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HOUSE BILL No. 1155

Proposed Changes to introduced printing by AM115501

DIGEST OF PROPOSED AMENDMENT

Establishes a traffic enforcement on private roads pilot project. Provides that a subdivision: (1) that is subject to governance authority by a homeowners association; (2) that contains at least 1,500 lots; and (3) with at least 15 miles of private road that are owned and maintained by the homeowners association; may establish a maximum speed limit. Provides that a law enforcement officer has all police powers necessary to enforce the laws of the state for the regulation and use of vehicles on the private roads within the subdivision governed by the homeowners association. Provides that, with the exception of the maximum speed limit established by the homeowners association, a law enforcement officer may not enforce other rules or requirements established by the homeowners association. Provides that, with certain requirements, a homeowners association may enter into an agreement with or employ an off duty law enforcement officer. Provides that the pilot program expires July 1, 2028.

A BILL FOR AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. ~~IC 5-2-1-2, AS AMENDED BY P.L.173-2023,~~
2 ~~SECTION 1, IC 9-21-1-2~~ IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2026]: Sec. 2. ~~For the purposes~~[(a) Except
4 as provided in section 3.5] of this chapter, ~~and unless the context~~
5 ~~clearly denotes otherwise, the following definitions apply throughout~~
6 ~~this chapter:~~
7 ~~(1) "Law enforcement officer" means an appointed officer or~~
8 ~~employee hired by and on the payroll of the state, any of the~~
9 ~~state's~~[a local authority may adopt by ordinance additional
10 traffic regulations with respect to highways under the authority's
11 jurisdiction. An ordinance adopted under this subsection may not
12 conflict with or duplicate a statute.

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(b) Except as provided in IC 9-21-23.5, 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 subdivisions, a hospital police department (as described in IC 16-18-4), a tribal police officer (as described in IC 5-2-24), a homeowners association traffic enforcement unit officer employed by an eligible homeowners association (as defined in IC 32-25.5-6-2), or a public or private postsecondary educational institution whose board of trustees has established a police department under IC 21-17-5-2 or IC 21-39-4-2 who is granted lawful authority to enforce all or some of the penal laws of the state of Indiana and who possesses, with respect to those laws, the power to effect arrests for offenses committed in the officer's or employee's presence. However, except as otherwise provided in this chapter, the following are expressly excluded from the term "law enforcement officer" for the purposes of this chapter:

~~(A) A constable.~~

(B) A special officer whose powers and duties are described in IC 36-8-3-7 or a special deputy whose powers and duties are described in IC 36-8-10-10.6. However, a special officer employed by a consolidated city full time after June 30, 2023, to perform park ranger duties is a law enforcement officer for the purposes of this chapter.

(C) A county police reserve officer who receives compensation for lake patrol duties under IC 36-8-3-20(f)(3).

(D) A conservation reserve officer who receives compensation for lake patrol duties under IC 14-9-8-27.

(E) An employee of the gaming commission whose powers and duties are described in JC 4-32-3-9.

and duties are described in IOC 152.5 (9).



(F) A correctional police officer described in IC 11-8-9.

For purposes of section 12.5 of this chapter, the term includes a police reserve officer (as described in IC 36-8-3-20), even if the police reserve officer works as a volunteer.

(2) "Board" means the law enforcement training board created by this chapter.

(3) "Executive training program" means the police chief executive training program developed by the board under section 9 of this chapter.

(4) "Law enforcement training council" means one (1) of the confederations of law enforcement agencies recognized by the board and organized for the sole purpose of sharing training, instructors, and related resources.

(5) "Training regarding the lawful use of force" includes classroom and skills training in the proper application of hand to hand defensive tactics, use of firearms, and other methods of:

 (A) overcoming unlawful resistance; or

 (B) countering other action that threatens the safety of the public or a law enforcement officer.

(6) "Hiring or appointing authority" means:

 (A) the chief executive officer, board, or other entity of a police department or agency with authority to appoint and hire law enforcement officers; or

 (B) the governor, mayor, board, or other entity with the authority to appoint a chief executive officer of a police department or agency.

(7) "Crisis intervention team" refers to a local coalition with a goal of improving the manner in which law enforcement and the community respond to crisis situations in which an individual is experiencing a mental health or addictive disorder crisis.

(8) "Law enforcement agency" means a state agency, a political subdivision, a hospital police department (as described in IC 16-18-4), a tribal law enforcement agency (as described in IC 5-2-24), or a public or private postsecondary educational institution that employs and has on its payroll a law enforcement officer, including individuals described in subdivision (1)(A) through (1)(F) [subdivision].

