions under the administrative control of the director of a division as designated by IC 12-24-1-1 or IC 12-24-1-3.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-24.5**"Qualified provider"**

Sec. 24.5. "Qualified provider" means a health care provider that is qualified under this article (or by IC 27-12 before its repeal) by complying with the procedures set forth in IC 34-18-3 (or IC 27-12-3 before its repeal).

As added by P.L.111-1998, SEC.4.

IC 34-18-2-25**"Representative"**

Sec. 25. "Representative" means the spouse, parent, guardian, trustee, attorney, or other legal agent of the patient.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-26**"Risk"**

Sec. 26. "Risk" means a health care provider that must apply for malpractice liability insurance coverage under IC 34-18-17.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-27**"Risk manager"**

Sec. 27. "Risk manager" means an insurance company that is:

- (1) admitted to make insurance and actively engaged in making in this state Class 2 insurance under IC 27-1-5-1; and
- (2) appointed by the commissioner to manage the authority.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-28

"Tort"

Sec. 28. "Tort" means a legal wrong, breach of duty, or negligent or unlawful act or omission proximately causing injury or damage to another.

As added by P.L.1-1998, SEC.13.

IC 9-19-5

Chapter 5. Horns and Emergency Warning Signals

IC 9-19-5-1

Necessity of horn; audibility

Sec. 1. A motor vehicle, when operated upon a highway, must be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet. However, a horn or other warning device may not emit an unreasonably loud or harsh sound or a whistle.

As added by P.L.2-1991, SEC.7.

IC 9-19-5-2

Use of horn during operation of vehicle

Sec. 2. The driver of a motor vehicle shall, when reasonably necessary to ensure safe operation, give audible warning with the horn on the motor vehicle but may not otherwise use the horn when upon a highway.

As added by P.L.2-1991, SEC.7.

IC 9-19-5-3

Equipping vehicle with sirens, whistles, or bells; exemption

Sec. 3. (a) Except as provided in subsection (b):

- (1) a vehicle may not be equipped with; and
- (2) a person may not use upon a vehicle;

a siren, whistle, or bell.

(b) An authorized emergency vehicle may be equipped with a siren, whistle, or bell that is capable of emitting sound audible under normal conditions from a distance of not less than five hundred (500) feet and of a type approved by the department. A siren authorized under this section may not be used except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violation of the law. The person who drives a vehicle equipped with a siren under this section shall sound the siren when reasonably necessary to warn pedestrians and other persons who are driving vehicles of the approach of the authorized vehicle.

As added by P.L.2-1991, SEC.7. Amended by P.L.1-1991, SEC.85.

IC 9-19-5-4 Repealed

(Repealed by P.L.1-1991, SEC.86.)

IC 9-19-5-5

Theft alarms

Sec. 5. A commercial vehicle may be equipped with a theft alarm signal device that cannot be used by the driver as an ordinary warning signal.

As added by P.L.2-1991, SEC.7.

IC 9-19-5-6

Emergency warning signals

Sec. 6. (a) A person may not operate a motor truck, passenger bus, or truck-tractor upon a highway outside the corporate limits of a municipality from a half hour after sunset to a half hour before sunrise unless the vehicle carries the following equipment:

(1) At least three (3):

(A) flares (liquid-burning pot torches);

(B) red electric lanterns; or

(C) portable red emergency reflectors;

each of which must be capable of being seen and distinguished at a distance of not less than six hundred (600) feet under normal atmospheric conditions at nighttime.

(2) At least three (3) red-burning fuses unless red electric lanterns or red portable emergency reflectors are carried.

(3) At least two (2) red-cloth flags, not less than twelve (12) inches square, with standards to support the flags.

(b) A flare (liquid-burning pot torch), fusee, electric lantern, or cloth warning flag may not be used to comply with this section unless the equipment has been submitted to and approved by the director of traffic safety.

(c) A portable reflector unit may not be used to comply with this section unless the unit:

(1) is designed and constructed to include two (2) reflecting elements, one (1) above the other, each of which must be capable of reflecting red light clearly visible from all distances within six hundred (600) feet to one hundred (100) feet under normal atmospheric conditions at night when directly in front of lawful upper beams of head lamps; and

(2) has been submitted to and approved by the director of traffic safety.

(d) A person may not operate at the time and under conditions stated in subsection (a) a:

(1) motor vehicle used for the transportation of explosives;

(2) cargo tank truck used for the transportation of flammable liquids or compressed gases; or

(3) motor vehicle using compressed gas as a fuel;

unless three (3) red electric lanterns or three (3) portable red emergency reflectors are carried in the vehicle that meet the requirements of subsection (a). A person may not carry in such a vehicle a flare, fusee, or signal produced by flame.

As added by P.L.2-1991, SEC.7.

IC 9-19-5-7

United States Department of Transportation regulations; classification of violations

Sec. 7. (a) This section does not apply to a person who owns or operates a vehicle or combination of vehicles that:

(1) contains parts and accessories; and

(2) is equipped;

as required under regulations of the United States Department of Transportation.

(b) A person who violates this chapter commits a Class C infraction.

As added by P.L.2-1991, SEC.7.

IC 9-21-7

Chapter 7. Vehicle Equipment

IC 9-21-7-1

Good working order and adjustment; safe mechanical condition

Sec. 1. A person may not drive or move on a highway a:

- (1) motor vehicle;
- (2) trailer;
- (3) semitrailer;
- (4) pole trailer; or
- (5) combination of a motor vehicle, trailer, semitrailer, or pole trailer;

unless the equipment upon the vehicle is in good working order and adjustment, as required in this article, and the vehicle is in a safe mechanical condition that does not endanger the person who drives the vehicle, another occupant of the vehicle, or a person upon the highway.

As added by P.L.2-1991, SEC.9.

IC 9-21-7-2

Lights; time for display; exception

Sec. 2. (a) Except as provided in subsection (b) and section 8 of this chapter, each vehicle upon an Indiana highway:

- (1) between the time from sunset to sunrise; and
- (2) at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of five hundred (500) feet ahead;

must display lighted head lamps and other illuminating devices as required for different classes of vehicles under this chapter.

