
HOUSE BILL No. 1379

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-14-4; IC 9-24; IC 34-30-2-30.5.

Synopsis: Examination of drivers regarding impairment. Authorizes the bureau of motor vehicles to adopt rules governing examinations for the retention of learner's permits, operator's licenses, chauffeur's licenses, and public passenger chauffeur's licenses. Authorizes the bureau to examine a driver or applicant for a license or permit to operate a motor vehicle as to fitness to operate a motor vehicle when the bureau has good cause to believe that the driver is incompetent or otherwise not qualified to operate a motor vehicle. Provides that a person with good cause who files a report with the bureau regarding the fitness of a driver is immune from civil liability arising from the report. Provides that such reports are confidential. Makes it a Class C misdemeanor to intentionally file a false report with the bureau regarding the fitness of a driver. Provides that an employee of the bureau who knowingly or intentionally discloses confidential information regarding the fitness of a driver, except as allowed by law, commits a Class A misdemeanor.

Effective: July 1, 2000.

Adams T, Frenz, Saunders

January 11, 2000, read first time and referred to Committee on Roads and Transportation.

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Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

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HOUSE BILL No. 1379



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 9-14-4-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2000]: Sec. 1. The commissioner may create a
3 driver licensing advisory committee **referred to in this chapter as**
4 **"the committee"**.

5 SECTION 2. IC 9-14-4-2 IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2000]: Sec. 2. The committee consists of ~~five~~
7 **(5) eleven (11)** members. Two (2) members must have unlimited
8 licenses to practice medicine in Indiana and one (1) member must be
9 licensed as an optometrist. The committee members serve at the
10 pleasure of the commissioner.

11 SECTION 3. IC 9-14-4-4 IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2000]: Sec. 4. The committee shall provide the
13 commissioner with technical resources to assist in the administration
14 of Indiana driver licensing laws, including providing advice, technical
15 knowledge, and guidance to the commissioner in the ~~area~~ **areas** of
16 **licensing issuing and revoking licenses for** drivers with health or
17 other problems that may adversely affect a driver's ability to operate a



1 vehicle safely.

2 SECTION 4. IC 9-24-10-2 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 2. The bureau may
4 adopt rules under IC 4-22-2 necessary for the conduct of examinations
5 for **issuing and retaining** a learner's permit, an operator's license, a
6 chauffeur's license, and a public passenger chauffeur's license in
7 accordance with this chapter concerning the qualifications and ability
8 of applicants to operate motor vehicles in accordance with the rights
9 and privileges of those permits and licenses.

10 SECTION 5. IC 9-24-10.5 IS ADDED TO THE INDIANA CODE
11 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2000]:

13 **Chapter 10.5. Examination of Licensed Driver to Determine**
14 **Continued Fitness**

15 **Sec. 1. (a) If the bureau has good cause to believe that a licensed**
16 **driver holding, applying for, or renewing an operator's, a**
17 **chauffeur's, or a public passenger chauffeur's license, or an**
18 **individual holding, applying for, or renewing a learner's permit is:**

- 19 (1) **incompetent; or**
20 (2) **otherwise not qualified to be licensed;**

21 **the bureau may, upon written notice of at least five (5) days,**
22 **require the licensed driver to submit to an examination.**

23 **(b) For purposes of this section, a licensed driver is incompetent**
24 **or otherwise unqualified to be licensed if the driver does not**
25 **possess the physical, mental, or other qualifications to operate a**
26 **motor vehicle in a manner that does not jeopardize the safety of**
27 **individuals or property.**

28 **Sec. 2. (a) One (1) basis on which the bureau may have good**
29 **cause to believe that a driver holding an operator's, a chauffeur's,**
30 **or a public passenger chauffeur's license does not possess the**
31 **physical, mental, or other qualifications to operate a motor vehicle**
32 **in a manner that does not jeopardize the safety of individuals or**
33 **property is a report filed by:**

- 34 (1) **a law enforcement officer (as defined in IC 35-41-1-17);**
35 (2) **a physician licensed to practice medicine under IC 25-22.5;**
36 (3) **a chiropractor licensed under IC 25-10;**
37 (4) **a physical therapist licensed under IC 25-27;**
38 (5) **an occupational therapist certified under IC 25-23.5;**
39 (6) **an optometrist licensed under IC 25-24;**
40 (7) **a nurse licensed under IC 25-23;**
41 (8) **a psychologist licensed under IC 25-33;**
42 (9) **a mental health counselor licensed under IC 25-23.6;**



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1 (10) the driver's spouse or a member of the driver's family
2 related within three (3) degrees of consanguinity;

3 (11) an employee of the bureau; or

4 (12) an employee of the bureau of motor vehicles commission.

