

SENATE BILL No. 400

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-25.

Synopsis: Financial responsibility; motor vehicles. Requires an insurer that provides motor vehicle liability insurance to provide to the policyholder a proof of financial responsibility card. Requires the bureau of motor vehicles to provide a proof of financial responsibility card to a person who has satisfied proof of financial responsibility by means other than motor vehicle insurance. Requires the operator of a motor vehicle to carry within the vehicle a proof of financial responsibility card and to display the card to a law enforcement officer upon request. Requires a law enforcement officer to impound the
(Continued next page)

Effective: July 1, 1998.

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January 9, 1998, read first time and referred to Committee on Judiciary.

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license plate of a vehicle for which the operator is unable to present a valid card. Requires the operator of a motor vehicle who is unable to present a proof of financial responsibility card upon the request of a law enforcement officer to present a valid card to the requesting law enforcement agency within 72 hours, and provides that if a valid card is presented, the law enforcement agency must return the license plate for the vehicle. Provides that a person who operates a motor vehicle without carrying a financial responsibility card or who fails to show the card commits a Class C infraction. Provides that if a person has presented a valid proof of financial responsibility card the bureau of motor vehicles may not request additional proof of financial responsibility.

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Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

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SENATE BILL No. 400

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

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

- 1 SECTION 1. IC 9-25-2-3.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1998]: **Sec. 3.5. "Insurer" has the meaning set forth in**
4 **IC 27-1-2-3(x).**
- 5 SECTION 2. IC 9-25-4.5 IS ADDED TO THE INDIANA CODE
6 AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 1998]:
- 8 **Chapter 4.5. Proof of Financial Responsibility Card**
- 9 **Sec. 1. (a) An insurer that provides motor vehicle liability**
10 **insurance in Indiana shall provide the policyholder with a proof of**
11 **financial responsibility card.**
- 12 **(b) The insurer shall provide one (1) proof of financial**
13 **responsibility card for each motor vehicle covered by a motor**
14 **vehicle liability insurance policy provided by the insurer.**
- 15 **Sec. 2. (a) The bureau shall provide a proof of financial**



1 responsibility card to a person who has satisfied proof of financial
2 responsibility by means of any of the following:

- 3 (1) Filing a bond with the commissioner under IC 9-25-4-9.
4 (2) Depositing cash or securities with the treasurer of state
5 under IC 9-25-4-10.
6 (3) Obtaining a certificate of self-insurance from the
7 commissioner under IC 9-25-4-11.

8 (b) The bureau shall provide one (1) proof of financial
9 responsibility card for each motor vehicle covered by a bond, cash,
10 securities, or self-insurance under subsection (a).

11 (c) The bureau shall charge a reasonable fee for each proof of
12 financial responsibility card issued under subsection (b).

13 Sec. 3. (a) The bureau shall prescribe the form and content of
14 a proof of financial responsibility card.

15 (b) A proof of financial responsibility card must be legible and
16 sufficient to demonstrate that financial responsibility is in effect
17 with regard to the vehicle as follows:

- 18 (1) In one (1) of the forms prescribed by IC 9-25-4-4.
19 (2) In the amounts specified by IC 9-25-4-5 or IC 9-25-4-6.

20 Sec. 4. The bureau shall prescribe the manner of issuance of a
21 proof of financial responsibility card.

22 Sec. 5. A proof of financial responsibility card must display an
23 effective date and an expiration date. The expiration date may not
24 be more than twelve (12) months after the effective date.

25 Sec. 6. An insurer may not issue a card that is similar in
26 appearance, form, and content to a proof of financial responsibility
27 card required under this chapter in connection with an insurance
28 policy that does not provide proof of financial responsibility as
29 required under IC 9-25-4-4.

30 Sec. 7. The bureau may adopt rules under IC 4-22-2 necessary
31 to implement this chapter.

32 Sec. 8. An operator of a motor vehicle subject to IC 9-25 shall:

- 33 (1) carry a proof of financial responsibility card issued under
34 this chapter in a motor vehicle whenever the motor vehicle
35 is operated on a public highway; and
36 (2) when requested, present the proof of financial
37 responsibility card for the motor vehicle to a law
38 enforcement officer.

39 Sec. 9. (a) This section applies to an operator of a motor
40 vehicle subject to IC 9-25 who is unable to present a proof of
41 financial responsibility card for the motor vehicle at the time a law
42 enforcement officer requests the proof of financial responsibility

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card.

(b) A law enforcement officer shall impound the license plate for the motor vehicle operated by an operator described in subsection (a).

(c) Not more than seventy-two (72) hours after the time a proof of responsibility card is requested under subsection (a), the operator described in subsection (a) must present to the requesting law enforcement agency a proof of financial responsibility card for the motor vehicle that was in effect at the time the proof of financial responsibility card was requested. If the operator presents a valid proof of financial responsibility card for the motor vehicle, the law enforcement agency shall return the license plate for the motor vehicle.

Sec. 10. If the operator of a motor vehicle complies with either section 8 or 9 of this chapter, the compliance must be noted in an abstract or a judgment sent to the bureau under IC 9-25-9-1.

Sec. 11. An operator who violates this chapter commits a Class C infraction.

SECTION 3. IC 9-25-9-1, AS AMENDED BY P.L.94-1997, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. (a) **Except as provided in subsection (c)**, after the bureau receives:

- (1) a certified abstract under IC 9-25-6-8 of the record of conviction of a person for a violation of a law relating to motor vehicles; or
- (2) a judgment or an abstract under IC 9-30-3-11 of a case resulting in a conviction, judgment, or forfeiture of security deposit;

the bureau shall determine whether the bureau is required under subsection (b) to send to the person named in the judgment or abstract a request for evidence of financial responsibility.

(b) The bureau shall send a request for evidence of financial responsibility to a person referred to in subsection (a) if at least one (1) of the following applies to the person:

- (1) The judgment or abstract referred to in subsection (a) reports that the person committed a moving traffic violation for which points are assessed by the bureau under the point system, and, not more than one (1) year before the date of the violation referred to in the judgment or abstract, the person committed at least two (2) previous moving traffic violations for which points are assessed by the bureau under the point system.
- (2) The judgment or abstract referred to in subsection (a) reports

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1 that the person was convicted of:
2 (A) a misdemeanor; or
3 (B) a felony;
4 involving a motor vehicle.
5 (3) The judgment or abstract referred to in subsection (a) reports
6 that the person committed a moving traffic violation for which
7 points are assessed by the bureau under the point system and the
8 driver's license of the person was previously suspended for
9 violation of the financial responsibility requirements of IC 9-25.
10 **(c) If the abstract or judgment received under subsection (a)**
11 **contains a notation that a proof of financial responsibility card was**
12 **presented under IC 9-25-4.5-8 or IC 9-25-4.5-9, the bureau may not**
13 **send a request for evidence of financial responsibility to the person**
14 **named in the abstract or judgment.**

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