(b) All lamp equipment required for vehicles described in IC 9-19-6 shall be lighted at the times mentioned in subsection (a), except that clearance and sidemarker lamps are not required to be lighted on a vehicle when the vehicle is operated within a municipality if there is sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred (500) feet.

As added by P.L.2-1991, SEC.9. Amended by P.L.1-1991, SEC.94.

IC 9-21-7-3

Lights; requirements and restrictions

Sec. 3. (a) This section does not apply to a motorcycle or motorized bicycle.

(b) A motor vehicle must display at least two (2) lighted lamps, one (1) on each side at the front of the motor vehicle.

(c) Whenever a motor vehicle equipped with head lamps required under subsection (b) is also equipped with:

- (1) auxiliary lamps;
- (2) a spot lamp; or
- (3) any other lamp on the front of the motor vehicle projecting

a beam of intensity greater than three hundred (300) candlepower;
not more than a total of four (4) lamps described in this subsection on the front of a vehicle may be lighted at one (1) time when upon a highway.

(d) Passenger buses, trucks, truck tractors, and certain trailers, semitrailers, and pole trailers must display clearance and marker lamps, reflectors, and stop lights as required under this title when operated upon a highway. Except as provided in subsection (e), all lamp equipment required on vehicles described in this subsection shall be lighted at the times specified in section 2 of this chapter.

(e) Clearance and sidemarker lamps are not required to be lighted on a vehicle described in subsection (d) when the vehicle is operated within a municipality where there is sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred (500) feet.

As added by P.L.2-1991, SEC.9.

IC 9-21-7-4

High intensity beams

Sec. 4. (a) This section does not apply to head lamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps, and school bus warning lamps.

(b) A lighted lamp or illuminating device upon a motor vehicle that projects a beam of light of an intensity greater than three hundred (300) candlepower shall be directed so that no part of the high intensity part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five (75) feet from the vehicle.

As added by P.L.2-1991, SEC.9.

IC 9-21-7-5

Lights; distribution of beam; direction; illumination of objects; reduction of glare

Sec. 5. (a) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent to a roadway during the times specified in section 2 of this chapter, the person who drives the motor vehicle shall use a distribution of light or composite beam directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle.

(b) Whenever a person who drives a vehicle described in subsection (a) approaches an oncoming vehicle within five hundred (500) feet, the person shall use a distribution of light or composite beam aimed so that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light or composite beam specified in IC 9-19-6-20 is considered to avoid glare at all times, regardless of road contour and loading.

(c) Except when overtaking and passing another vehicle, whenever the person who drives a vehicle described in subsection (a) follows another vehicle within two hundred (200) feet to the rear of

the other vehicle, the person shall use a distribution of light permissible under this title other than the uppermost distribution of light specified in IC 9-19-6-20.

As added by P.L.2-1991, SEC.9.

IC 9-21-7-6

Combinations of vehicles; operation; lights; clearance lamps

Sec. 6. (a) Whenever motor and other vehicles are operated in combination during the time that lights are required under section 2 of this chapter, the person who drives the vehicles operated in combination is not required to light any lamp (except tail lamps) that, because of the lamp's location on a vehicle of the combination, would be obscured by another vehicle of the combination.

(b) Lighted clearance lamps shall be displayed on the front of the foremost vehicle of the combination described in subsection (a) required to have clearance lamps. All lights required on the rear of the rearmost vehicle of a combination shall be lighted.

As added by P.L.2-1991, SEC.9.

IC 9-21-7-7

Loads extending beyond body of vehicle; display of red light and flag

Sec. 7. (a) This subsection applies during the times specified in section 2 of this chapter. Whenever the load upon a vehicle extends to the rear four (4) feet or more beyond the bed or body of the vehicle, there shall be displayed at the extreme rear end of the load a red light or lantern plainly visible from a distance of at least five hundred (500) feet to the sides and rear. The red light or lantern required under this section is in addition to the red rear light required upon every vehicle. Clearance lights or reflectors on vehicles that are being transported may be used to delineate the extension of the load in lieu of other lights required in this section.

(b) This subsection applies during all times not specified in section 2 of this chapter. A vehicle described in subsection (a) shall display at the extreme rear end of the vehicle's load a red flag or cloth not less than twelve (12) inches square, displayed in a manner in which the entire area is of the flag or cloth visible to the person who drives a vehicle approaching from the rear.

As added by P.L.2-1991, SEC.9.

IC 9-21-7-8

Parked vehicles; lights; requirements; exempted vehicles

Sec. 8. (a) This section applies to a vehicle that is parked or stopped upon a roadway or shoulder adjacent to a roadway between thirty (30) minutes after sunset and thirty (30) minutes before sunrise.

(b) If there is sufficient light to reveal a person or object within a distance of five hundred (500) feet upon the street or highway upon which the vehicle is parked, no lights need be displayed upon the parked vehicle.

(c) This subsection does not apply to a motor-driven cycle. This subsection applies whether a vehicle parked or stopped is attended or unattended. If there is not sufficient light to reveal a person or object within a distance of five hundred (500) feet upon the highway upon which the vehicle is parked or stopped, the vehicle parked or stopped shall be equipped with one (1) or more lamps that meet the following requirements:

(1) At least one (1) lamp must display a white or amber light visible from a distance of five hundred (500) feet to the front of the vehicle.

(2) The lamp described in subdivision (1) or at least one (1) other lamp must display a red light visible from a distance of five hundred (500) feet to the rear of the vehicle.

(3) The lamp or lamps described in subdivisions (1) and (2) shall be installed as near as practicable on the side of the vehicle that is closest to passing traffic.

(d) Lighted head lamps upon a parked vehicle must be depressed or dimmed.

As added by P.L.2-1991, SEC.9.

IC 9-21-7-9

Head lamps

Sec. 9. A motor vehicle may be operated under the conditions specified in section 2 of this chapter when equipped with two (2) lighted lamps upon the front of the motor vehicle capable of revealing persons and objects seventy-five (75) feet ahead instead of the lamps required under section 3 of this chapter. A vehicle equipped under this section may not be operated at a speed in excess of twenty (20) miles per hour.

