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## SENATE BILL No. 242

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-14-3-4; IC 8-2.1-24-18; IC 9-14-4; IC 9-24; IC 34-30-2-27.

**Synopsis:** Medical review and driver's licenses. Renames the driver licensing advisory committee as the driver licensing medical advisory board. Requires one member of the board to be a neurologist with expertise in epilepsy. Makes it a Class D felony for causing serious bodily injury to or the death of another person when operating a motor vehicle after knowingly or intentionally failing to take prescribed medication, the taking of which is a condition of the issuance of a restricted driver's license and a Class C felony for the commission of the offense after certain prior convictions. Requires suspension of the person's driver's license after conviction. Makes conforming changes.

**Effective:** July 1, 2003.

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January 9, 2003, read first time and referred to Committee on Judiciary.

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First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

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## SENATE BILL No. 242



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 5-14-3-4, AS AMENDED BY P.L.1-2002,  
2 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2003]: Sec. 4. (a) The following public records are excepted  
4 from section 3 of this chapter and may not be disclosed by a public  
5 agency, unless access to the records is specifically required by a state  
6 or federal statute or is ordered by a court under the rules of discovery:  
7 (1) Those declared confidential by state statute.  
8 (2) Those declared confidential by rule adopted by a public  
9 agency under specific authority to classify public records as  
10 confidential granted to the public agency by statute.  
11 (3) Those required to be kept confidential by federal law.  
12 (4) Records containing trade secrets.  
13 (5) Confidential financial information obtained, upon request,  
14 from a person. However, this does not include information that is  
15 filed with or received by a public agency pursuant to state statute.  
16 (6) Information concerning research, including actual research  
17 documents, conducted under the auspices of an institution of



- 1 higher education, including information:
- 2 (A) concerning any negotiations made with respect to the
- 3 research; and
- 4 (B) received from another party involved in the research.
- 5 (7) Grade transcripts and license examination scores obtained as
- 6 part of a licensure process.
- 7 (8) Those declared confidential by or under rules adopted by the
- 8 supreme court of Indiana.
- 9 (9) Patient medical records and charts created by a provider,
- 10 unless the patient gives written consent under IC 16-39.
- 11 (10) Application information declared confidential by the
- 12 twenty-first century research and technology fund board under
- 13 IC 4-4-5.1.
- 14 (11) The following personal information concerning a customer
- 15 of a municipally owned utility (as defined in IC 8-1-2-1):
- 16 (A) Telephone number.
- 17 (B) Social Security number.
- 18 (C) Address.
- 19 (12) A photograph, a video recording, or an audio recording of an
- 20 autopsy, except as provided in IC 36-2-14-10.
- 21 (b) Except as otherwise provided by subsection (a), the following
- 22 public records shall be excepted from section 3 of this chapter at the
- 23 discretion of a public agency:
- 24 (1) Investigatory records of law enforcement agencies. However,
- 25 certain law enforcement records must be made available for
- 26 inspection and copying as provided in section 5 of this chapter.
- 27 (2) The work product of an attorney representing, pursuant to
- 28 state employment or an appointment by a public agency:
- 29 (A) a public agency;
- 30 (B) the state; or
- 31 (C) an individual.
- 32 (3) Test questions, scoring keys, and other examination data used
- 33 in administering a licensing examination, examination for
- 34 employment, or academic examination before the examination is
- 35 given or if it is to be given again.
- 36 (4) Scores of tests if the person is identified by name and has not
- 37 consented to the release of his scores.
- 38 (5) The following:
- 39 (A) Records relating to negotiations between the department
- 40 of commerce, the Indiana development finance authority, the
- 41 film commission, the Indiana business modernization and
- 42 technology corporation, or economic development

