February 23, 2007

SENATE BILL No. 542

DIGEST OF SB 542 (Updated February 21, 2007 5:40 pm - DI 110)

Citations Affected: IC 3-5-2-41.7; IC 3-7; IC 3-10-8-4.5; IC 4-1-8-1; IC 4-15-2.5-1.1; IC 4-21.5; IC 5-11-4-3.6; IC 5-14-3-4; IC 5-16-9-1; IC 6; IC 7.1-5-7; IC 8-2.1; IC 9; IC 10-19-8-2; IC 13-11-2-245; IC 13-17-5; IC 14; IC 20-27; IC 20-33; IC 24-5-13.5-2; IC 25-1-1-1; IC 27-1-22-3.1; IC 29-1-8-1; IC 31-14-12; IC 31-16-12-7; IC 31-19-5-14; IC 31-25-4; IC 31-37; IC 31-40-2-1.7; IC 32-34-10; IC 33-33; IC 33-37-5-10; IC 34; IC 35; IC 36-1-8-11; IC 36-2-10-23.

Synopsis: Bureau of motor vehicles commission. Abolishes the bureau of motor vehicles. Transfers administrative responsibilities of the bureau of motor vehicles. Repeals and relocates language concerning the bureau of motor vehicles to the bureau of motor vehicles commission. Permits or requires the commission to adopt rules. Provides that the rules adopted by the bureau of motor vehicles before July 1, 2007, concerning motor vehicle law are considered, after June 30, 2007, the rules of the commission. Makes conforming changes and technical corrections. Removes a provision that allows the bureau to charge a fee to a person who uses a bank card or credit card to pay motor vehicle license excise tax for transaction charges or discount fees charged by bank or credit card vendors.

Effective: July 1, 2007.

Merritt

January 23, 2007, read first time and referred to Committee on Commerce, Public Policy & Interstate Cooperation.
February 22, 2007, amended, reported favorably — Do Pass.

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February 23, 2007

First Regular Session 115th General Assembly (2007)

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 2006 Regular Session of the General Assembly.

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SENATE BILL No. 542

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:

SECTION 1. IC 3-5-2-41.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 41.7. "Registration agency" refers to any of the following:

(1) The bureau of motor vehicles **commission.**

(2) Any other agency at which individuals may register to vote under IC 3-7.

SECTION 2. IC 3-7-26.3-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 21. As provided by 42 U.S.C. 15483, the information provided by the Commissioner of Social Security or by an individual to the bureau of motor vehicles **commission** is confidential. The information may be used only for the purposes described under 42 U.S.C. 15483 and sections 19 and 20 of this chapter.

SECTION 3. IC 3-7-33-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) This section applies to a voter registration application that is:

(1) completed as part of a driver's license application under

IC 3-7-14; or

(2) submitted at a voter registration agency under this article.

(b) As provided in 42 U.S.C. 1973gg-6(a)(1), an eligible applicant whose application is accepted by the bureau of motor vehicles **commission** or a voter registration agency not later than twenty-nine (29) days before the election shall be registered to vote in the election.

SECTION 4. IC 3-7-34-9, AS AMENDED BY P.L.81-2005, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) This section applies when a county voter registration office receives a registration form for a voter whose address is:

(1) located in Indiana; and

(2) not located in the county where the county voter registration office is located.

(b) The county voter registration office shall deliver or mail the registration form described in subsection (a) on an expedited basis to the county voter registration office of the county in which the voter resides. To comply with this subsection, the county voter registration office may forward an optically scanned image of the voter registration form to the county voter registration office of the county in which the voter resides and subsequently forward the original copy of the form to the county voter registration office.

(c) The county voter registration office of the county in which the voter resides shall process the registration form and register the voter under this article if the registration:

(1) was received by the original county voter registration office or accepted by the bureau of motor vehicles **commission** or a voter registration agency during the registration period specified under IC 3-7-13-10; or

(2) is a registration by mail form received in compliance with IC 3-7-33-4.

SECTION 5. IC 3-7-38.2-2, AS AMENDED BY P.L.164-2006, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) A voter list maintenance program conducted under this chapter must:

(1) be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973);

(2) not result in the removal of the name of a person from the official list of ~~votes~~ **voters** solely due to the person's failure to vote; and

(3) be completed not later than ninety (90) days before a primary, general, or municipal election.

