

## **IC 9-21-5**

### **Chapter 5. Speed Limits**

#### **IC 9-21-5-0.1**

##### **Application of certain amendments to chapter**

Sec. 0.1. The amendments made to section 11 of this chapter by P.L.40-2007 apply to civil judgments entered for infractions committed after June 30, 2007.

*As added by P.L.220-2011, SEC.216.*

#### **IC 9-21-5-1**

##### **General restrictions; violation**

Sec. 1. (a) A person may not drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions, having regard to the actual and potential hazards then existing. Speed shall be restricted as necessary to avoid colliding with a person, vehicle, or other conveyance on, near, or entering a highway in compliance with legal requirements and with the duty of all persons to use due care.

(b) A person who drives at a speed greater than is reasonable and prudent for the given weather or road conditions commits a Class C infraction.

*As added by P.L.2-1991, SEC.9. Amended by P.L.188-2015, SEC.62.*

#### **IC 9-21-5-2**

##### **Maximum speed limits; violation**

Sec. 2. (a) Except when a special hazard exists that requires lower speed for compliance with section 1 of this chapter, the slower speed limit specified in this section or established as authorized by section 3 of this chapter is the maximum lawful speed. A person may not drive a vehicle on a highway at a speed in excess of the following maximum limits:

- (1) Thirty (30) miles per hour in an urban district.
- (2) Fifty-five (55) miles per hour, except as provided in subdivisions (1), (3), (4), (5), (6), and (7).
- (3) Seventy (70) miles per hour on a highway on the national system of interstate and defense highways located outside of an urbanized area (as defined in 23 U.S.C. 101) with a population of at least fifty thousand (50,000), except as provided in subdivision (4).
- (4) Sixty-five (65) miles per hour for a vehicle (other than a bus) having a declared gross weight greater than twenty-six thousand (26,000) pounds on a highway on the national system of interstate and defense highways located outside an urbanized area (as defined in 23 U.S.C. 101) with a population of at least fifty thousand (50,000).
- (5) Sixty-five (65) miles per hour on:
  - (A) U.S. 20 from the intersection of U.S. 20 and County

- Road 17 in Elkhart County to the intersection of U.S. 20 and U.S. 31 in St. Joseph County;
  - (B) U.S. 31 from the intersection of U.S. 31 and U.S. 20 in St. Joseph County to the boundary line between Indiana and Michigan; and
  - (C) a highway classified by the Indiana department of transportation as an INDOT Freeway.
- (6) On a highway that is the responsibility of the Indiana finance authority established by IC 4-4-11:
- (A) seventy (70) miles per hour for:
    - (i) a motor vehicle having a declared gross weight of not more than twenty-six thousand (26,000) pounds; or
    - (ii) a bus; or
  - (B) sixty-five (65) miles per hour for a motor vehicle having a declared gross weight greater than twenty-six thousand (26,000) pounds.
- (7) Sixty (60) miles per hour on a highway that:
- (A) is not designated as a part of the national system of interstate and defense highways;
  - (B) has four (4) or more lanes;
  - (C) is divided into two (2) or more roadways by:
    - (i) an intervening space that is unimproved and not intended for vehicular travel;
    - (ii) a physical barrier; or
    - (iii) a dividing section constructed to impede vehicular traffic; and
  - (D) is located outside an urbanized area (as defined in 23 U.S.C. 101) with a population of at least fifty thousand (50,000).
- (8) Fifteen (15) miles per hour in an alley.

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

*As added by P.L.2-1991, SEC.9. Amended by P.L.92-1991, SEC.2; P.L.1-1993, SEC.56; P.L.151-2005, SEC.2; P.L.1-2006, SEC.163; P.L.188-2015, SEC.63.*

### **IC 9-21-5-3**

#### **Alteration of maximum speed limits; authorities; procedures**

Sec. 3. The maximum speed limits set forth in section 2 of this chapter may be altered as follows:

- (1) By local jurisdictions under section 6 of this chapter.
- (2) By the Indiana department of transportation under section 12 of this chapter.
- (3) For the purposes of speed limits on a highway on the national system of interstate and defense highways, by order of the commissioner of the Indiana department of transportation to conform to any federal regulation concerning state speed limit laws.
- (4) In worksites, by all jurisdictions under section 11 of this

chapter.  
*As added by P.L.2-1991, SEC.9. Amended by P.L.235-2005, SEC.124; P.L.151-2005, SEC.3; P.L.1-2006, SEC.164.*

#### **IC 9-21-5-4**

##### **Reduction of speed; conditions where required; violation**

Sec. 4. (a) The driver of each vehicle shall, consistent with section 1 of this chapter, drive at an appropriate reduced speed as follows:

- (1) When approaching and crossing an intersection or railway grade crossing.
- (2) When approaching and going around a curve.
- (3) When approaching a hill crest.
- (4) When traveling upon a narrow or winding roadway.
- (5) When special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(b) A person who fails to drive at a reduced speed as required under subsection (a) commits a Class C infraction.