SECTION 2. ~~IC 9-13-2-92~~ [IC 9-21-5-3], AS AMENDED BY P.L. ~~122-2023~~ [1-2006], SECTION ~~164~~, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. ~~92. (a)~~ "Law enforcement officer", except as provided in subsection (b), includes the following:

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1 (1) A state police officer.
 2 (2) A city, town, or county police officer.
 3 (3) A sheriff.
 4 (4) A county coroner in accordance with IC 36-2-14-4.
 5 (5) A conservation officer.
 6 (6) An individual assigned duties and limitations under
 7 IC 10-11-2-26.
 8 (7) A member of a consolidated law enforcement department
 9 established under IC 36-3-1-5.1.
 10 (8) An excise police officer of the alcohol and tobacco
 11 commission.
 12 (9) A gaming control officer employed by the gaming control
 13 division under IC 4-33-20.
 14 (10) A hospital police officer employed by a hospital police
 15 department established under IC 16-18-4.
 16 (11) A~~3.~~ The maximum speed limits set forth in section 2 of
 17 this chapter may be altered as follows:
 18 (1) By local jurisdictions under section 6 of this chapter.
 19 (2) By the Indiana department of transportation under section 12
 20 of this chapter.
 21 (3) For the purposes of speed limits on a highway on the national
 22 system of interstate and defense highways, by order of the
 23 commissioner of the Indiana department of transportation to
 24 conform to any federal regulation concerning state speed limit
 25 laws.
 26 (4) In worksites, by all jurisdictions under section 11 of this
 27 chapter.
 28 (5) By a~~1~~ homeowners association <traffic enforcement unit
 29 officer employed by an eligible>~~1~~ that establishes a maximum
 30 speed limit under IC 9-21-23.5 within a subdivision governed
 31 by the~~1~~ homeowners association~~1~~ (as defined in
 32 IC 32-25.5-6-2).
 33 The term refers to a law enforcement officer having jurisdiction in
 34 Indiana, unless the context clearly refers to a law enforcement
 35 officer from another state or a territory or federal district of the
 36 United States.
 37 (b) "Law enforcement officer", for purposes of IC 9-30-6 and
 38 IC 9-30-7, has the meaning set forth in IC 35-31.5-2-185.
 39 SECTION 3. IC 10-10.5-1-3, AS AMENDED BY P.L.122-2023,
 40 SECTION 7, IS AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2026]: Sec. 3. "Law enforcement officer"
 42 means any of the following:



1 (1) A state police officer, enforcement officer of the alcohol
 2 and tobacco commission, or conservation officer.
 3 (2) A county, city, town, or tribal police officer.
 4 (3) A police officer appointed by a state educational
 5 institution under IC 21-39-4 or school corporation under
 6 IC 20-26-16.
 7 (4) A gaming agent under IC 4-33-4.5 or a gaming control
 8 officer under IC 4-33-20.
 9 (5) A hospital police officer employed by a hospital police
 10 department established under IC 16-18-4.
 11 (6) A homeowners association traffic enforcement unit
 12 officer employed by an eligible homeowners association (as
 13 defined in IC 32-25.5-6-2).
 14 **SECTION 4. IC 10-13-8-5, AS AMENDED BY P.L.122-2023, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:** Sec. 5. As used in this chapter, "law enforcement officer" means any of the following:
 18 (1) A state police officer.
 19 (2) A county sheriff.
 20 (3) A county police officer.
 21 (4) A correctional officer.
 22 (5) An excise police officer.
 23 (6) A county police reserve officer.
 24 (7) A city police officer.
 25 (8) A city police reserve officer.
 26 (9) A conservation enforcement officer.
 27 (10) A town marshal.
 28 (11) A deputy town marshal.
 29 (12) A probation officer.
 30 (13) A state educational institution police officer appointed
 31 under IC 21-39-4.
 32 (14) A gaming agent of the Indiana gaming commission.
 33 (15) A person employed by a political subdivision (as defined
 34 in IC 36-1-2-13) and appointed as a special deputy under
 35 IC 36-8-10-10.6.
 36 (16) A school corporation police officer appointed under
 37 IC 20-26-16.
 38 (17) A police officer of a public or private postsecondary
 39 educational institution whose board of trustees has
 40 established a police department under IC 21-17-5-2 or
 41 IC 21-39-4-2.
 42 (18) A tribal police officer.