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- 1 commissions with industrial, research, or commercial  
 2 prospects, if the records are created while negotiations are in  
 3 progress.  
 4 (B) Notwithstanding clause (A), the terms of the final offer of  
 5 public financial resources communicated by the department of  
 6 commerce, the Indiana development finance authority, the  
 7 Indiana film commission, the Indiana business modernization  
 8 and technology corporation, or economic development  
 9 commissions to an industrial, a research, or a commercial  
 10 prospect shall be available for inspection and copying under  
 11 section 3 of this chapter after negotiations with that prospect  
 12 have terminated.  
 13 (C) When disclosing a final offer under clause (B), the  
 14 department of commerce shall certify that the information  
 15 being disclosed accurately and completely represents the terms  
 16 of the final offer.  
 17 (6) Records that are intra-agency or interagency advisory or  
 18 deliberative material, including material developed by a private  
 19 contractor under a contract with a public agency, that are  
 20 expressions of opinion or are of a speculative nature, and that are  
 21 communicated for the purpose of decision making.  
 22 (7) Diaries, journals, or other personal notes serving as the  
 23 functional equivalent of a diary or journal.  
 24 (8) Personnel files of public employees and files of applicants for  
 25 public employment, except for:  
 26 (A) the name, compensation, job title, business address,  
 27 business telephone number, job description, education and  
 28 training background, previous work experience, or dates of  
 29 first and last employment of present or former officers or  
 30 employees of the agency;  
 31 (B) information relating to the status of any formal charges  
 32 against the employee; and  
 33 (C) information concerning disciplinary actions in which final  
 34 action has been taken and that resulted in the employee being  
 35 disciplined or discharged.  
 36 However, all personnel file information shall be made available  
 37 to the affected employee or his representative. This subdivision  
 38 does not apply to disclosure of personnel information generally on  
 39 all employees or for groups of employees without the request  
 40 being particularized by employee name.  
 41 (9) Minutes or records of hospital medical staff meetings.  
 42 (10) Administrative or technical information that would

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- 1 jeopardize a recordkeeping or security system.
- 2 (11) Computer programs, computer codes, computer filing
- 3 systems, and other software that are owned by the public agency
- 4 or entrusted to it and portions of electronic maps entrusted to a
- 5 public agency by a utility.
- 6 (12) Records specifically prepared for discussion or developed
- 7 during discussion in an executive session under IC 5-14-1.5-6.1.
- 8 However, this subdivision does not apply to that information
- 9 required to be available for inspection and copying under
- 10 subdivision (8).
- 11 (13) The work product of the legislative services agency under
- 12 personnel rules approved by the legislative council.
- 13 (14) The work product of individual members and the partisan
- 14 staffs of the general assembly.
- 15 (15) The identity of a donor of a gift made to a public agency if:
- 16 (A) the donor requires nondisclosure of his identity as a
- 17 condition of making the gift; or
- 18 (B) after the gift is made, the donor or a member of the donor's
- 19 family requests nondisclosure.
- 20 (16) Library or archival records:
- 21 (A) which can be used to identify any library patron; or
- 22 (B) deposited with or acquired by a library upon a condition
- 23 that the records be disclosed only:
- 24 (i) to qualified researchers;
- 25 (ii) after the passing of a period of years that is specified in
- 26 the documents under which the deposit or acquisition is
- 27 made; or
- 28 (iii) after the death of persons specified at the time of the
- 29 acquisition or deposit.
- 30 However, nothing in this subdivision shall limit or affect
- 31 contracts entered into by the Indiana state library pursuant to
- 32 IC 4-1-6-8.
- 33 (17) The identity of any person who contacts the bureau of motor
- 34 vehicles concerning the ability of a driver to operate a motor
- 35 vehicle safely and the medical records and evaluations made by
- 36 the bureau of motor vehicles staff or members of the driver
- 37 licensing **medical** advisory ~~committee~~ **board**. However, upon
- 38 written request to the commissioner of the bureau of motor
- 39 vehicles, the driver must be given copies of the driver's medical
- 40 records and evaluations that concern the driver.
- 41 (18) School safety and security measures, plans, and systems,
- 42 including emergency preparedness plans developed under 511

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1 IAC 6.1-2-2.5.

2 (c) Notwithstanding section 3 of this chapter, a public agency is not  
 3 required to create or provide copies of lists of names and addresses,  
 4 unless the public agency is required to publish such lists and  
 5 disseminate them to the public pursuant to statute. However, if a public  
 6 agency has created a list of names and addresses, it must permit a  
 7 person to inspect and make memoranda abstracts from the lists unless  
 8 access to the lists is prohibited by law. The following lists of names and  
 9 addresses may not be disclosed by public agencies to commercial  
 10 entities for commercial purposes and may not be used by commercial  
 11 entities for commercial purposes:

- 12 (1) A list of employees of a public agency.  
 13 (2) A list of persons attending conferences or meetings at a state  
 14 institution of higher education or of persons involved in programs  
 15 or activities conducted or supervised by the state institution of  
 16 higher education.  
 17 (3) A list of students who are enrolled in a public school  
 18 corporation if the governing body of the public school corporation  
 19 adopts a policy:  
 20 (A) prohibiting the disclosure of the list to commercial entities  
 21 for commercial purposes; or  
 22 (B) specifying the classes or categories of commercial entities  
 23 to which the list may not be disclosed or by which the list may  
 24 not be used for commercial purposes.