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(b) A county voter registration office may conduct a voter list maintenance program that complies with subsection (a). In conducting a voter list maintenance program, the county voter registration office shall mail a notice described in subsection (d) to each registered voter at the residence address:

(1) listed in the voter's registration record; and

(2) determined by the county voter registration office not to be the voter's current residence address.

(c) A county voter registration office may use information only from the following sources to make the determination under subsection (b)(2):

(1) The United States Postal Service National Change of Address Service.

(2) A court regarding jury duty notices.

(3) The return of a mailing sent by the county voter registration office to all voters in the county.

(4) The bureau of motor vehicles **commission** concerning the surrender of a voter's Indiana license for the operation of a motor vehicle to another jurisdiction.

(d) The notice described in subsection (b) must:

(1) be sent by first class United States mail, postage prepaid, by a method that requires the notice to be forwarded to the voter; and

(2) include a postage prepaid return card that:

(A) is addressed to the county voter registration office;

(B) states a date by which the card must be returned or the voter's registration will become inactive until the information is provided to the county voter registration office; and

(C) permits the voter to provide the voter's current residence address.

(e) If a voter returns the card described in subsection (d)(2) and provides a current residence address that establishes that the voter resides:

(1) in the county, the county voter registration office shall update the voter's registration record; or

(2) outside the county, the county voter registration office shall cancel the voter's registration.

(f) If a voter does not return the card described in subsection (d)(2) by the date specified in subsection (d)(2)(B), the county voter registration office shall indicate in the voter's registration record that the voter's registration is inactive.

(g) A voter's registration that becomes inactive under subsection (f) remains in inactive status from the date described in subsection

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(d)(2)(B) until the earlier of the following:

(1) The date the county voter registration office updates or cancels the voter's registration under subsection (e) after the voter provides a current residence address.

(2) The day after the second general election in which the voter has not voted or appeared to vote.

(h) After the date described in subsection (g)(2), the county voter registration office shall remove the voter's registration from the voter registration records.

SECTION 6. IC 3-10-8-4.5, AS AMENDED BY P.L.145-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4.5. Whenever the election division receives a notice under section 4 of this chapter, the election division shall notify the following offices and agencies that a special election will be conducted within all or part of Indiana:

(1) Each agency serving persons with disabilities and designated as a voter registration site under IC 3-7-16.

(2) Armed forces recruitment offices in accordance with procedures established under IC 3-7-17.

(3) Each agency designated as a voter registration site and subject to IC 3-7-18.

(4) The alcohol and tobacco commission for purposes of enforcing IC 7.1-5-10-1.

(5) The bureau of motor vehicles **commission** for voter registration purposes under IC 9-24-2.5.

(6) The adjutant general for purposes of enforcing IC 10-16-7-17.

(7) The division of family resources for voter registration purposes under IC 12-14-1.5, IC 12-14-25, and IC 12-15-1.5.

(8) The state department of health for voter registration purposes under IC 16-35-1.6.

(9) The Federal Voting Assistance Program of the United States Department of Defense, for notification of absent uniformed services voters and overseas voters.

SECTION 7. IC 4-1-8-1, AS AMENDED BY P.L.141-2006, SECTION 3, AND AS AMENDED BY P.L.157-2006, SECTION 1, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) No individual may be compelled by any state agency, board, commission, department, bureau, or other entity of state government (referred to as "state agency" in this chapter) to provide the individual's Social Security number to the state agency against the individual's will, absent federal requirements to the contrary. However, the provisions of this chapter

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do not apply to the following:

(1) Department of state revenue.

(2) Department of workforce development.

(3) The programs administered by:

(A) the division of family ~~and children,~~ *resources;*

(B) the division of mental health and addiction;

(C) the division of disability ~~aging,~~ and rehabilitative services; ~~and~~

(D) the division of aging; and

~~(D)~~ *(E)* the office of Medicaid policy and planning;

of the office of the secretary of family and social services.

(4) Auditor of state.

(5) State personnel department.

(6) Secretary of state, with respect to the registration of broker-dealers, agents, and investment advisors.

(7) The legislative ethics commission, with respect to the registration of lobbyists.

(8) Indiana department of administration, with respect to bidders on contracts.

(9) Indiana department of transportation, with respect to bidders on contracts.

(10) Indiana professional licensing agency.

(11) Department of insurance, with respect to licensing of insurance producers.