1 (19) A hospital police officer employed by a hospital police
 2 department established under IC 16-18-4.
 3 (20) A conservancy district marshal.
 4 (21) A deputy conservancy district marshal.
 5 (22) A homeowners association traffic enforcement unit
 6 officer employed by an eligible homeowners association (as
 7 defined in IC 32-25.5-6-2).

8 SECTION ~~↔[3].~~ ~~IC 32-25~~ [IC 9-21-23].5 ~~↔~~ IS ADDED TO
 9 THE INDIANA CODE AS A NEW CHAPTER TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2026]:

11 Chapter ~~↔[23].~~ ~~Homeowners Association~~ [5.] Traffic
 12 Enforcement ~~Units~~ [on Private Roads Pilot Project]

13 1. This chapter:

14 (1) applies to an eligible homeowners association;

15 ~~Sec. 2. As used in this chapter, "eligible homeowners
 16 association" means~~ [a subdivision:

17 (A) that is subject to governance authority by a
 18 homeowners association~~↔[1]~~

19 ~~(1) established as a nonprofit corporation and subject to
 20 either IC 23-17 or this article, as applicable; and~~

21 ~~(2) with governance authority over a subdivision containing
 22 at least:~~

23 ~~(A) [(B) that contains at least]~~ one thousand five
 24 hundred (1,500) lots; and

25 ~~(B) [C] with at least]~~ fifteen (15) miles of private
 26 road~~↔~~ that are owned and maintained by the
 27 homeowners association~~↔~~

28 ~~Sec. 3. (a) The board of an eligible~~ [; and

29 (2) does not apply to:

30 (A) commercial property;

31 (B) industrial property;

32 (C) retail or commercial parking facilities; or

33 (D) privately owned roads primarily serving property
 34 described in clauses (A) through (C).

35 Sec. 2. The definitions in IC 32-25.5-2 apply throughout this
 36 chapter.

37 Sec. 3. As used in this chapter, "law enforcement agency" has
 38 the meaning set forth in IC 5-2-1-2(8).

39 Sec. 4. As used in this chapter, "law enforcement officer" has
 40 the meaning set forth in IC 9-13-2-92.

41 Sec. 5. (a) Notwithstanding any other law, the board of a
 42 homeowners association may establish a ~~homeowners association~~



~~traffic enforcement unit under this chapter.~~

→ (b) maximum speed limit within the subdivision.

(b) If a maximum speed limit is established under subsection

(a), signs must be located on each private roadway in a manner that conforms with standards and requirements established by the department of transportation.

(c) If the board of ~~an eligible~~ [a] homeowners association establishes a ~~homeowners association traffic enforcement unit~~ speed limit under subsection (a), the ~~eligible~~ homeowners association must notify the:

← (1) superintendent of the state police department;

- > (☞[1]) sheriff of each county in which the subdivision governed by the ~~eligible~~→homeowners association is located (or the chief of police of the consolidated city, if the subdivision is primarily located in a consolidated city); and (☞[2]) chief of police of any municipality whose jurisdiction includes the subdivision governed by the ~~eligible~~→homeowners association;

of the establishment of the ~~homeowners association traffic enforcement unit.~~

Sec. 4. The board of an eligible homeowners association that establishes a homeowners association traffic enforcement unit under section 3|speed limit under subsection (a).

Sec. 6. (a) Notwithstanding any other law and except as provided in section 7] of this chapter<may do the following:

(1) Appoint officers to [a law enforcement officer has all police powers necessary to enforce the laws of the state for the regulation and use of vehicles on the private roads within the subdivision governed by] the homeowners association traffic enforcement unit who satisfy the requirements set forth in section 5 of this chapter.

(2) Prescribe the duties and direct the conduct of officers appointed to the homeowners association traffic enforcement unit.

(3) Prescribe a distinctive uniform for an officer *[However, with the exception of the maximum speed limit established by the board]* of the homeowners association *<traffic enforcement unit>*

(4) Designate emergency vehicles to be used by an officer
⇒ under section 5 of this chapter, a law enforcement officer may not enforce other rules or requirements established by the homeowners association.



(b) Subject to subsections (c) and (d),] the homeowners association ~~traffic enforcement unit~~.

~~Sec. 5. The board of an eligible homeowners association shall require an individual appointed as an officer for> [may enter into an agreement with or employ an off duty law enforcement officer to enforce the laws of the state for the regulation and use of a vehicle as described in subsection (a). The law enforcement officer must wear a distinctive uniform or must operate a motor vehicle that is clearly marked as a police vehicle when exercising the officer's authority under this chapter.~~

(c) The homeowner's association must submit proof of the appropriate liability insurance with each applicable sheriff and chief of police prior to entering into an agreement with or employing an off duty law enforcement officer. The proof of insurance shall be resubmitted upon renewal of the liability insurance.

