

Street Racing Accident Results In Death of 3 Uninvolved By-Standers
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A street race on the southeast side of Indianapolis ended in the deaths of three people, including a 12 year old girl. As if the deaths weren't tragic enough, the fact that the three individuals who died were not in any way involved in the street race makes it even worse. Witnesses said a Mustang and a Corvette were racing when the Mustang floored it, lost control, and flipped over the median into an oncoming Chevy Trailblazer. The family of three in the Trailblazer were all killed as a result. The four occupants of the Mustang, which included a ten year old girl, were taken to the hospital, but did not have serious injuries.

According to the Indy Star's article, "[Report: Street racing caused crash that killed 3](#)" this isn't the first time a [death](#) has resulted from street racing in or near Indianapolis. At least three other times in the last 10 years, including once in 2012, 2008, and 2005 a death has occurred as a result of illegal street racing. These deaths are preventable and Indiana laws have sought to punish street racing. So what are the legal ramifications for Street Racing?

Legal Ramifications

Criminal

[Indiana Code § 9-21-6-1](#) makes it illegal to "engage in a motor vehicle speed contest on a highway or street." Doing so is a Class B misdemeanor according to [Indiana Code § 9-21-6-3](#), which may be increased if the following occur under [Indiana Code 9-21-8-56](#):

- Ind. Code § 9-21-8-56(d): If the race occurs in the immediate vicinity of a highway work zone where workers are present it is a Class A Felony.
 - o Additionally, per Ind. Code § 9-21-8-56(f)-(g), a 56(d) violation is escalated to a Level 6 Felony if the individual charged has another unrelated conviction under 56(d)

within the last five years, is operating the vehicle while legally intoxicated in accordance with Ind. Code § 9-30-5-1 or 9-30-5-2, or the offense results in the bodily injury of a worker in the worksite.

- Last, Ind. Code § 9-21-8-56(h) provides a 56(d) violation is increased to a Level 5 felony if the offense results in the death of a worksite worker.

As you can see Indiana Criminal Law is quite harsh on street racers, specifically those who cause injury to others as a result of their dangerous driving.

Tort

While criminal sanctions punish whomever engages in street racing, it does not solve the problem of compensating those injured by it. For that we look to [Newcomb v. Cassidy](#), which provides that “Racing of motor vehicles on public highway is negligence and drivers who engage in speed contests are each liable for injuries to third persons regardless of which of the racing vehicles actually inflicted injury and even though there is no contact between racing vehicles.” 245 N.E. 2d 846 (Ind. Ct. App. 1969)

This means all drivers participating in a street race can be held responsible for injuries caused to the occupants of a non-participating vehicle regardless of whether they were the ones who actually struck the vehicle. So not only is Indiana criminal law harsh on street racing, tort law is as well.

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Our Attorneys are experienced at helping those injured receive the financial compensation they need after their injuries or [wrongful death](#). Contact the Attorneys at the Indianapolis Law Office of William

“Bill” Hurst or call us toll free at (800) 636-0808 for a free consultation. [¡Hablamos Español!](#)