(12) The department of child services.

~~(12)~~ *(13)* A pension fund administered by the board of trustees of the public employees' retirement fund.

~~(13)~~ *(14)* The Indiana state teachers' retirement fund.

~~(14)~~ *(15)* The state police benefit system.

~~(15)~~ *(16)* The alcohol and tobacco commission.

(17) The state department of health, for purposes of licensing radiologic technologists under IC 16-41-35-29(c).

(b) The bureau of motor vehicles **commission** may, notwithstanding this chapter, require the following:

(1) That an individual include the individual's Social Security number in an application for an official certificate of title for any vehicle required to be titled under IC 9-17.

(2) That an individual include the individual's Social Security number on an application for registration.

(3) That a corporation, limited liability company, firm, partnership, or other business entity include its federal tax identification number on an application for registration.

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(c) The Indiana department of administration, the Indiana department of transportation, and the Indiana professional licensing agency may require an employer to provide its federal employer identification number.

(d) The department of correction may require a committed offender to provide the offender's Social Security number for purposes of matching data with the Social Security Administration to determine benefit eligibility.

(e) The Indiana gaming commission may, notwithstanding this chapter, require the following:

(1) That an individual include the individual's Social Security number in any application for a riverboat owner's license, supplier's license, or occupational license.

(2) That a sole proprietorship, a partnership, an association, a fiduciary, a corporation, a limited liability company, or any other business entity include its federal tax identification number on an application for a riverboat owner's license or supplier's license.

(f) Notwithstanding this chapter, the department of education established by IC 20-19-3-1 may require an individual who applies to the department for a license or an endorsement to provide the individual's Social Security number. The Social Security number may be used by the department only for conducting a background investigation, if the department is authorized by statute to conduct a background investigation of an individual for issuance of the license or endorsement.

SECTION 8. IC 4-15-2.5-1.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1.1. The personnel system of the department of insurance, bureau of motor vehicles **commission,** department of revenue, department of natural resources, and department of adjutant general shall be conducted pursuant to this chapter, except that the division of audit of the department of revenue, the conservation officers of the department of natural resources, and the excise police of the alcohol and tobacco commission shall maintain the political balance established prior to July 1, 1971.

SECTION 9. IC 4-21.5-2-5, AS AMENDED BY P.L.161-2006, SECTION 1, AND AS AMENDED BY P.L.100-2006, SECTION 1, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. This article does not apply to the following agency actions:

(1) The issuance of a warrant or jeopardy warrant for the collection of taxes.

(2) A determination of probable cause or no probable cause by the

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civil rights commission.

(3) A determination in a factfinding conference of the civil rights commission.

(4) A personnel action, except review of a personnel action by the state employees appeals commission under IC 4-15-2 or a personnel action that is not covered by IC 4-15-2 but may be taken only for cause.

(5) A resolution, directive, or other action of any agency that relates solely to the internal policy, organization, or procedure of that agency or another agency and is not a licensing or enforcement action. Actions to which this exemption applies include the statutory obligations of an agency to approve or ratify an action of another agency.

(6) An agency action related to an offender within the jurisdiction of the department of correction.

(7) A decision of the Indiana economic development corporation, the office of tourism development, the department of environmental management, the tourist information and grant fund review committee (before the repeal of the statute that created the tourist information and grant fund review committee), the Indiana finance authority, the corporation for innovation development, or the lieutenant governor that concerns a grant, loan, bond, tax incentive, or financial guarantee.

(8) A decision to issue or not issue a complaint, summons, or similar accusation.

(9) A decision to initiate or not initiate an inspection, investigation, or other similar inquiry that will be conducted by the agency, another agency, a political subdivision, including a prosecuting attorney, a court, or another person.

(10) A decision concerning the conduct of an inspection, investigation, or other similar inquiry by an agency.

(11) The acquisition, leasing, or disposition of property or procurement of goods or services by contract.

(12) Determinations of the department of workforce development under IC 22-4-18-1(g)(1) ~~*IC 22-4-40,*~~ or IC 22-4-41.

(13) A decision under IC 9-30-12 of the bureau of motor vehicles **commission** to suspend or revoke a driver's license, a driver's permit, a vehicle title, or a vehicle registration of an individual who presents a dishonored check.

(14) An action of the department of financial institutions under IC 28-1-3.1 or a decision of the department of financial institutions to act under IC 28-1-3.1.