5 (b) A spouse or family member may not file a report under
6 subsection (a)(10) more than one (1) time during a twelve (12)
7 month period.

8 Sec. 3. A report filed under section 2 of this chapter must state
9 that the person filing the report reasonably and in good faith
10 believes that the driver cannot safely operate a motor vehicle. The
11 report must be based upon:

12 (1) personal observation or physical evidence described in the
13 report; or

14 (2) an investigation by a law enforcement officer.

15 Sec. 4. A report filed under section 2 of this chapter must
16 contain the:

17 (1) name;

18 (2) address;

19 (3) telephone number; and

20 (4) signature;

21 of the person making the report.

22 Sec. 5. A report filed under section 2(2) through 2(9) of this
23 chapter must contain:

24 (1) a diagnosis or an assessment of the driver; and

25 (2) an opinion by the person making the report as to whether
26 the condition is permanent or temporary.

27 The existence of a physician-patient relationship does not prevent
28 a medical professional from making or filing a report.

29 Sec. 6. A person who files a report in good faith under this
30 chapter is immune from civil liability arising from the report.

31 Sec. 7. The following are declared confidential and may be
32 disclosed only under IC 5-14-3-4(a):

33 (1) A report filed under this chapter.

34 (2) A medical record received and reviewed under this
35 chapter.

36 (3) A determination as to a driver's continued fitness to
37 operate a motor vehicle in a manner that does not jeopardize
38 the safety of individuals or property.

39 Sec. 8. The examination may include tests and examinations in
40 the same manner as provided by IC 9-24-10-4(a) through
41 IC 9-24-10-4(b).

42 Sec. 9. The driver licensing advisory committee may assist the

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1 bureau in determining a driver's continued fitness to operate a
2 motor vehicle as set forth in IC 9-14-4-4.

3 **Sec. 10. After an examination under this chapter, the bureau:**

4 (1) shall take appropriate action; and

5 (2) may:

6 (A) suspend or revoke the license of the driver;

7 (B) permit the driver to retain the license; or

8 (C) issue a license subject to restrictions considered
9 necessary in the interest of public safety.

10 **Sec. 11. If a driver refuses or neglects to submit to an**
11 **examination under this chapter, the bureau may suspend or revoke**
12 **the license of the driver.**

13 **Sec. 12. (a) A driver:**

14 (1) whose condition has been reported by a medical provider
15 as being temporary in nature under section 5 of this chapter;
16 and

17 (2) who believes that the condition has improved to the extent
18 that fitness to operate a motor vehicle has been regained;

19 may apply to the bureau for total or partial reinstatement of
20 operating privileges.

21 (b) The bureau may conduct a physical or mental examination
22 that the bureau finds necessary to determine the driver's fitness to
23 operate a motor vehicle safely.

24 (c) After the examination, the bureau may take action as
25 provided in section 10 of this chapter.

26 **Sec. 13. A driver may appeal an action taken by the bureau**
27 **under this chapter to the circuit or superior court with jurisdiction**
28 **in the county in which the driver resides.**

29 **Sec. 14. A person who intentionally files a report with the**
30 **bureau under section 2 of this chapter knowing the report to be**
31 **false commits a Class C misdemeanor.**

32 **Sec. 15. An employee of the bureau who knowingly or**
33 **intentionally discloses confidential information as set forth in**
34 **section 7 of this chapter, except as provided in IC 5-14-3-4(a),**
35 **commits a Class A misdemeanor.**

36 SECTION 6. IC 34-30-2-30.5 IS ADDED TO THE INDIANA
37 CODE AS A NEW SECTION TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2000]: **Sec. 30.5. IC 9-24-10.5-6 (Concerning**
39 **persons filing reports concerning driver impairment.)**

40 SECTION 7. THE FOLLOWING ARE REPEALED [EFFECTIVE
41 JULY 1, 2000]: IC 9-24-10-7; IC 9-24-10-8.

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