As added by P.L.2-1991, SEC.9.

IC 9-21-7-10

Lights visible from front of vehicle; prohibition

Sec. 10. This section does not apply to a vehicle required or authorized under this title to display a red, red and white, or red and blue light that is visible from the front of the vehicle. A person may not drive or move a vehicle or equipment upon a highway with a lamp or device on the vehicle or equipment displaying a red, red and white, or red and blue light visible from directly in front of the center of the vehicle or equipment.

As added by P.L.2-1991, SEC.9. Amended by P.L.99-1991, SEC.3.

IC 9-21-7-11

Flashing lights

Sec. 11. (a) Except as provided in subsection (b), a vehicle may not display flashing lights.

(b) Flashing lights may be displayed on a vehicle as follows:

(1) On an authorized emergency vehicle.

(2) On a school bus.

(3) On snow-removal equipment.

(4) As a means of indicating a right or left turn.

(5) As a means of indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking, or passing.

As added by P.L.2-1991, SEC.9.

IC 9-21-7-12 Repealed

(Repealed by P.L.1-1991, SEC.95.)

IC 9-21-7-13

Violation; Class C infraction

Sec. 13. A person who violates this chapter commits a Class C infraction.

As added by P.L.2-1991, SEC.9.

IC 36-8-12

Chapter 12. Volunteer Fire Departments

IC 36-8-12-1

Application of chapter

Sec. 1. Except as provided in section 10 of this chapter, this chapter applies to all units except counties.

As added by Acts 1981, P.L.309, SEC.64. Amended by P.L.72-1992, SEC.4.

IC 36-8-12-2

Definitions

Sec. 2. As used in this chapter:

"Employee" means a person in the service of another person under a written or implied contract of hire or apprenticeship.

"Employer" means:

- (1) a political subdivision;
- (2) an individual or the legal representative of a deceased individual;
- (3) a firm;
- (4) an association;
- (5) a limited liability company;
- (6) an employer that provides on-the-job training under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.) to the extent set forth in IC 22-3-2-2.5(a); or
- (7) a corporation or its receiver or trustee;

that uses the services of another person for pay.

"Essential employee" means an employee:

- (1) who the employer has determined to be essential to the operation of the employer's daily enterprise; and
- (2) without whom the employer is likely to suffer economic injury as a result of the absence of the essential employee.

"Nominal compensation" means annual compensation of not more than twenty thousand dollars (\$20,000).

"Public servant" has the meaning set forth in IC 35-41-1-24.

"Responsible party" has the meaning set forth in IC 13-11-2-191(d).

"Volunteer fire department" means a department or association organized for the purpose of answering fire alarms, extinguishing fires, and providing other emergency services, the majority of members of which receive no compensation or nominal compensation for their services.

"Volunteer firefighter" means a firefighter:

- (1) who, as a result of a written application, has been elected or appointed to membership in a volunteer fire department;
- (2) who has executed a pledge to faithfully perform, with or without nominal compensation, the work related duties assigned and orders given to the firefighter by the chief of the volunteer fire department or an officer of the volunteer fire department, including orders or duties involving education and training as

prescribed by the volunteer fire department or the state; and
(3) whose name has been entered on a roster of volunteer firefighters that is kept by the volunteer fire department and that has been approved by the proper officers of the unit.

"Volunteer member" means a member of a volunteer emergency medical services association connected with a unit as set forth in IC 16-31-5-1(6).

As added by Acts 1981, P.L.309, SEC.64. Amended by Acts 1981, P.L.181, SEC.3; P.L.217-1989, SEC.6; P.L.70-1995, SEC.6; P.L.1-1996, SEC.91; P.L.1-1999, SEC.88; P.L.192-1999, SEC.1; P.L.119-2003, SEC.1; P.L.43-2005, SEC.2.

IC 36-8-12-3

Agreements with units; authorization

Sec. 3. A unit may enter into an agreement with one (1) or more volunteer fire departments that maintain adequate firefighting service for the use and operation of firefighting apparatus and equipment owned by the volunteer fire department, including the service of the operators of the apparatus and equipment, so that the private and public property of the unit is saved from destruction by fire.

As added by Acts 1981, P.L.309, SEC.64. Amended by P.L.1-1999, SEC.89.

IC 36-8-12-4

Agreements with units; consideration

Sec. 4. The contract between a unit and a volunteer fire department must provide that the unit pay to the department, as consideration for the contract, an amount of money that is determined by negotiation between them. This consideration must include the amounts that the unit is required to pay under this chapter for insurance premiums and clothing, automobile, and other allowances.

As added by Acts 1981, P.L.309, SEC.64. Amended by P.L.1-1999, SEC.90.

IC 36-8-12-5

Clothing and automobile allowances; fees for membership in firefighters' association

Sec. 5. (a) Unless otherwise provided by contract, a unit served by a volunteer fire department shall pay to each active and participating member of the department:

- (1) a clothing allowance of not less than one hundred dollars (\$100) per year; and
- (2) an automobile allowance of not less than one hundred dollars (\$100) per year for the use of the member's automobile in the line of duty.

(b) A contract may also provide that fees for membership in a regularly organized volunteer firefighters' association be paid by the unit on behalf of the firefighters in the volunteer fire department.

As added by Acts 1981, P.L.309, SEC.64. Amended by P.L.229-1996,

SEC.2; P.L.1-1999, SEC.91.

IC 36-8-12-6

Units required to insure members of department; liability for failure to insure

Sec. 6. (a) Each unit that has a volunteer fire department shall procure insurance in the name of and for the benefit of each member of the department. However, if a contract or agreement exists between a unit and a volunteer fire department, the contract or agreement must provide for insurance of the volunteer firefighters in the department in the amounts and with the coverages required by this chapter. Unless the contract or agreement stipulates otherwise, all insurance coverage must be under a group plan, rather than in the name of each individual firefighter. Either the unit or the volunteer fire department, according to the contractor agreement, may undertake procurement of required insurance, but in either case, the costs of coverage must be borne by the unit. If a volunteer fire department serves more than one (1) unit under a contract or agreement, each unit that the department serves shall pay the amount for the insurance coverage determined under the following formula:

STEP ONE: For each census block or other area in a unit that is served by more than one (1) volunteer fire department, divide the population of the area by the number of volunteer fire departments serving the area, and round the quotient to the nearest one thousandth (.001).