*As added by P.L.2-1991, SEC.9. Amended by P.L.188-2015, SEC.64.*

#### **IC 9-21-5-5**

##### **Oversized vehicles; violation**

Sec. 5. (a) In addition to the other limitations in this chapter, and in any oversize vehicle permit issued under IC 9-20, a vehicle that exceeds:

- (1) a width of ten (10) feet, six (6) inches;
- (2) a height of thirteen (13) feet, six (6) inches; or
- (3) a length of eighty-five (85) feet;

may not be operated at a speed greater than fifty-five (55) miles per hour.

(b) A person who operates a vehicle to which subsection (a) applies at a speed greater than fifty-five (55) miles per hour commits a Class C infraction.

*As added by P.L.2-1991, SEC.9. Amended by P.L.85-1997, SEC.2; P.L.217-2003, SEC.7; P.L.188-2015, SEC.65.*

#### **IC 9-21-5-6**

##### **Speed limits greater or lesser than reasonable; alteration by local authority; engineering and traffic investigations; validity of speed limits; conditions; violation**

Sec. 6. (a) Except as provided in subsections (e) and (f), whenever a local authority in the authority's jurisdiction determines that the maximum speed permitted under this chapter is greater or less than reasonable and safe under the conditions found to exist on a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit on the highway. The maximum limit declared under this section may do any of the following:

- (1) Decrease the limit within urban districts, but not to less than twenty (20) miles per hour.
- (2) Increase the limit within an urban district, but not to more

than fifty-five (55) miles per hour during daytime and fifty (50) miles per hour during nighttime.

(3) Decrease the limit outside an urban district, but not to less than thirty (30) miles per hour.

(4) Decrease the limit in an alley, but to not less than five (5) miles per hour.

(5) Increase the limit in an alley, but to not more than thirty (30) miles per hour.

The local authority must perform an engineering and traffic investigation before a determination may be made to change a speed limit under subdivision (2), (3), (4), or (5) or before the speed limit within an urban district may be decreased to less than twenty-five (25) miles per hour under subdivision (1).

(b) Except as provided in subsection (f), a local authority in the authority's jurisdiction shall determine by an engineering and traffic investigation the proper maximum speed for all local streets and shall declare a reasonable and safe maximum speed permitted under this chapter for an urban district. However, an engineering and traffic study is not required to be performed for the local streets in an urban district under this subsection if the local authority determines that the proper maximum speed in the urban district is not less than twenty-five (25) miles per hour.

(c) An altered limit established under this section is effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice of the altered limit are erected on the street or highway.

(d) Except as provided in this subsection, a local authority may not alter a speed limit on a highway or extension of a highway in the state highway system. A city or town may establish speed limits on state highways upon which a school is located. A person who violates the speed limit in a reduced speed zone commits a Class B infraction. However, a speed limit established under this subsection is valid only if the following conditions exist:

(1) The limit is not less than twenty (20) miles per hour.

(2) The limit is imposed only in the immediate vicinity of the school.

(3) Children are present.

(4) The speed zone is properly signed. There must be:

(A) a sign located:

(i) where the reduced speed zone begins; or

(ii) as near as practical to the point where the reduced speed zone begins;

indicating the reduced speed limit; and

(B) a sign located at the end of the reduced speed zone indicating:

(i) the speed limit for the section of highway that follows; or

(ii) the end of the reduced speed zone.

(5) The Indiana department of transportation has been notified

of the limit imposed by certified mail.

(e) A local authority may decrease a limit on a street to not less than fifteen (15) miles per hour if the following conditions exist:

(1) The street is located within a park or playground established under IC 36-10.

(2) The:

(A) board established under IC 36-10-3;

(B) board established under IC 36-10-4; or

(C) park authority established under IC 36-10-5;

requests the local authority to decrease the limit.

(3) The speed zone is properly signed.

(f) A city, town, or county may establish speed limits on a street or highway upon which a school is located if the street or highway is under the jurisdiction of the city, town, or county, respectively. However, a speed limit established under this subsection is valid only if the following conditions exist:

(1) The limit is not less than twenty (20) miles per hour.

(2) The limit is imposed only in the immediate vicinity of the school.

(3) Children are present.

