

## **IC 9-21**

### **ARTICLE 21. TRAFFIC REGULATION**

#### **IC 9-21-1**

##### **Chapter 1. Application**

#### **IC 9-21-1-0.5**

##### **"Lawful intervention technique"**

Sec. 0.5. As used in this chapter, "lawful intervention technique" means a method by which a pursuing motor vehicle causes, or attempts to cause, a fleeing motor vehicle to stop. The term includes a precision immobilization technique (PIT) maneuver.

*As added by P.L.145-2009, SEC.2.*

#### **IC 9-21-1-1**

##### **Application of article**

Sec. 1. Except as provided in sections 2, 3, and 3.3 of this chapter, this article applies throughout Indiana.

*As added by P.L.2-1991, SEC.9. Amended by P.L.150-2009, SEC.10.*

#### **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 sections 2 and 3.3(a) 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, golf carts, or off-road vehicles on highways in accordance with section 3.3(a) of this chapter.

(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; P.L.150-2009, SEC.11; P.L.182-2009(ss), SEC.291; P.L.259-2013, SEC.15.*

### **IC 9-21-1-3.3**

#### **Ordinances regarding use of golf carts on highway**

Sec. 3.3. (a) A city, county, or town may adopt by ordinance traffic regulations concerning the use of golf carts or off-road

vehicles, or both on a highway under the jurisdiction of the city, county, or town. An ordinance adopted under this subsection may not:

- (1) conflict with or duplicate another state law; or
- (2) conflict with a driver's licensing requirement of another provision of the Indiana Code.

(b) A fine assessed for a violation of a traffic ordinance adopted by a city, county, or town under this section shall be deposited into the general fund of the city, county, or town.

(c) Notwithstanding subsection (a), an ordinance adopted by a county under this section:

- (1) may allow an operator of a golf cart or off-road vehicle to cross a highway in the state highway system, at right angles, in order to travel from one (1) highway under the jurisdiction of the county to another highway under the jurisdiction of the county when the operation can be done safely; and
- (2) must set a limit as to the number of passengers (other than the operator) that may be permitted on a golf cart or off-road vehicle.

(d) A violation of an ordinance adopted under this section that is committed on a state highway by the operator of a golf cart or off-road vehicle is considered to be an ordinance violation.

*As added by P.L.150-2009, SEC.12. Amended by P.L.182-2009(ss), SEC.292; P.L.60-2012, SEC.1; P.L.259-2013, SEC.16.*

### **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.

(5) Execute a lawful intervention technique if the person has completed a training course that instructs participants in the proper execution of lawful intervention techniques.

(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. Amended by P.L.145-2009, SEC.3.*

### **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.*