STEP TWO: Add the quotients determined under STEP ONE for the unit.

STEP THREE: Determine the sum of the STEP TWO amounts for all of the units served by the same volunteer fire department.

STEP FOUR: Divide the STEP TWO amount for a unit by the STEP THREE amount and round the quotient to the nearest one thousandth (.001).

STEP FIVE: Multiply the costs of the insurance coverage for the volunteer fire department by the quotient determined under STEP FOUR, rounded to the nearest dollar.

(b) A diminution of insurance benefits may not occur under this section because of a change in the insurance carrier or a change as to who actually procures the required insurance.

(c) Each unit that has a volunteer fire department may procure an insurance policy for the benefit of auxiliary groups whose members could be injured while assisting the volunteer firefighters in the performance of their duties.

(d) Each unit that has a volunteer fire department may procure an insurance policy or any other type of instrument that provides retirement benefits as an incentive to volunteer firefighters for continued service.

(e) An insurance policy or other instrument containing any of the provisions authorized by subsection (d) may not be considered in the computation of nominal compensation for purposes of this chapter.

(f) A volunteer firefighter who becomes covered by an insurance

policy or other instrument containing any of the provisions authorized by subsection (d) does not thereby become eligible for membership in the public employees' retirement fund under IC 5-10.3.

(g) If a unit fails to provide the insurance for a volunteer firefighter that this chapter requires it to provide, and a volunteer firefighter suffers a loss of the type that the insurance would have covered, then the unit shall pay to that volunteer firefighter the same amount of money that the insurance would have paid to him.

As added by Acts 1981, P.L.309, SEC.64. Amended by P.L.351-1987, SEC.1; P.L.268-1993, SEC.1; P.L.70-1995, SEC.7; P.L.1-1999, SEC.92.

IC 36-8-12-7

Insurance; disability and medical expense coverage

Sec. 7. Each policy of insurance must provide for payment to a member of a volunteer fire department, for accidental injury or smoke inhalation caused by or occurring in the course of the performance of the duties of a volunteer firefighter and for a cardiac disease event proximately caused within forty-eight (48) hours by or occurring in the course of the performance of the duties of a volunteer firefighter while in an emergency situation, as follows:

(1) For total disability that prevents the member from pursuing his usual vocation, a weekly indemnity of not less than two hundred fifty dollars (\$250), up to a maximum of two hundred sixty (260) weeks.

(2) For medical expenses, coverage for incurred expenses. However, the policy may not have medical expense limits of less than seventy-five thousand dollars (\$75,000).

As added by Acts 1981, P.L.309, SEC.64. Amended by P.L.367-1983, SEC.1; P.L.348-1985, SEC.1; P.L.229-1996, SEC.3; P.L.1-1999, SEC.93; P.L.192-1999, SEC.2.

IC 36-8-12-8

Insurance; death benefits; permanent disability; liability coverage; limitations on liability

Sec. 8. (a) The policy of insurance required by section 6 of this chapter must provide for the payment of a sum not less than one hundred fifty thousand dollars (\$150,000) to the beneficiary, beneficiaries, or estate of a volunteer firefighter if the firefighter dies from an injury or smoke inhalation occurring while in the performance of the firefighter's duties as a volunteer firefighter or from a cardiac disease event proximately caused within forty-eight (48) hours by or occurring while in the performance of the firefighter's duties as a volunteer firefighter.

(b) The policy of insurance must provide for the payment of a sum not less than one hundred fifty thousand dollars (\$150,000) to the volunteer firefighter if the firefighter becomes totally and permanently disabled for a continuous period of not less than two hundred sixty (260) weeks as a result of an injury or smoke

inhalation occurring in the performance of the firefighter's duties as a volunteer firefighter.

(c) The policy of insurance must also provide for indemnification to a member of a volunteer fire department who becomes partially and permanently disabled or impaired as a result of an injury or smoke inhalation occurring in the performance of the firefighter's duties.

(d) For the purposes of this section, partial and permanent disability or impairment shall be indemnified as a percentage factor of a whole person.

(e) In addition to other insurance provided volunteer firefighters under this chapter, each unit shall be covered by an insurance policy that provides a minimum of three hundred thousand dollars (\$300,000) of insurance coverage for the liability of all of its volunteer firefighters for bodily injury or property damage caused by the firefighters acting in the scope of their duties while on the scene of a fire or other emergency. The civil liability of a volunteer firefighter for:

- (1) an act that is within the scope of a volunteer firefighter's duties; or
- (2) the failure to do an act that is within the scope of a volunteer firefighter's duties;

while performing emergency services at the scene of a fire or other emergency or while traveling in an emergency vehicle from the fire station to the scene of the fire or emergency or from the scene of a fire or emergency back to the fire station is limited to the coverage provided by the insurance policy purchased under this subsection. A volunteer firefighter is not liable for punitive damages for any act that is within the scope of a volunteer firefighter's duties. However, if insurance as required under this subsection is not in effect to provide liability coverage for a volunteer firefighter, the firefighter is not subject to civil liability for an act or a failure to act as described in this subsection.

As added by Acts 1981, P.L.309, SEC.64. Amended by P.L.367-1983, SEC.2; P.L.204-1984, SEC.1; P.L.200-1986, SEC.2; P.L.217-1989, SEC.7; P.L.172-1990, SEC.1; P.L.268-1993, SEC.2; P.L.1-1999, SEC.94; P.L.192-1999, SEC.3.

IC 36-8-12-9

Insurance premiums; payment from general fund

Sec. 9. All expenses incurred for premiums of the insurance required by this chapter shall be paid out of the general fund of the unit in the same manner as other expenses in the unit are paid.

As added by Acts 1981, P.L.309, SEC.64.