(d) If a homeowners association ~~traffic enforcement unit under this chapter to meet at least the following requirements:~~

(1) The individual must successfully complete at least the pre-basic training course established under IC 5-2-1-9(f).

~~(2) The individual must successfully complete at least the Tier I minimum basic training and educational requirements adopted~~ [enters into an agreement with or employs a law enforcement officer under subsection (b), the homeowners association must agree to indemnify and hold harmless the law enforcement officer, the state, the applicable political subdivisions, and the law enforcement agency that employs the law enforcement officer and their officers, agents, and employees from all claims and liability arising from actions of the law enforcement officer acting within the law enforcement officer's scope of employment with the homeowners association. However, the homeowners association is not subject to the indemnification requirements for willful or wanton misconduct] by the law enforcement ~~<training board under IC 5-2-1-9 as necessary for employment as a>~~ officer. Indemnification does not apply to a law enforcement officer acting within the scope of the law enforcement officer's scope of employment with the law enforcement agency that employs the law enforcement officer.

~~<Sec. 6. An officer appointed to a homeowners association traffic enforcement unit under this chapter:~~



1 (1) must take an appropriate oath of office in a form and
 2 manner prescribed by the board of the eligible homeowners
 3 association;
 4 (2) serves at the pleasure of the board of the eligible
 5 homeowners association; and
 6 (3) performs the duties that the board of the eligible>|(e)
 7 Subsection (d) may not be construed to prohibit a law
 8 enforcement agency's ability to regulate the off duty
 9 employment of a law enforcement officer employed by the
 10 law enforcement agency or otherwise approve or deny off
 11 duty employment of a law enforcement officer described in
 12 subsection (b).

13 Sec. 7. (a) Notwithstanding section 6 of this chapter, a law
 14 enforcement agency whose jurisdiction includes the subdivision
 15 governed by the] homeowners association <assigns:

16 Sec. 7. (a) An officer appointed to a homeowners association
 17 traffic enforcement unit>[does not have a duty:

18 (1) to patrol or enforce traffic laws established] under this
 19 chapter<has:>[; or]
 20 (<1) general police powers, including the power to arrest,
 21 without process, all persons who commit any offense within
 22 the view of the officer;
 23 (2) the same common law and statutory powers, privileges,
 24 and immunities, including the protections and immunities in
 25 IC 34-13-3, as state police officers, sheriffs, and constables.
 26 However, an officer of a homeowners association traffic
 27 enforcement unit is empowered to serve civil process only to
 28 the extent authorized by the board of the eligible
 29 homeowners association; and
 30 (3) the duty to enforce and to assist the officials of the eligible
 31 homeowners association in the enforcement of the rules,
 32 restrictive covenants, policies, and regulations of the
 33 eligible>|(2) to accept requests to enforce traffic laws
 34 established under this chapter;

35 on the private roads within the subdivision governed by the]
 36 homeowners association.

37 (b) <The board of an eligible>[Nothing in this chapter shall be
 38 construed to establish a duty of care by the applicable law
 39 enforcement agency to the] homeowners association <employing an
 40 officer>[or the members] of the homeowners association <traffic
 41 enforcement unit may expressly forbid the officer from exercising
 42 any powers otherwise granted to the officer by law.



~~(c) An officer of a homeowners association traffic enforcement unit may exercise the powers granted under this section only upon property owned and maintained by the eligible homeowners association, including the streets passing through [for the enforcement of traffic laws established under this chapter.~~

Sec. 8. Nothing in this chapter shall be construed as:

(1) requiring a political subdivision to assume ownership, maintenance, or liability of a private road within] the subdivision governed by the ~~eligible~~ homeowners association~~. Additional jurisdiction may be established by agreement with the chief of police of the municipality or sheriff of the county or the appropriate law enforcement agency where~~]; or

(2) converting a private road within the subdivision ~~is located, as applicable, depending on the jurisdiction involved~~

~~— (d) If an eligible homeowners association, a board of an eligible homeowners association, the delegated office or offices of a board of an eligible homeowners association, or an individual employed by the eligible homeowners association as an officer of [governed by] the homeowners association <traffic enforcement unit acts in accordance with this chapter or engages in activities related to [into a public highway,~~

Sec. 9. Nothing in this chapter may be construed to waive immunity or defenses under IC 34-13-3 or other state or federal law for the law enforcement ↵

~~(1) the eligible homeowners association, the board of the eligible homeowners association, and the delegated office or offices of the board of the eligible~~ [officer, the state, the applicable political subdivisions, and the law enforcement agency that employs the law enforcement officer and their officers, agents, and employees.