(4) The speed zone is properly signed. There must be:

(A) a sign located where the reduced speed zone begins or as near as practical to the point where the reduced speed zone begins indicating the reduced speed limit and a sign located at the end of the reduced speed zone indicating the end of the reduced speed zone; and

(B) if the school operates on a twelve (12) month schedule, a sign indicating that the school is an all year school.

*As added by P.L.2-1991, SEC.9. Amended by P.L.92-1991, SEC.3; P.L.1-1992, SEC.50; P.L.126-1993, SEC.1; P.L.169-2006, SEC.32; P.L.138-2009, SEC.2; P.L.52-2011, SEC.1; P.L.29-2015, SEC.1; P.L.188-2015, SEC.66.*

#### **IC 9-21-5-7**

#### **Reduction of speed; impeding normal and reasonable movement; right-of-way to other vehicles; violation**

Sec. 7. (a) A person may not drive a motor vehicle at a slow speed that impedes or blocks the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with the law. A person who is driving:

(1) on a roadway that has not more than one (1) lane of traffic in each direction; and

(2) at a slow speed so that three (3) or more other vehicles are blocked and cannot pass on the left around the vehicle;

shall give right-of-way to the other vehicles by pulling off to the right of the right lane at the earliest reasonable opportunity and allowing the blocked vehicles to pass.

(b) A person who fails to give right-of-way as required by subsection (a) commits a Class C infraction.

*As added by P.L.2-1991, SEC.9. Amended by P.L.188-2015, SEC.67.*

#### **IC 9-21-5-8**

##### **Minimum speed limits**

Sec. 8. Whenever the Indiana department of transportation within the department's jurisdiction or a local authority within the authority's jurisdiction determines, based on an engineering and traffic investigation, that slow speeds on a part of a highway consistently impede the normal and reasonable movement of traffic, the Indiana department of transportation or local authority may determine and declare a minimum speed limit below which a person may not drive a vehicle except when necessary for safe operation or in compliance with law. A limit determined under this subsection and declared by appropriate resolution, regulation, or ordinance becomes effective when appropriate sign or signals giving notice of the limit of speed are erected along the affected part of a highway.

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

#### **IC 9-21-5-8.5**

##### **Low speed vehicles; violation**

Sec. 8.5. (a) A person may not operate a low speed vehicle on a highway that has a speed limit in excess of thirty-five (35) miles per hour.

(b) A person who operates a low speed vehicle on a highway that has a speed limit in excess of thirty-five (35) miles per hour commits a Class C infraction.

*As added by P.L.21-2003, SEC.8. Amended by P.L.221-2014, SEC.38; P.L.188-2015, SEC.68.*

#### **IC 9-21-5-9**

##### **Vehicles traveling at reduced speeds; use of right lane; prohibited operation in left most lane; violation**

Sec. 9. (a) A vehicle that travels at a speed less than the established maximum shall travel in the right lanes to provide for better flow of traffic on the interstate highways.

(b) This subsection applies to the operation of a vehicle:

- (1) on a roadway that has two (2) or more lanes of traffic in each direction; and
- (2) in the left most lane, other than a lane designated for high occupancy vehicles.

Except as provided in subsection (c), a person who knows, or should reasonably know, that another vehicle is overtaking from the rear the vehicle that the person is operating may not continue to operate the vehicle in the left most lane.

(c) Subsection (b) does not apply:

- (1) when traffic conditions or congestion make it necessary to operate a vehicle in the left most lane;
- (2) when inclement weather, obstructions, or hazards make it necessary to operate a vehicle in the left most lane;

- (3) when compliance with a law, a regulation, an ordinance, or a traffic control device makes it necessary to operate a vehicle in the left most lane;
- (4) when exiting a roadway or turning to the left;
- (5) when paying a toll or user fee at a toll collection facility;
- (6) to an authorized emergency vehicle operated in the course of duty; or
- (7) to vehicles operated or used in the course of highway maintenance or construction.

(d) A person who violates this section commits a Class C infraction.

*As added by P.L.2-1991, SEC.9. Amended by P.L.188-2015, SEC.69.*

#### **IC 9-21-5-10**

##### **Bridges and elevated structures; maximum speed; safety investigation; posting of signs; violations; conclusive evidence; violation**

Sec. 10. (a) A person may not drive a vehicle over a bridge or other elevated structure constituting a part of a highway at a speed that is greater than the maximum speed that can be maintained with safety to the bridge or structure, when the structure is signposted as provided in this section.