IC 36-8-12-10

Volunteers; medical treatment and burial expense coverage; determinations; premium expenses

Sec. 10. (a) A:

- (1) volunteer firefighter or an emergency medical technician

working in a volunteer capacity for a volunteer fire department or ambulance company is covered; and

(2) volunteer working for a hazardous materials response team may be covered;

by the medical treatment and burial expense provisions of the worker's compensation law (IC 22-3-2 through IC 22-3-6) and the worker's occupational diseases law (IC 22-3-7).

(b) If compensability of the injury is an issue, the administrative procedures of IC 22-3-2 through IC 22-3-6 and IC 22-3-7 shall be used to determine the issue.

(c) This subsection applies to all units, including counties. All expenses incurred for premiums of the insurance allowed under this section may be paid from the unit's general fund in the same manner as other expenses in the unit are paid.

As added by Acts 1981, P.L.309, SEC.64. Amended by P.L.198-1988, SEC.1; P.L.3-1989, SEC.230; P.L.172-1990, SEC.2; P.L.72-1992, SEC.5; P.L.1-1999, SEC.95.

IC 36-8-12-10.5

Employees of political subdivisions; volunteer firefighting or volunteer member activity

Sec. 10.5. (a) This section does not apply to an employee of the state subject to IC 4-15-10-7.

(b) This section applies to an employee of a political subdivision who:

(1) is a volunteer firefighter or volunteer member; and

(2) has notified the employee's employer in writing that the employee is a volunteer firefighter or volunteer member.

(c) The political subdivision employer may not discipline an employee:

(1) for being absent from employment by reason of responding to a fire or emergency call that was received before the time that the employee was to report to employment; or

(2) for leaving the employee's duty station to respond to a fire or an emergency call if the employee has secured authorization from the employee's supervisor to leave the duty station in response to a fire or an emergency call received after the employee has reported to work.

(d) The political subdivision employer may require an employee who has been absent from employment as set forth in subsection (c)(1) or (c)(2) to present a written statement from the fire chief or other officer in charge of the volunteer fire department, or officer in charge of the volunteer emergency medical services association, at the time of the absence indicating that the employee was engaged in emergency firefighting or emergency activity at the time of the absence.

(e) An employee who is disciplined by the employer in violation of subsection (c) may bring a civil action against the employer in the county of employment. In the action, the employee may seek the following:

- (1) Payment of back wages.
- (2) Reinstatement to the employee's former position.
- (3) Fringe benefits wrongly denied or withdrawn.
- (4) Seniority rights wrongly denied or withdrawn.

An action brought under this subsection must be filed within one (1) year after the date of the disciplinary action.

(f) A public servant who permits or authorizes an employee of a political subdivision under the supervision of the public servant to be absent from employment as set forth in subsection (c) is not considered to have committed a violation of IC 35-44-2-4(b).

As added by P.L.49-2004, SEC.1. Amended by P.L.43-2005, SEC.3.

IC 36-8-12-10.7

Employees of private employers; volunteer firefighting or volunteer member activity

Sec. 10.7. (a) This section applies to an employee of a private employer who:

- (1) is a volunteer firefighter or volunteer member; and
- (2) has notified the employee's employer in writing that the employee is a volunteer firefighter or volunteer member.

(b) Except as provided in subsection (c), the employer may not discipline an employee:

- (1) for being absent from employment by reason of responding to a fire or emergency call that was received before the time that the employee was to report to employment; or
- (2) for leaving the employee's duty station to respond to a fire or emergency call if the employee has secured authorization from the employee's supervisor to leave the duty station in response to a fire or an emergency call received after the employee has reported to work.

(c) After the employer has received the notice required under subsection (a)(2), the employer may reject the notification from the employee on the grounds that the employee is an essential employee to the employer. If the employer has rejected the notification of the employee:

- (1) subsection (b) does not apply to the employee; and
- (2) the employee must promptly notify the:
 - (A) fire chief or other officer in charge of the volunteer fire department; or
 - (B) the officer in charge of the volunteer emergency medical services association;

of the rejection of the notice of the employee who is a volunteer firefighter or a volunteer member.

(d) The employer may require an employee who has been absent from employment as set forth in subsection (b) to present a written statement from the fire chief or other officer in charge of the volunteer fire department, or officer in charge of the emergency medical services association, at the time of the absence indicating that the employee was engaged in emergency firefighting or emergency activity at the time of the absence.

As added by P.L.43-2005, SEC.4.

IC 36-8-12-10.9

Notice of absence; remuneration

Sec. 10.9. (a) The employer may require an employee who will be absent from employment as set forth in:

- (1) section 10.5(c)(1); or
- (2) section 10.7(b)(1);

of this chapter to notify the employer before the scheduled start time for the absence from employment to be excused by the employer.

(b) The employer is not required to pay salary or wages to an employee who has been absent from employment as set forth in section 10.5(c) or 10.7(b) of this chapter for the time away from the employee's duty station. The employee may seek remuneration for the absence from employment by the use of:

- (1) vacation leave;
- (2) personal time; or
- (3) compensatory time off.

As added by P.L.43-2005, SEC.5.

IC 36-8-12-11

Blue lights on private vehicles; authorization; violations

Sec. 11. (a) Members of volunteer fire departments may display blue lights on their privately owned vehicles while en route to scenes of emergencies or to the fire station in the line of duty subject to the following conditions:

- (1) A light must have a light source of at least thirty-five (35) watts.
- (2) All lights must be placed on the:
 - (A) top of the vehicle;
 - (B) dashboard inside a vehicle, shielded to prevent distracting the driver; or
 - (C) front of the vehicle upon the bumper or at bumper level.
- (3) No more than four (4) blue light assemblies may be displayed on one (1) vehicle, and each blue light assembly must be of the flashing or revolving type.
- (4) A blue light assembly may contain multiple bulbs.
- (5) A blue light may not be a part of the regular head lamps displayed on the vehicles. Alternately flashing head lamps may be used as a supplemental warning device. Strobe lights or flashers may be installed into the light fixtures on the vehicle other than the alternating head lamps. The strobe lights or flashers may be either white or blue, with the exception of red to the rear.