Sec. 10. On or before October 1, 2027, the sheriff of each county whose jurisdiction includes a subdivision governed by a homeowners association ~~have the same common law and statutory immunities granted to the state; and~~

(2) the individual employed by the eligible homeowners association as an officer of the homeowners association traffic enforcement unit has the same common law and statutory immunities granted to a state police officer, including the protections and immunities in IC 34-13-3.

~~Sec. 8. (a) This section does not limit or restrict the powers of~~

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any other governmental authority having jurisdiction over public streets, roads, alleys, or ways.

— (b) The board of the eligible homeowners association may adopt regulations to regulate the traffic of all:

- (1) self-propelled vehicles or devices;
- (2) bicycles (as defined in IC 9-13-2-14); and
- (3) pedestrians;

on all private streets, roads, paths, and grounds of real property located>[that adopts a maximum speed limit under section 5 of this chapter shall submit a report to the general assembly in an electronic format in the same manner that a public agency submits a report under IC 5-14-6. The report shall summarize issues with implementation of this chapter and include the number of backup calls provided] within the subdivision< governed by the eligible homeowners association.

— (c) Regulations adopted by the board of the eligible homeowners association applicable to traffic under subsection (b) may include regulations governing the:

- (1) registration;
- (2) speed;
- (3) operation;
- (4) parking; and
- (5) restrictions on the use;

of vehicles or devices described in subsection (b)(1) and (b)(2).

— (d) The regulations adopted under subsection (b) may prescribe penalties for the violation of applicable regulations. Penalties for the regulations adopted under subsection (b) include the:

- (1) imposition of reasonable charges;
- (2) removal and impounding (at the expense of the violator) of vehicles or devices described in subsection (b)(1) or (b)(2) that are operated or parked in violation of regulations adopted under subsection (b); and
- (3) denial of permission to operate vehicles or devices described in subsection (b)(1) or (b)(2) within the subdivision governed by the eligible homeowners association.

Conduct that constitutes a violation of the rules of the eligible homeowners association may be punished, after determination of guilt by lawful procedures, without regard to whether the conduct also constitutes a civil infraction or an offense under the criminal laws of any state or of the United States, or whether it might result in civil liability of the violator to other persons>.



1 Sec. ~~49.~~ (a) This section does not apply if the eligible
 2 homeowners association does not maintain a homeowners
 3 association traffic enforcement unit with at least two (2) officers
 4 for the homeowners association traffic enforcement unit per one
 5 thousand (1,000) lots.

6 ~~(b) The board of the eligible homeowners association may
 7 empower one (1) or more officials of the eligible homeowners
 8 association to request the assistance of law enforcement officers of
 9 the:~~

10 ~~(1) state;
 11 (2) counties;
 12 (3) cities; and
 13 (4) towns;~~

14 ~~when necessary. When any law enforcement officer enters the
 15 subdivision governed by the eligible homeowners association by
 16 virtue of a request under this section, the law enforcement officer
 17 possesses all powers conferred by this chapter upon police officers
 18 appointed by the respective board, in addition to the powers
 19 otherwise conferred upon the law enforcement officers by the laws
 20 of Indiana:~~

21 ~~SECTION 6. IC 35-31.5-2-185, AS AMENDED BY
 22 P.L.238-2025, SECTION 85, IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 185. (a) "Law
 24 enforcement officer" means:~~

25 ~~(1) a police officer (including a tribal police officer, a
 26 correctional police officer, and a hospital police officer
 27 employed by a hospital police department established under
 28 IC 16-18-4), an officer of a homeowners association traffic
 29 enforcement unit employed by an eligible homeowners
 30 association (as defined in IC 32-25.5-6-2), sheriff, constable,
 31 marshal, prosecuting attorney, special prosecuting attorney,
 32 special deputy prosecuting attorney, the securities
 33 commissioner, the state fire marshal, the executive director
 34 of the department of homeland security, or the inspector
 35 general;
 36 (2) a deputy of any of those persons;
 37 (3) an investigator for a prosecuting attorney or for the
 38 inspector general;
 39 (4) a conservation officer;
 40 (5) an enforcement officer of the alcohol and tobacco
 41 commission;
 42 (6) an enforcement officer of the securities division of the~~



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