Adopted　　　Rejected

COMMITTEE REPORT

MR. SPEAKER:

Your Committee on **Veterans Affairs and Public Safety** , to which was referred House Bill 1155 , has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

1　　Delete everything after the enacting clause and insert the following:
2　　SECTION 1. IC 9-21-1-2 IS AMENDED TO READ AS FOLLOWS
3　[EFFECTIVE JULY 1, 2026]: Sec. 2. (a) Except as provided in section
4　3.5 of this chapter, a local authority may adopt by ordinance additional
5　traffic regulations with respect to highways under the authority's
6　jurisdiction. An ordinance adopted under this subsection may not
7　conflict with or duplicate a statute.
8　　(b) **Except as provided in IC 9-21-23.5,** after a request has been
9　made at a public meeting or by certified mail to the legislative body (as
10　defined in IC 36-1-2-9) from the property owner, a local authority may
11　adopt by ordinance additional traffic regulations with respect to a
12　private road within the authority's jurisdiction. The ordinance:
13　　(1) must require a contractual agreement between the local

1   authority and property owner of the private road setting forth the

2   terms and responsibilities of the additional traffic regulations;

3   (2) must require the contractual agreement required under

4   subdivision (1) to be recorded after passage of the ordinance in

5   the office of the recorder of the county in which the private road

6   is located; and

7   (3) may not conflict with or duplicate state law.

8   (c) A fine assessed for a violation of a traffic ordinance adopted by

9   a local authority may be deposited into the general fund of the

10   appropriate political subdivision.

11   SECTION 2. IC 9-21-5-3, AS AMENDED BY P.L.1-2006,

12   SECTION 164, IS AMENDED TO READ AS FOLLOWS

13   [EFFECTIVE JULY 1, 2026]: Sec. 3. The maximum speed limits set

14   forth in section 2 of this chapter may be altered as follows:

15   (1) By local jurisdictions under section 6 of this chapter.

16   (2) By the Indiana department of transportation under section 12

17   of this chapter.

18   (3) For the purposes of speed limits on a highway on the national

19   system of interstate and defense highways, by order of the

20   commissioner of the Indiana department of transportation to

21   conform to any federal regulation concerning state speed limit

22   laws.

23   (4) In worksites, by all jurisdictions under section 11 of this

24   chapter.

25   **(5) By a homeowners association that establishes a maximum**

26   **speed limit under IC 9-21-23.5 within a subdivision governed**

27   **by the homeowners association.**

28   SECTION 3. IC 9-21-23.5 IS ADDED TO THE INDIANA CODE

29   AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE

30   JULY 1, 2026]:

31   **Chapter 23.5. Traffic Enforcement on Private Roads Pilot**

32   **Project**

33   **Sec. 1. This chapter:**

34   **(1) applies to a subdivision:**

35   **(A) that is subject to governance authority by a**

36   **homeowners association;**

37   **(B) that contains at least one thousand five hundred (1,500)**

38   **lots; and**

1	**(C) with at least fifteen (15) miles of private road that are**
2	**owned and maintained by the homeowners association;**
3	**and**
4	**(2) does not apply to:**
5	**(A) commercial property;**
6	**(B) industrial property;**
7	**(C) retail or commercial parking facilities; or**
8	**(D) privately owned roads primarily serving property**
9	**described in clauses (A) through (C).**
10	**Sec. 2. The definitions in IC 32-25.5-2 apply throughout this**
11	**chapter.**
12	**Sec. 3. As used in this chapter, "law enforcement agency" has**
13	**the meaning set forth in IC 5-2-1-2(8).**
14	**Sec. 4. As used in this chapter, "law enforcement officer" has**
15	**the meaning set forth in IC 9-13-2-92.**
16	**Sec. 5. (a) Notwithstanding any other law, the board of a**
17	**homeowners association may establish a maximum speed limit**
18	**within the subdivision.**
19	**(b) If a maximum speed limit is established under subsection (a),**
20	**signs must be located on each private roadway in a manner that**
21	**conforms with standards and requirements established by the**
22	**department of transportation.**
23	**(c) If the board of a homeowners association establishes a speed**
24	**limit under subsection (a), the homeowners association must notify**
25	**the:**
26	**(1) sheriff of each county in which the subdivision governed**
27	**by the homeowners association is located (or the chief of**
28	**police of the consolidated city, if the subdivision is primarily**
29	**located in a consolidated city); and**
30	**(2) chief of police of any municipality whose jurisdiction**
31	**includes the subdivision governed by the homeowners**
32	**association;**
33	**of the establishment of the speed limit under subsection (a).**
34	**Sec. 6. (a) Notwithstanding any other law and except as**
35	**provided in section 7 of this chapter, a law enforcement officer has**
36	**all police powers necessary to enforce the laws of the state for the**
37	**regulation and use of vehicles on the private roads within the**
38	**subdivision governed by the homeowners association. However,**