(b) In order for a volunteer firefighter to display a blue light on a vehicle, the volunteer firefighter must secure a written permit from the chief of the volunteer fire department to use the blue light and must carry the permit at all times when the blue light is displayed.

(c) A person who is not a member of a volunteer fire department may not display an illuminated blue light on a vehicle.

(d) A permittee of the owner of a vehicle lawfully equipped with a blue light may operate the vehicle only if the blue light is not illuminated.

(e) A person who violates subsection (a), (b), (c), or (d) commits a Class C infraction. If the violator is a member of a volunteer fire department, the chief of the department shall discipline the violator under fire department rules and regulations.

(f) This section does not grant a vehicle displaying blue lights the right-of-way under IC 9-21-8-35 or exemption from traffic rules under IC 9-21-1-8. A driver of a vehicle displaying a blue light shall obey all traffic rules.

(g) This section shall not be construed to include a vehicle displaying a blue light and driven by a member of a volunteer fire department as an authorized emergency vehicle (as defined in IC 9-13-2-6).

As added by Acts 1981, P.L.309, SEC.64. Amended by P.L.88-1990, SEC.4; P.L.2-1991, SEC.108; P.L.99-1991, SEC.4; P.L.1-1999, SEC.96; P.L.6-2001, SEC.1; P.L.153-2002, SEC.2.

IC 36-8-12-12

Nonfire emergency activities; duties of fire chief

Sec. 12. When a volunteer fire department is responding to a fire call and there is no other fire department with overriding jurisdiction present, the fire chief, or in his absence the ranking officer, shall direct all nonfire emergency activities at the scene until a law enforcement officer arrives on the scene.

As added by Acts 1981, P.L.309, SEC.64. Amended by P.L.1-1999, SEC.97.

IC 36-8-12-13

Charges; owners of property or vehicle involved in fire or spill; failure to pay

Sec. 13. (a) A volunteer fire department may impose a charge on the owner of property, owner of a vehicle, or a responsible party (as defined in IC 13-11-2-191(d)) that is involved in a hazardous material or fuel spill or chemical or hazardous material related fire (as defined in IC 13-11-2-96(b)):

- (1) that is responded to by the volunteer fire department; and
- (2) that members of that volunteer fire department assisted in extinguishing, containing, or cleaning up.

(b) The volunteer fire department shall bill the owner or responsible party of the vehicle for the total dollar value of the assistance that was provided, with that value determined by a method that the state fire marshal shall establish under IC 36-8-12-16. A copy of the fire incident report to the state fire marshal must accompany the bill. This billing must take place within thirty (30) days after the assistance was provided. The owner or responsible party shall remit payment directly to the governmental unit providing the service. Any money that is collected under this section may be:

- (1) deposited in the township firefighting fund established in

IC 36-8-13-4;

(2) used to pay principal and interest on a loan under IC 22-14-5; or

(3) used for the purchase of equipment, buildings, and property for firefighting, fire protection, and other emergency services.

(c) The volunteer fire department may maintain a civil action to recover an unpaid charge that is imposed under subsection (a).

As added by P.L.315-1989, SEC.1. Amended by P.L.18-1990, SEC.294; P.L.70-1995, SEC.8; P.L.2-1996, SEC.293; P.L.1-1996, SEC.92; P.L.50-1998, SEC.3; P.L.1-1999, SEC.98.

IC 36-8-12-14 Reserved

IC 36-8-12-15

Liability limits; punitive damages

Sec. 15. The combined aggregate liability of a volunteer fire department for an act or failure to act that is within the scope of the department's duties does not exceed three hundred thousand dollars (\$300,000) for injury to or death of one (1) person in any one (1) occurrence and does not exceed five million dollars (\$5,000,000) for injury to or death of all persons in that occurrence. A volunteer fire department is not liable for punitive damages.

As added by P.L.217-1989, SEC.8. Amended by P.L.1-1999, SEC.99.

IC 36-8-12-16

Schedule of charges for service; conditions for collection; reports; failure to pay

Sec. 16. (a) A volunteer fire department that provides service within a jurisdiction served by the department may establish a schedule of charges for the services that the department provides not to exceed the state fire marshal's recommended schedule for services. The volunteer fire department or its agent may collect a service charge according to this schedule from the owner of property that receives service if the following conditions are met:

(1) At the following times, the department gives notice under IC 5-3-1-4(d) in each political subdivision served by the department of the amount of the service charge for each service that the department provides:

(A) Before the schedule of service charges is initiated.

(B) When there is a change in the amount of a service charge.

(2) The property owner has not sent written notice to the department to refuse service by the department to the owner's property.

(3) The bill for payment of the service charge:

(A) is submitted to the property owner in writing within thirty (30) days after the services are provided; and

(B) includes a copy of a fire incident report in the form prescribed by the state fire marshal, if the service was provided for an event that requires a fire incident report.

(b) A volunteer fire department shall use the revenue collected from the fire service charges under this section for:

- (1) the purchase of equipment, buildings, and property for firefighting, fire protection, or other emergency services;
- (2) deposit in the township firefighting fund established under IC 36-8-13-4; or
- (3) to pay principal and interest on a loan under IC 22-14-5.

(c) If at least twenty-five percent (25%) of the money received by a volunteer fire department for providing fire protection or emergency services is received under one (1) or more contracts with one (1) or more political subdivisions (as defined in IC 34-6-2-110), the legislative body of a contracting political subdivision must approve the schedule of service charges established under subsection (a) before the schedule of service charges is initiated in that political subdivision.

(d) A volunteer fire department that:

- (1) has contracted with a political subdivision to provide fire protection or emergency services; and
- (2) charges for services under this section;

must submit a report to the legislative body of the political subdivision before April 1 of each year indicating the amount of service charges collected during the previous calendar year and how those funds have been expended.

(e) The state fire marshal shall annually prepare and publish a recommended schedule of service charges for fire protection services.

(f) The volunteer fire department or its agent may maintain a civil action to recover an unpaid service charge under this section.

As added by P.L.63-1991, SEC.8. Amended by P.L.70-1995, SEC.9; P.L.2-1996, SEC.294; P.L.1-1996, SEC.93; P.L.1-1998, SEC.213; P.L.50-1998, SEC.4; P.L.1-1999, SEC.100; P.L.240-2001, SEC.2.