25 A policy adopted under subdivision (3) must be uniform and may not  
 26 discriminate among similarly situated commercial entities.

27 (d) Nothing contained in subsection (b) shall limit or affect the right  
 28 of a person to inspect and copy a public record required or directed to  
 29 be made by any statute or by any rule of a public agency.

30 (e) Notwithstanding any other law, a public record that is classified  
 31 as confidential, other than a record concerning an adoption, shall be  
 32 made available for inspection and copying seventy-five (75) years after  
 33 the creation of that record.

34 (f) Notwithstanding subsection (e) and section 7 of this chapter:

- 35 (1) public records subject to IC 5-15 may be destroyed only in  
 36 accordance with record retention schedules under IC 5-15; or  
 37 (2) public records not subject to IC 5-15 may be destroyed in the  
 38 ordinary course of business.

39 SECTION 2. IC 8-2.1-24-18, AS AMENDED BY P.L.92-2000,  
 40 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2003]: Sec. 18. (a) 49 CFR Parts 382, 385 through 387, 390  
 42 through 393, and 395 through 398 is incorporated into Indiana law by

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1 reference, and, except as provided in subsections (d), (e), (f), and (g),  
 2 must be complied with by an interstate and intrastate motor carrier of  
 3 persons or property throughout Indiana. Intrastate motor carriers  
 4 subject to compliance reviews under 49 CFR 385 shall be selected  
 5 according to criteria determined by the superintendent which must  
 6 include but is not limited to factors such as previous history of  
 7 violations found in roadside compliance checks and other recorded  
 8 violations. However, the provisions of 49 CFR 395 that regulate the  
 9 hours of service of drivers, including requirements for the maintenance  
 10 of logs, do not apply to a driver of a truck that is registered by the  
 11 bureau of motor vehicles and used as a farm truck under IC 9-18, or a  
 12 vehicle operated in intrastate construction or construction related  
 13 service, or the restoration of public utility services interrupted by an  
 14 emergency. Except as provided in subsection (i), intrastate motor  
 15 carriers not operating under authority issued by the United States  
 16 Department of Transportation shall comply with the requirements of 49  
 17 CFR 390.21(b)(3) by registering with the department of state revenue  
 18 as an intrastate motor carrier and displaying the certification number  
 19 issued by the department of state revenue preceded by the letters "IN".  
 20 Except as provided in subsection (i), all other requirements of 49 CFR  
 21 390.21 apply equally to interstate and intrastate motor carriers.

22 (b) 49 CFR 107 subpart (F) and subpart (G), 171 through 173, 177  
 23 through 178, and 180, is incorporated into Indiana law by reference,  
 24 and every:

- 25 (1) private carrier;
- 26 (2) common carrier;
- 27 (3) contract carrier;
- 28 (4) motor carrier of property, intrastate;
- 29 (5) hazardous material shipper; and
- 30 (6) carrier otherwise exempt under section 3 of this chapter;

31 must comply with the federal regulations incorporated under this  
 32 subsection, whether engaged in interstate or intrastate commerce.

33 (c) Notwithstanding subsection (b), nonspecification bulk and  
 34 nonbulk packaging, including cargo tank motor vehicles, may be used  
 35 only if all the following conditions exist:

- 36 (1) The maximum capacity of the vehicle is less than three  
 37 thousand five hundred (3,500) gallons.
- 38 (2) The shipment of goods is limited to intrastate commerce.
- 39 (3) The vehicle is used only for the purpose of transporting fuel  
 40 oil, kerosene, diesel fuel, gasoline, gasohol, or any combination  
 41 of these substances.

42 All additional federal standards for the safe transportation of hazardous

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1 materials apply until July 1, 2000. After June 30, 2000, the  
 2 maintenance, inspection, and marking requirements of 49 CFR 173.8  
 3 and Part 180 are applicable. In accordance with federal hazardous  
 4 materials regulations, new or additional nonspecification cargo tank  
 5 motor vehicles may not be placed in service under this subsection after  
 6 June 30, 1998.