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(15) A determination by the NVRA official under IC 3-7-11 concerning an alleged violation of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg) or IC 3-7.

(16) Imposition of a civil penalty under IC 4-20.5-6-8 if the rules of the Indiana department of administration provide an administrative appeals process.

(17) A determination of status as a member of or participant in an environmental performance based program developed and implemented under IC 13-27-8.

SECTION 10. IC 4-21.5-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) Notice must be given under this section concerning the following:

(1) The grant, renewal, restoration, transfer, or denial of a license by the bureau of motor vehicles **commission** under IC 9.

(2) The grant, renewal, restoration, transfer, or denial of a noncommercial fishing or hunting license by the department of natural resources under IC 14.

(3) The grant, renewal, restoration, transfer, or denial of a license by a board described in IC 25-1-8-1.

(4) The grant, renewal, suspension, revocation, or denial of a certificate of registration under IC 25-5.2.

(5) A personnel decision by an agency.

(6) The grant, renewal, restoration, transfer, or denial of a license by the department of environmental management or the commissioner of the department under the following:

(A) Environmental management laws (as defined in IC 13-11-2-71) for the construction, installation, or modification of:

(i) sewers and appurtenant facilities, devices, or structures for the collection and transport of sewage (as defined in IC 13-11-2-200) or storm water to a storage or treatment facility or to a point of discharge into the environment; or

(ii) pipes, pumps, and appurtenant facilities, devices, or structures that are part of a public water system (as defined in IC 13-11-2-177.3) and that are used to transport water to a storage or treatment facility or to distribute water to the users of the public water system;

where a federal, state, or local governmental body has given or will give public notice and has provided or will provide an opportunity for public participation concerning the activity that is the subject of the license.

(B) Environmental management laws (as defined in

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IC 13-11-2-71) for the registration of a device or a piece of equipment.

(C) IC 13-17-6-1 for a person to engage in the inspection, management, and abatement of asbestos containing material.

(D) IC 13-18-11 for a person to operate a wastewater treatment plant.

(E) IC 13-15-10 for a person to operate the following:

(i) A solid waste incinerator or a waste to energy facility.

(ii) A land disposal site.

(iii) A facility described under IC 13-15-1-3 whose operation could have an adverse impact on the environment if not operated properly.

(F) IC 13-20-4 for a person to operate a municipal waste collection and transportation vehicle.

(b) When an agency issues an order described by subsection (a), the agency shall give a written notice of the order to the following persons:

(1) Each person to whom the order is specifically directed.

(2) Each person to whom a law requires notice to be given.

A person who is entitled to notice under this subsection is not a party to any proceeding resulting from the grant of a petition for review under section 7 of this chapter unless the person is designated as a party on the record of the proceeding.

(c) The notice must include the following:

(1) A brief description of the order.

(2) A brief explanation of the available procedures and the time limit for seeking administrative review of the order under section 7 of this chapter.

(3) Any information required by law.

(d) An order under this section is effective when it is served. However, if a timely and sufficient application has been made for renewal of a license described by subsection (a)(3) and review is granted under section 7 of this chapter, the existing license does not expire until the agency has disposed of the proceeding under this chapter concerning the renewal, unless a statute other than this article provides otherwise. This subsection does not preclude an agency from issuing under IC 4-21.5-4 an emergency or other temporary order with respect to the license.

(e) If a petition for review of an order described in subsection (a) is filed within the period set by section 7 of this chapter and a petition for stay of effectiveness of the order is filed by a party or another person who has a pending petition for intervention in the proceeding, an administrative law judge shall, as soon as practicable, conduct a

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preliminary hearing to determine whether the order should be stayed in whole or in part. The burden of proof in the preliminary hearing is on the person seeking the stay. The administrative law judge may stay the order in whole or in part. The order concerning the stay may be issued after an order described in subsection (a) becomes effective. The resulting order concerning the stay shall be served on the parties and any person who has a pending petition for intervention in the proceeding. It must include a statement of the facts and law on which it is based.

SECTION 11. IC 5-11-4-3.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3.6. As provided in section 3 of this chapter, each of the following units of state government and eligible federal projects shall bear the direct and indirect costs of its own examination from the following designated funds:

(1) Indiana department of transportation (except toll project costs and expenses), bureau of motor vehicles **commission** (including branch offices), motor fuel tax division, state police department, and traffic safety functions under IC 9-27-2 from the motor vehicle account fund.