IC 36-8-12-17

False alarm service charges

Sec. 17. (a) If a political subdivision has not imposed its own false alarm fee or service charge, a volunteer fire department that provides service within the jurisdiction may establish a service charge for responding to false alarms. The volunteer fire department may collect the false alarm service charge from the owner of the property if the volunteer fire department dispatches firefighting apparatus or personnel to a building or premises in the township in response to:

- (1) an alarm caused by improper installation or improper maintenance; or
- (2) a drill or test, if the fire department is not previously notified that the alarm is a drill or test.

However, if the owner of property that constitutes the owner's residence establishes that the alarm is under a maintenance contract with an alarm company and that the alarm company has been notified of the improper installation or maintenance of the alarm, the alarm company is liable for the payment of the fee or service charge.

(b) Before establishing a false alarm service charge, the volunteer fire department must provide notice under IC 5-3-1-4(d) in each political subdivision served by the department of the amount of the false alarm service charge. The notice required by this subsection must be given:

- (1) before the false alarm service charge is initiated; and
- (2) before a change in the amount of the false alarm service charge.

(c) A volunteer fire department may not collect a false alarm service charge from a property owner or alarm company unless the department's bill for payment of the service charge:

- (1) is submitted to the property owner in writing within thirty (30) days after the false alarm; and
- (2) includes a copy of a fire incident report in the form prescribed by the state fire marshal.

(d) A volunteer fire department shall use the money collected from the false alarm service charge imposed under this section:

- (1) for the purchase of equipment, buildings, and property for fire fighting, fire protection, or other emergency services;
- (2) for deposit in the township firefighting fund established under IC 36-8-13-4; or
- (3) to pay principal and interest on a loan under IC 22-14-5.

(e) If at least twenty-five percent (25%) of the money received by a volunteer fire department for providing fire protection or emergency services is received under one (1) or more contracts with one (1) or more political subdivisions (as defined in IC 34-6-2-110), the legislative body of a contracting political subdivision must approve the false alarm service charge established under subsection (a) before the service charge is initiated in that political subdivision.

(f) A volunteer fire department that:

- (1) has contracted with a political subdivision to provide fire protection or emergency services; and
- (2) imposes a false alarm service charge under this section;

must submit a report to the legislative body of the political subdivision before April 1 of each year indicating the amount of false alarm charges collected during the previous calendar year and how those funds have been expended.

(g) The volunteer fire department may maintain a civil action to recover unpaid false alarm service charges imposed under this section.

As added by P.L.82-2001, SEC.2.

IC 36-8-12-18

Confidential information; exceptions

Sec. 18. (a) A volunteer fire department may declare the following records confidential for purposes of IC 5-14-3:

- (1) Personnel files of members of the volunteer fire department.
- (2) Files of applicants to the volunteer fire department.

However, all personnel file information shall be made available to an affected member or the member's representative.

(b) Notwithstanding subsection (a), a volunteer fire department may not declare the following information contained in files described in subsection (a) confidential:

(1) The name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former members of the volunteer fire department.

(2) Information relating to the status of any formal charges against a member.

(3) The factual basis for a disciplinary action in which final action has been taken and that resulted in the member being suspended, demoted, or discharged.

(c) This section does not apply to disclosure of personnel information generally on all members or for groups of members without the request being particularized by member name.

As added by P.L.101-2006, SEC.38.

IC 9-21-13

Chapter 13. Funeral Processions

IC 9-21-13-0.3

"Funeral escort"

Sec. 0.3. As used in this chapter, "funeral escort" means a person that provides escort services for funeral processions.

As added by P.L.236-2003, SEC.6.

IC 9-21-13-0.5 Repealed

(Repealed by P.L.24-2006, SEC.4.)

IC 9-21-13-1

Right-of-way at intersections; conditions; exceptions

Sec. 1. (a) A vehicle with lighted headlights in a funeral procession has the right-of-way at an intersection and may proceed through the intersection if the procession is headed by a lead or funeral escort vehicle displaying alternately flashing red and blue lights, except if either of the following conditions exist:

- (1) When the right-of-way is required by an authorized emergency vehicle giving an audible signal.
- (2) When the vehicles in procession are directed otherwise by a police officer.

(b) Before assuming the right-of-way, a person who drives a vehicle in the funeral procession must exercise due caution with regard to crossing traffic.

As added by P.L.2-1991, SEC.9. Amended by P.L.236-2003, SEC.8.

IC 9-21-13-2

Driving between vehicles of a funeral procession; prohibition; exceptions

Sec. 2. A person who drives a vehicle that is not in a funeral procession may not drive the vehicle between the vehicles of the funeral procession, except when:

- (1) authorized to do so by a traffic officer; or
- (2) the vehicle is an authorized emergency vehicle giving audible signal by siren.

As added by P.L.2-1991, SEC.9.

IC 9-21-13-3

Formation of procession and lighting headlights for purpose of securing right-of-way; prohibition

Sec. 3. A person who drives a vehicle that is not a part of a funeral procession may not join the procession or form a procession and have headlights lighted for the purpose of securing the right-of-way granted by this chapter to funeral processions.

As added by P.L.2-1991, SEC.9. Amended by P.L.236-2003, SEC.9.

IC 9-21-13-4

Lead and escort vehicles; flashing lights; restrictions on use

Sec. 4. (a) The lead and funeral escort vehicles in a funeral procession may be equipped with flashing amber lights that may be used only when the vehicles are used in a funeral procession.

(b) Notwithstanding any other provisions in this article that govern emergency vehicles, the lead and funeral escort vehicles in a funeral procession may be equipped with flashing red lights that may be used only when the vehicles are used in a funeral procession. The flashing red lights may only be used to gain the right-of-way at intersections and to protect a funeral procession while crossing an intersection.

As added by P.L.2-1991, SEC.9. Amended by P.L.236-2003, SEC.10.