7 (d) For the purpose of enforcing this section, only:

8 (1) a state police officer or state police motor carrier inspector  
 9 who:

10 (A) has successfully completed a course of instruction  
 11 approved by the Federal Highway Administration; and

12 (B) maintains an acceptable competency level as established  
 13 by the state police department; or

14 (2) an employee of a law enforcement agency who:

15 (A) before January 1, 1991, has successfully completed a  
 16 course of instruction approved by the Federal Highway  
 17 Administration; and

18 (B) maintains an acceptable competency level as established  
 19 by the state police department;

20 on the enforcement of 49 CFR, may, upon demand, inspect the books,  
 21 accounts, papers, records, memoranda, equipment, and premises of any  
 22 carrier, including a carrier exempt under section 3 of this chapter.

23 (e) A person hired before September 1, 1985, who operates a motor  
 24 vehicle intrastate incidentally to the person's normal employment duties  
 25 and who is not employed as a chauffeur (as defined in IC 9-13-2-21(a))  
 26 is exempt from 49 CFR 391 as incorporated by this section.

27 (f) Notwithstanding any provision of 49 CFR 391 to the contrary, a  
 28 person at least eighteen (18) years of age and less than twenty-one (21)  
 29 years of age may be employed as a driver to operate a commercial  
 30 motor vehicle intrastate. However, a person employed under this  
 31 subsection is not exempt from any other provision of 49 CFR 391.

32 (g) Notwithstanding subsection (b), the following provisions of 49  
 33 CFR do not apply to private carriers of property operated only in  
 34 intrastate commerce or any carriers of property operated only in  
 35 intrastate commerce while employed in construction or construction  
 36 related service:

37 (1) Subpart 391.41 as it applies to physical qualifications of  
 38 drivers hired before September 1, 1985.

39 (2) Subpart 391.41(b)(3) as it applies to physical qualifications of  
 40 a driver who has held a commercial driver's license (as defined in  
 41 IC 9-13-2-29) before April 1, 1992, diagnosed as an insulin  
 42 dependent diabetic, if the driver has filed an annual statement

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1 with the bureau of motor vehicles completed and signed by a  
2 certified endocrinologist attesting that the driver:

3 (A) is otherwise physically qualified under Subpart 391.41 to  
4 operate a motor vehicle and is not likely to suffer any  
5 diminution in driving ability due to the driver's diabetic  
6 condition;

7 (B) is free of severe hypoglycemia or hypoglycemia  
8 unawareness and has had less than one (1) documented,  
9 symptomatic hypoglycemic reaction per month;

10 (C) has demonstrated the ability and willingness to properly  
11 monitor and manage the driver's diabetic condition;

12 (D) has agreed to and, to the endocrinologist's knowledge, has  
13 carried a source of rapidly absorbable glucose at all times  
14 while driving a motor vehicle, has self monitored blood  
15 glucose levels one (1) hour before driving and at least once  
16 every four (4) hours while driving or on duty before driving  
17 using a portable glucose monitoring device equipped with a  
18 computerized memory; and

19 (E) has submitted the blood glucose logs from the monitoring  
20 device to the endocrinologist at the time of the annual medical  
21 examination.

22 A copy of the blood glucose logs shall be filed along with the  
23 annual statement from the endocrinologist with the bureau of  
24 motor vehicles for review by the driver licensing **medical**  
25 advisory ~~committee~~ **board** established under IC 9-14-4. A copy  
26 of the annual statement shall also be provided to the driver's  
27 employer for retention in the driver's qualification file, and a copy  
28 shall be retained and held by the driver while driving for  
29 presentation to an authorized federal, state, or local law  
30 enforcement official.

31 (3) Subpart 396.9 as it applies to inspection of vehicles carrying  
32 or loaded with a perishable product. However, this exemption  
33 does not prohibit a law enforcement officer from stopping these  
34 vehicles for an obvious violation that poses an imminent threat of  
35 an accident or incident. The exemption is not intended to include  
36 refrigerated vehicles loaded with perishables when the  
37 refrigeration unit is working.

38 (4) Subpart 396.11 as it applies to driver vehicle inspection  
39 reports.

40 (5) Subpart 396.13 as it applies to driver inspection.