(2) Indiana state teachers' retirement fund from the funds accruing to that fund.

(3) Alcohol and tobacco commission from the funds accruing to the alcoholic beverage enforcement and administration fund.

(4) Indiana department of transportation, for the costs and expenses related to a particular toll project, from any special fund established for revenues from that project.

(5) State fair commission from the state fair fund.

(6) State colleges and universities from state appropriations. However, colleges and universities shall not be charged at a rate higher than that charged to local taxing units under section 3 of this chapter.

(7) Eligible federal grants and projects from funds provided by the federal government or as are properly chargeable to the grant or project or recoverable through an indirect cost allocation recovery approved by the federal government.

SECTION 12. IC 5-14-3-4, AS AMENDED BY P.L.101-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) The following public records are excepted from section 3 of this chapter and may not be disclosed by a public agency, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery:

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(1) Those declared confidential by state statute.
(2) Those declared confidential by rule adopted by a public agency under specific authority to classify public records as confidential granted to the public agency by statute.
(3) Those required to be kept confidential by federal law.
(4) Records containing trade secrets.
(5) Confidential financial information obtained, upon request, from a person. However, this does not include information that is filed with or received by a public agency pursuant to state statute.
(6) Information concerning research, including actual research documents, conducted under the auspices of an institution of higher education, including information:
(A) concerning any negotiations made with respect to the research; and
(B) received from another party involved in the research.
(7) Grade transcripts and license examination scores obtained as part of a licensure process.
(8) Those declared confidential by or under rules adopted by the supreme court of Indiana.
(9) Patient medical records and charts created by a provider, unless the patient gives written consent under IC 16-39.
(10) Application information declared confidential by the board of the Indiana economic development corporation under IC 5-28-16.
(11) A photograph, a video recording, or an audio recording of an autopsy, except as provided in IC 36-2-14-10.
(12) A Social Security number contained in the records of a public agency.

(b) Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency:
(1) Investigatory records of law enforcement agencies. However, certain law enforcement records must be made available for inspection and copying as provided in section 5 of this chapter.
(2) The work product of an attorney representing, pursuant to state employment or an appointment by a public agency:
(A) a public agency;
(B) the state; or
(C) an individual.
(3) Test questions, scoring keys, and other examination data used in administering a licensing examination, examination for employment, or academic examination before the examination is

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given or if it is to be given again.

(4) Scores of tests if the person is identified by name and has not consented to the release of the person's scores.

(5) The following:

(A) Records relating to negotiations between the Indiana economic development corporation, the Indiana finance authority, or economic development commissions with industrial, research, or commercial prospects, if the records are created while negotiations are in progress.

(B) Notwithstanding clause (A), the terms of the final offer of public financial resources communicated by the Indiana economic development corporation, the Indiana finance authority, or economic development commissions to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.

(C) When disclosing a final offer under clause (B), the Indiana economic development corporation shall certify that the information being disclosed accurately and completely represents the terms of the final offer.

(6) Records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.

(7) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal.

(8) Personnel files of public employees and files of applicants for public employment, except for:

(A) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;

(B) information relating to the status of any formal charges against the employee; and

(C) the factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged.

However, all personnel file information shall be made available to the affected employee or the employee's representative. This subdivision does not apply to disclosure of personnel information

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generally on all employees or for groups of employees without the request being particularized by employee name.

(9) Minutes or records of hospital medical staff meetings.

(10) Administrative or technical information that would jeopardize a record keeping or security system.

(11) Computer programs, computer codes, computer filing systems, and other software that are owned by the public agency or entrusted to it and portions of electronic maps entrusted to a public agency by a utility.

(12) Records specifically prepared for discussion or developed during discussion in an executive session under IC 5-14-1.5-6.1. However, this subdivision does not apply to that information required to be available for inspection and copying under subdivision (8).

(13) The work product of the legislative services agency under personnel rules approved by the legislative council.

(14) The work product of individual members and the partisan staffs of the general assembly.

(15) The identity of a donor of a gift made to a public agency if:

(A) the donor requires nondisclosure of the donor's identity as a condition of making the gift; or

(B) after the gift is made, the donor or a member of the donor's family requests nondisclosure.