(b) The Indiana department of transportation may conduct an investigation of a bridge or other elevated structure constituting a part of a highway. If the Indiana department of transportation finds that the structure cannot with safety to the structure withstand vehicles traveling at the speed otherwise permissible under this chapter, the Indiana department of transportation shall determine and declare the maximum speed of vehicles that the structure can withstand. The Indiana department of transportation shall cause or permit suitable signs stating the maximum speed to be erected and maintained at a distance of one hundred (100) feet or as near as practicable before each end of the structure.

(c) Upon the trial of a person charged with a violation of this section, proof of the determination of the maximum speed by the Indiana department of transportation and the existence of signs erected under subsection (b) constitutes conclusive evidence of the maximum speed that can be maintained with safety to the bridge or structure.

(d) A person who exceeds the speed limit sign posted on a bridge or other elevated structure under this section commits a Class C infraction.

*As added by P.L.2-1991, SEC.9. Amended by P.L.188-2015, SEC.70.*

#### **IC 9-21-5-11**

##### **Temporary maximum speed limits; worksite speed limits; violation; fine**

Sec. 11. (a) Subject to subsection (b), the Indiana department of transportation, the Indiana finance authority, or a local authority may

establish temporary maximum speed limits in their respective jurisdictions and in the vicinity of a worksite without conducting an engineering study and investigation required under this article. The establishing authority shall post signs notifying the traveling public of the temporary maximum speed limits established under this section.

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

(c) A worksite speed limit set under this section may be enforced only if:

(1) workers are present in the immediate vicinity of the worksite; or

(2) if workers are not present in the immediate vicinity of the worksite, the establishing authority determines that the safety of the traveling public requires enforcement of the worksite speed limit.

(d) Notwithstanding IC 34-28-5-4(b), a judgment for the infraction of violating a speed limit set under this section must be entered as follows:

(1) If the person has not previously committed the infraction of violating a speed limit set under this section, a judgment for a Class B infraction and a fine of at least three hundred dollars (\$300) shall be imposed.

(2) If the person has committed one (1) infraction of violating a speed limit set under this section in the previous three (3) years, a judgment for a Class B infraction and a fine of at least five hundred dollars (\$500) shall be imposed.

(3) If the person has committed two (2) or more infractions of violating a speed limit set under this section in the previous three (3) years, a judgment for a Class B infraction and a fine of one thousand dollars (\$1,000) shall be imposed.

(e) Notwithstanding IC 34-28-5-5(c), the funds collected as judgments for the infraction of violating a speed limit set under this section shall be transferred to the Indiana department of transportation to pay the costs of hiring off duty police officers to perform the duties described in IC 8-23-2-15(b).

*As added by P.L.2-1991, SEC.9. Amended by P.L.116-2001, SEC.1; P.L.235-2005, SEC.125; P.L.40-2007, SEC.2; P.L.66-2011, SEC.1; P.L.188-2015, SEC.71.*

### **IC 9-21-5-12**

#### **Maximum speeds greater or less than what is reasonably safe; declaration of new limit; variable limits based on time of day, types of vehicles, weather, and other factors**

Sec. 12. (a) Whenever the Indiana department of transportation determines on the basis of an engineering and traffic investigation that a maximum speed set forth in this chapter is greater or less than is reasonable or safe under the conditions found to exist at an intersection or other place or on part of the state highway system, the



Indiana department of transportation may determine and declare a reasonable and safe maximum limit at the intersection or on the part of the state highway system. The differing limit is effective when appropriate signs giving notice of the limit are erected.

(b) A maximum speed limit under this section may be declared to be effective at all times or at times indicated on the signs. Differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds. The differing limits are effective when posted on appropriate fixed or variable signs.

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

### **IC 9-21-5-13**

#### **Repealed**

*(As added by P.L.2-1991, SEC.9. Amended by P.L.42-2000, SEC.1; P.L.116-2001, SEC.2; P.L.1-2005, SEC.23; P.L.231-2005, SEC.2. Repealed by P.L.188-2015, SEC.72.)*

### **IC 9-21-5-14**

#### **Maximum speed of school buses and special purpose buses; violation**

Sec. 14. (a) A person may not operate a school bus or a special purpose bus at a speed greater than:

- (1) sixty (60) miles per hour on a federal or state highway; or
- (2) forty (40) miles per hour on a county or township highway.

(b) If the posted speed limit is lower than the absolute limits set in this section or if the absolute limits do not apply, the maximum lawful speed of a bus is the posted speed limit.

(c) A person who knowingly or intentionally exceeds a speed limit set forth in subsection (a) or (b) commits a Class C misdemeanor.

*As added by P.L.1-2005, SEC.24. Amended by P.L.107-2006, SEC.2; P.L.114-2007, SEC.2; P.L.188-2015, SEC.73.*