IC 9-21-13-4.5

Funeral procession; duty to exercise due caution; required lights

Sec. 4.5. (a) A person operating a vehicle in a funeral procession:

- (1) must exercise due caution while in the funeral procession; and
- (2) must follow the preceding vehicle in the funeral procession as closely as is practical and safe.

(b) A vehicle that is part of a funeral procession:

- (1) must have its headlights and taillights illuminated; and
- (2) may display flashing amber lights.

(c) The operator of:

- (1) a vehicle immediately following the lead vehicle in a funeral procession; and
- (2) the last vehicle in the funeral procession;

may illuminate the vehicle's hazard warning lights while in the funeral procession.

As added by P.L.236-2003, SEC.11.

IC 9-21-13-5

Vehicle in procession; pennants, flags, or windshield stickers; lights

Sec. 5. A vehicle that is a part of a funeral procession may use:

- (1) funeral pennants or flags;
- (2) windshield stickers; or
- (3) an amber light as described in section 4.5(b) of this chapter;

to identify the vehicle as a part of the procession.

As added by P.L.2-1991, SEC.9. Amended by P.L.236-2003, SEC.12.

IC 9-21-13-6

Passing of funeral processions; multiple lane highways

Sec. 6. A person who drives a vehicle may pass a funeral procession on the procession's left side on a multiple lane highway if the passing can be done safely.

As added by P.L.2-1991, SEC.9.

IC 9-21-13-7

Violations; Class C infraction

Sec. 7. A person who violates this chapter commits a Class C infraction.

As added by P.L.2-1991, SEC.9.

IC 9-19-14

Chapter 14. Special Equipment for Emergency Vehicles

IC 9-19-14-1

Siren, exhaust whistle, or bell

Sec. 1. An authorized emergency vehicle must, in addition to any other equipment and distinctive markings required by this article, be equipped with a siren, exhaust whistle, or bell capable of giving an audible signal.

As added by P.L.2-1991, SEC.7.

IC 9-19-14-2

Signal lamps; visibility

Sec. 2. Except as provided in section 5 of this chapter, an authorized emergency vehicle must, in addition to other equipment required by this article, be equipped with signal lamps that are capable of displaying flashing, rotating, or oscillating beams of red or red and white light. The lights must be visible to oncoming traffic one hundred eighty (180) degrees around the front of the vehicle.

As added by P.L.2-1991, SEC.7.

IC 9-19-14-3

Audibility requirements for sirens, whistles, and bells; use of siren

Sec. 3. An authorized emergency vehicle may be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than five hundred (500) feet and of a type approved by the state police department. The siren may not be used except when the vehicle is operated as follows:

- (1) In response to an emergency call.
- (2) In the immediate pursuit of an actual or suspected violation of the law. In this case, the driver of the vehicle shall sound the vehicle's siren when reasonably necessary to warn pedestrians and other drivers of the vehicle's approach.

As added by P.L.2-1991, SEC.7.

IC 9-19-14-4

Right-of-way

Sec. 4. The use of signal equipment described in this chapter imposes upon a driver of another vehicle the duty to yield right-of-way and stop as prescribed in IC 9-21-8-35.

As added by P.L.2-1991, SEC.7.

IC 9-19-14-5

Police vehicles used as emergency vehicles

Sec. 5. A police vehicle, when used as an authorized emergency vehicle, must be equipped with either of the following:

- (1) At least two (2) signal lamps capable of displaying a red beam and a blue beam that meet the following requirements:
 - (A) The signal lamps are mounted as high and as widely spaced laterally as practicable or mounted in a manner that

will make the lights visible to oncoming traffic one hundred eighty (180) degrees around the front of the vehicle.

(B) The signal lamps are capable of displaying to the front alternately flashing red and blue lights.

(C) The signal lamp capable of displaying the red beam is located on the driver's side of the vehicle and the signal lamp capable of displaying the blue beam is located on the passenger's side of the vehicle.

(2) One (1) signal lamp that is capable of displaying a red beam and a blue beam in a manner that will make the light visible to oncoming traffic one hundred eighty (180) degrees in front of the vehicle.

As added by P.L.2-1991, SEC.7.

IC 9-19-14-5.5

Red and white lamps; red and blue lamps

Sec. 5.5. (a) Except for a vehicle utilized in a funeral procession, a vehicle that is not described by sections 2 or 5 of this chapter may not display a red and white lamp or a red and blue lamp.

(b) A person who:

(1) purchases or otherwise acquires a vehicle with equipment described by sections 2 or 5 of this chapter; and

(2) is not authorized to display a red and white or red and blue lamp upon the vehicle;

shall immediately remove the red and white or red and blue lamp from the vehicle.

As added by P.L.99-1991, SEC.2.

IC 9-19-14-6

United States Department of Transportation regulations; classification of violations

Sec. 6. (a) This section does not apply to a person who owns or operates a vehicle or combination of vehicles that:

(1) contains parts and accessories; and

(2) is equipped;

as required under regulations of the United States Department of Transportation.

(b) A person who violates this chapter commits a Class C infraction.

As added by P.L.2-1991, SEC.7.

IC 9-21-20

Chapter 20. Designation of Authorized Emergency Vehicles

IC 9-21-20-1

Emergency vehicle; designation; prohibited vehicles

Sec. 1. (a) The Indiana department of transportation may designate as an authorized emergency vehicle a vehicle:

- (1) other than an ambulance that is owned by a person other than a hospital; and
- (2) that is used in emergency service.

(b) The Indiana department of transportation may designate and authorize other emergency vehicles under the rules the department prescribes.

As added by P.L.2-1991, SEC.9.

IC 9-21-20-2

Vehicles not affiliated with a hospital, law enforcement agency, or fire department; prohibition on withholding approval

Sec. 2. The Indiana emergency medical services commission may not withhold approval of a motor vehicle as an authorized emergency vehicle because the motor vehicle is not affiliated with a hospital, law enforcement agency, or fire department.

As added by P.L.2-1991, SEC.9.

IC 9-21-20-3

Department of correction; department vehicles; policies and procedures

Sec. 3. The department of correction shall establish policies and procedures for the designation of departmental vehicles as authorized emergency vehicles.

As added by P.L.2-1991, SEC.9.