



Reprinted  
February 4, 2003

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## SENATE BILL No. 222

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DIGEST OF SB 222 (Updated February 3, 2003 2:41 PM - DI 96)

**Citations Affected:** IC 9-24.

**Synopsis:** Restricted driver's license procedure. Specifies that the bureau of motor vehicles or the sheriff of the county are not parties in a proceeding on a petition for a restricted driving permit.

**Effective:** Upon passage.

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January 9, 2003, read first time and referred to Committee on Transportation and Homeland Security.  
January 21, 2003, reported favorably — Do Pass.  
February 3, 2003, read second time, amended, ordered engrossed.

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SB 222—LS 7173/DI 96+



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February 4, 2003

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.

## SENATE BILL No. 222

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 9-24-15-4 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a)** A verified  
3 petition filed under section 2 of this chapter must be filed in the circuit  
4 court of the county in which the petitioner resides.

5 **(b)** The clerk of the circuit court shall docket the verified petition in  
6 the name of the petitioner against the prosecuting attorney of the  
7 county. ~~the sheriff of the county and the bureau.~~

8 **(c)** The prosecuting attorney ~~the sheriff and the bureau~~ shall appear  
9 in person or by deputy and be heard by the court on the petition.  
10 Summons must be issued and returned as provided in other civil  
11 actions; ~~except that the coroner must serve the summons on the sheriff.~~  
12 ~~The defendants may file waivers or consents.~~

13 **(d) The bureau:**  
14 **(1) serves as a recordkeeper; and**  
15 **(2) is not a party;**  
16 **in a proceeding under this chapter.**

17 SECTION 2. IC 9-24-15-5 IS AMENDED TO READ AS

SB 222—LS 7173/DI 96+



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1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The issues  
2 before the court in a proceeding under this chapter must be considered  
3 closed by denial of all matters at issue without the necessity of filing  
4 any further pleadings.

5 (b) Changes of venue from the judge or from the county must be  
6 granted a party under the law governing changes of venue in civil  
7 causes.

8 (c) A suspension or revocation under this title remains in full force  
9 and effect during the pendency of a cause under this chapter and until  
10 the issuance of the restricted driving permit by the bureau in  
11 accordance with the recommendation of the court.

12 (d) Records accumulated in the regular course of business and  
13 routinely on file in the offices of the ~~prosecutor~~, **prosecuting attorney**  
14 **of the county**, sheriff **of the county**, and bureau may be admitted at the  
15 hearing on the petition. The records constitute prima facie evidence of  
16 the matters contained on the face of the petition in relation to the  
17 petitioner.

18 (e) Court costs for the action on the petition must be charged against  
19 the petitioner. The ~~prosecutor, sheriff, and bureau are prosecuting~~  
20 **attorney of the county is** not liable or taxable for any costs in any  
21 action under this chapter.

22 SECTION 3. **An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Transportation and Homeland Security, to which was referred Senate Bill No. 222, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 222 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 9, Nays 0.

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## SENATE MOTION

Mr. President: I move that Senate Bill 222 be amended to read as follows:

Page 1, line 7, before "the sheriff" delete "county and" and insert "county."

Page 1, line 7, strike "the sheriff of the county".

Page 1, line 7, after "the county" delete ".".

Page 1, line 8, after "attorney" delete "and".

Page 1, line 8, strike "the sheriff".

Page 1, strike lines 10 through 12.

Page 1, between lines 16 and 17, begin a new paragraph and insert:  
"SECTION 2. IC 9-24-15-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The issues before the court in a proceeding under this chapter must be considered closed by denial of all matters at issue without the necessity of filing any further pleadings.

(b) Changes of venue from the judge or from the county must be granted a party under the law governing changes of venue in civil causes.

(c) A suspension or revocation under this title remains in full force and effect during the pendency of a cause under this chapter and until the issuance of the restricted driving permit by the bureau in accordance with the recommendation of the court.

(d) Records accumulated in the regular course of business and routinely on file in the offices of the ~~prosecutor~~, **prosecuting attorney of the county**, sheriff **of the county**, and bureau may be admitted at the hearing on the petition. The records constitute prima facie evidence of the matters contained on the face of the petition in relation to the petitioner.

(e) Court costs for the action on the petition must be charged against the petitioner. The ~~prosecutor, sheriff, and bureau~~ are **prosecuting attorney of the county** is not liable or taxable for any costs in any action under this chapter."

Re-number all SECTIONS consecutively.

(Reference is to SB 222 as printed January 22, 2003.)

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