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1 **with the exception of the maximum speed limit established by the**
2 **board of the homeowners association under section 5 of this**
3 **chapter, a law enforcement officer may not enforce other rules or**
4 **requirements established by the homeowners association.**
5 **(b) Subject to subsections (c) and (d), the homeowners**
6 **association may enter into an agreement with or employ an off**
7 **duty law enforcement officer to enforce the laws of the state for the**
8 **regulation and use of a vehicle as described in subsection (a). The**
9 **law enforcement officer must wear a distinctive uniform or must**
10 **operate a motor vehicle that is clearly marked as a police vehicle**
11 **when exercising the officer's authority under this chapter.**
12 **(c) The homeowner's association must submit proof of the**
13 **appropriate liability insurance with each applicable sheriff and**
14 **chief of police prior to entering into an agreement with or**
15 **employing an off duty law enforcement officer. The proof of**
16 **insurance shall be resubmitted upon renewal of the liability**
17 **insurance.**
18 **(d) If a homeowners association enters into an agreement with**
19 **or employs a law enforcement officer under subsection (b), the**
20 **homeowners association must agree to indemnify and hold**
21 **harmless the law enforcement officer, the state, the applicable**
22 **political subdivisions, and the law enforcement agency that**
23 **employs the law enforcement officer and their officers, agents, and**
24 **employees from all claims and liability arising from actions of the**
25 **law enforcement officer acting within the law enforcement officer's**
26 **scope of employment with the homeowners association. However,**
27 **the homeowners association is not subject to the indemnification**
28 **requirements for willful or wanton misconduct by the law**
29 **enforcement officer. Indemnification does not apply to a law**
30 **enforcement officer acting within the scope of the law enforcement**
31 **officer's scope of employment with the law enforcement agency**
32 **that employs the law enforcement officer.**
33 **(e) Subsection (d) may not be construed to prohibit a law**
34 **enforcement agency's ability to regulate the off duty employment**
35 **of a law enforcement officer employed by the law enforcement**
36 **agency or otherwise approve or deny off duty employment of a law**
37 **enforcement officer described in subsection (b).**
38 **Sec. 7. (a) Notwithstanding section 6 of this chapter, a law**

1   **enforcement agency whose jurisdiction includes the subdivision**
2   **governed by the homeowners association does not have a duty:**
3   **(1) to patrol or enforce traffic laws established under this**
4   **chapter; or**
5   **(2) to accept requests to enforce traffic laws established under**
6   **this chapter;**
7   **on the private roads within the subdivision governed by the**
8   **homeowners association.**
9   **(b) Nothing in this chapter shall be construed to establish a duty**
10 **of care by the applicable law enforcement agency to the**
11 **homeowners association or the members of the homeowners**
12 **association for the enforcement of traffic laws established under**
13 **this chapter.**
14   **Sec. 8. Nothing in this chapter shall be construed as:**
15   **(1) requiring a political subdivision to assume ownership,**
16   **maintenance, or liability of a private road within the**
17   **subdivision governed by the homeowners association; or**
18   **(2) converting a private road within the subdivision governed**
19   **by the homeowners association into a public highway.**
20   **Sec. 9. Nothing in this chapter may be construed to waive**
21 **immunity or defenses under IC 34-13-3 or other state or federal**
22 **law for the law enforcement officer, the state, the applicable**
23 **political subdivisions, and the law enforcement agency that**
24 **employs the law enforcement officer and their officers, agents, and**
25 **employees.**
26   **Sec. 10. On or before October 1, 2027, the state police**
27 **department and the sheriff and prosecutor of each county whose**
28 **jurisdiction includes a subdivision governed by a homeowners**
29 **association that adopts a maximum speed limit under section 5 of**
30 **this chapter shall submit a report to the general assembly in an**
31 **electronic format in the same manner that a public agency submits**
32 **a report under IC 5-14-6. The report shall summarize issues with**

1   **implementation of this chapter and include the number of backup**

2   **calls provided within the subdivision.**

3   **Sec. 11. This chapter expires July 1, 2028.**

(Reference is to HB 1155 as introduced.)

and when so amended that said bill do pass.

Representative Bartels