41 (h) For purposes of 49 CFR 395.1(l), "planting and harvesting  
42 season" refers to the period between January 1 and December 31 of

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1 each year. The intrastate commerce exception set forth in 49 CFR  
 2 395.1(1), as it applies to the transportation of agricultural commodities  
 3 and farm supplies, is restricted to single vehicles and cargo tank motor  
 4 vehicles with a capacity of not more than five thousand four hundred  
 5 (5,400) gallons.

6 (i) The requirements of 49 CFR 390.21 do not apply to an intrastate  
 7 carrier or a guest operator not engaged in interstate commerce and  
 8 operating a motor vehicle as a farm vehicle in connection with  
 9 agricultural pursuits usual and normal to the user's farming operation  
 10 or for personal purposes unless the vehicle is operated either part time  
 11 or incidentally in the conduct of a commercial enterprise.

12 (j) The superintendent of state police may adopt rules under  
 13 IC 4-22-2 governing the parts and subparts of 49 CFR incorporated by  
 14 reference under this section.

15 SECTION 3. IC 9-14-4-1 IS AMENDED TO READ AS FOLLOWS  
 16 [EFFECTIVE JULY 1, 2003]: Sec. 1. The commissioner ~~may~~ **shall**  
 17 create a driver licensing ~~medical advisory committee~~ **board**.

18 SECTION 4. IC 9-14-4-2 IS AMENDED TO READ AS FOLLOWS  
 19 [EFFECTIVE JULY 1, 2003]: Sec. 2. The ~~committee board~~ **consists**  
 20 of five (5) members, **of whom:**

21 (1) two (2) members must have unlimited licenses to practice  
 22 medicine in Indiana, **including one (1) neurologist with expertise in**  
 23 **epilepsy; and**

24 (2) one (1) member must be licensed as an optometrist.

25 The ~~committee board~~ members serve at the pleasure of the  
 26 commissioner.

27 SECTION 5. IC 9-14-4-3 IS AMENDED TO READ AS FOLLOWS  
 28 [EFFECTIVE JULY 1, 2003]: Sec. 3. A ~~committee board~~ **member** is  
 29 entitled to be reimbursed for travel expenses necessarily incurred in the  
 30 performance of the member's duties and is also entitled to receive a  
 31 salary per diem as prescribed by the budget agency.

32 SECTION 6. IC 9-14-4-4 IS AMENDED TO READ AS FOLLOWS  
 33 [EFFECTIVE JULY 1, 2003]: Sec. 4. The ~~committee board~~ **shall**  
 34 provide the commissioner with ~~technical resources to assist~~ **assistance**  
 35 in the administration of Indiana driver licensing laws, including:

36 (1) providing ~~advice, technical knowledge, and~~ **guidance** to the  
 37 commissioner in the area of licensing drivers with health or other  
 38 problems that may adversely affect a driver's ability to operate a  
 39 vehicle safely;

40 (2) **recommending factors to be used in determining**  
 41 **qualifications and ability for issuance and retention of a**  
 42 **driver's license; and**

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**(3) recommending and participating in the review of license suspension, restriction, or revocation appeal procedures.**

SECTION 7. IC 9-14-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. The commissioner may request assistance from any of the ~~committee~~ **board** members at any time.

SECTION 8. IC 9-14-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. A member of the ~~committee~~ **board** is exempt from a civil action arising or thought to arise from an action taken in good faith as a member of the ~~committee~~ **board**.

SECTION 9. IC 9-14-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. The evaluation of medical reports for the commissioner by a member of the ~~committee~~ **board** does not constitute the practice of medicine. This chapter does not authorize a person to engage in the practice of the healing arts or the practice of medicine as defined by law.

SECTION 10. IC 9-24-11-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. The bureau, when issuing a permit or license under this article, may, whenever good cause appears, impose restrictions suitable to the licensee's or permittee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle that the licensee operates. The bureau may impose other restrictions applicable to the licensee or permittee that the bureau determines is appropriate to assure the safe operation of a motor vehicle by the licensee or permittee, **including a requirement to take prescribed medication**. When the restrictions are imposed, the bureau may issue either a special restricted license or shall set forth the restrictions upon the usual license form.

SECTION 11. IC 9-24-11-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) Except as provided in ~~subsection~~ **subsections (b) and (c)**, a person who violates this chapter commits a Class C infraction.

(b) A person who:

(1) has been issued a permit or license on which there is a printed or stamped restriction as provided under section 7 of this chapter; and

(2) operates a motor vehicle in violation of the restriction;

commits a Class C misdemeanor. The license of a person who violates this subsection may be suspended in the manner provided for the suspension or revocation of an operator's license.

**(c) A person who causes serious bodily injury to or the death of another person when operating a motor vehicle after knowingly or**

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1 intentionally failing to take prescribed medication, the taking of  
 2 which was a condition of the issuance of the operator's restricted  
 3 license under section 7 of this chapter, commits a Class D felony.  
 4 However, the offense is a Class C felony if, within the five (5) years  
 5 preceding the commission of the offense, the person had a prior  
 6 unrelated conviction under this subsection.

7 (d) A person who violates subsection (c) commits a separate  
 8 offense for each person whose serious bodily injury or death is  
 9 caused by the violation of subsection (c).

10 SECTION 12. IC 9-24-11-10 IS ADDED TO THE INDIANA  
 11 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 12 [EFFECTIVE JULY 1, 2003]: **Sec. 10. (a) In addition to any other**  
 13 **penalty imposed for a conviction under section 8(c) of this chapter,**  
 14 **the court shall recommend that the person's driving privileges be**  
 15 **suspended for a fixed period of at least ninety (90) days and not**  
 16 **more than two (2) years.**

17 (b) The court shall specify:

18 (1) the length of the fixed period of suspension; and

19 (2) the date the fixed period of suspension begins;

20 whenever the court makes a recommendation under subsection (a).

21 SECTION 13. IC 9-24-11-11 IS ADDED TO THE INDIANA  
 22 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 23 [EFFECTIVE JULY 1, 2003]: **Sec. 11. The bureau shall, upon**  
 24 **receiving a record of conviction of a person under section 8(c) of**  
 25 **this chapter, set a period of suspension for a fixed period of at least**  
 26 **ninety (90) days and not more than two (2) years. The bureau shall**  
 27 **fix this period in accordance with the recommendation of the court**  
 28 **that entered the conviction, as provided in section 10 of this**  
 29 **chapter.**

30 SECTION 14. IC 9-24-15-1 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 1. (a) Except as**  
 32 **provided in subsection (b), this chapter does not apply to the following:**

33 (1) A suspension of a driving license upon the failure of an  
 34 individual to file security or proof of financial responsibility  
 35 following an accident as required by or upon the failure of any  
 36 individual to satisfy a judgment for damages arising out of the use  
 37 of a motor vehicle on a public highway as provided for in IC 9-25.

38 (2) When suspension is by reason of:

39 (A) physical, mental, or emotional instability;

40 (B) having caused serious bodily injury to or the death of  
 41 another person when operating a motor vehicle after  
 42 knowingly or intentionally failing to take prescribed

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1           **medication, the taking of which was a condition of the**  
2           **issuance of the operator's restricted driver's license; or if**  
3           **(C) the applicant has been convicted of involuntary**  
4           **manslaughter or reckless homicide as a result of an automobile**  
5           **accident.**  
6           (3) A suspension of the license of an applicant whose license has  
7           been previously suspended.  
8           (4) A suspension of the license of an applicant who has failed to  
9           use timely appeal procedures provided by the bureau.  
10          (b) A court may grant a petition for a restricted driving permit from  
11          an individual who:  
12              (1) received a request for evidence of financial responsibility  
13              after:  
14                  (A) an accident under IC 9-25-5-2; or  
15                  (B) a conviction of a motor vehicle violation under  
16                  IC 9-25-9-1; and  
17              (2) failed to provide proof of financial responsibility under  
18              IC 9-25-6;  
19          if the individual shows by a preponderance of the evidence that the  
20          failure to maintain financial responsibility was inadvertent.  
21          SECTION 15. IC 34-30-2-27 IS AMENDED TO READ AS  
22          FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 27. IC 9-14-4-6  
23          (Concerning members of the driver licensing **medical** advisory  
24          ~~committee~~: **board**).  
25          SECTION 16. [EFFECTIVE JULY 1, 2003] **(a) After June 30,**  
26          **2003, any reference in a statute or rule referring to the driver**  
27          **licensing advisory committee is considered a reference to the driver**  
28          **licensing medical advisory board.**  
29          **(b) On July 1, 2003, the driver licensing medical advisory board**  
30          **becomes the owner of all the personal property and assets and**  
31          **assumes the obligations and liabilities of the driver licensing**  
32          **advisory committee, as abolished by this act.**

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