(16) Library or archival records:

(A) which can be used to identify any library patron; or

(B) deposited with or acquired by a library upon a condition that the records be disclosed only:

(i) to qualified researchers;

(ii) after the passing of a period of years that is specified in the documents under which the deposit or acquisition is made; or

(iii) after the death of persons specified at the time of the acquisition or deposit.

However, nothing in this subdivision shall limit or affect contracts entered into by the Indiana state library pursuant to IC 4-1-6-8.

(17) The identity of any person who contacts the bureau of motor vehicles **commission** concerning the ability of a driver to operate a motor vehicle safely and the medical records and evaluations made by the bureau of motor vehicles **commission** staff or members of the driver licensing medical advisory board regarding the ability of a driver to operate a motor vehicle safely. However, upon written request to the commissioner of the bureau of motor

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vehicles **commission,** the driver must be given copies of the driver's medical records and evaluations.

(18) School safety and security measures, plans, and systems, including emergency preparedness plans developed under 511 IAC 6.1-2-2.5.

(19) A record or a part of a record, the public disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack. A record described under this subdivision includes:

(A) a record assembled, prepared, or maintained to prevent, mitigate, or respond to an act of terrorism under IC 35-47-12-1 or an act of agricultural terrorism under IC 35-47-12-2;

(B) vulnerability assessments;

(C) risk planning documents;

(D) needs assessments;

(E) threat assessments;

(F) intelligence assessments;

(G) domestic preparedness strategies;

(H) the location of community drinking water wells and surface water intakes;

(I) the emergency contact information of emergency responders and volunteers;

(J) infrastructure records that disclose the configuration of critical systems such as communication, electrical, ventilation, water, and wastewater systems; and

(K) detailed drawings or specifications of structural elements, floor plans, and operating, utility, or security systems, whether in paper or electronic form, of any building or facility located on an airport (as defined in IC 8-21-1-1) that is owned, occupied, leased, or maintained by a public agency. A record described in this clause may not be released for public inspection by any public agency without the prior approval of the public agency that owns, occupies, leases, or maintains the airport. The public agency that owns, occupies, leases, or maintains the airport:

(i) is responsible for determining whether the public disclosure of a record or a part of a record has a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack; and

(ii) must identify a record described under item (i) and clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(J) without

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approval of (insert name of submitting public agency)".

This subdivision does not apply to a record or portion of a record pertaining to a location or structure owned or protected by a public agency in the event that an act of terrorism under IC 35-47-12-1 or an act of agricultural terrorism under IC 35-47-12-2 has occurred at that location or structure, unless release of the record or portion of the record would have a reasonable likelihood of threatening public safety by exposing a vulnerability of other locations or structures to terrorist attack.

(20) The following personal information concerning a customer of a municipally owned utility (as defined in IC 8-1-2-1):

(A) Telephone number.

(B) Address.

(C) Social Security number.

(21) The following personal information about a complainant contained in records of a law enforcement agency:

(A) Telephone number.

(B) The complainant's address. However, if the complainant's address is the location of the suspected crime, infraction, accident, or complaint reported, the address shall be made available for public inspection and copying.

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

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

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

(1) public records subject to IC 5-15 may be destroyed only in accordance with record retention schedules under IC 5-15; or

(2) public records not subject to IC 5-15 may be destroyed in the ordinary course of business.

SECTION 13. IC 5-16-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) The definitions in this section apply throughout this chapter.

(b) "Accessible parking space" refers to a parking space that conforms with the standards of section 4 of this chapter.

(c) "Motor vehicle" has the meaning set forth in IC 9-13-2-105.

(d) "Parking facility" means any facility or combination of facilities for motor vehicle parking which contains parking spaces for the public.

(e) "Person with a physical disability" means a person who has been

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issued a placard under IC 9-14-5 or a person with a disability registration plate for a motor vehicle by the bureau of motor vehicles **commission** under IC 9-18-22.

(f) "Public agency" means:

(1) the state of Indiana, its departments, agencies, boards, commissions, and institutions, including state educational institutions (as defined under IC 20-12-0.5-1); and

(2) a county, city, town, township, school or conservancy district, other governmental unit or district, or any department, board, or other subdivision of the unit of government.

SECTION 14. IC 6-1.1-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) For purposes of this section, "inventory" means:

(1) materials held for processing or for use in production;

(2) finished or partially finished goods of a manufacturer or processor; and

(3) property held for sale in the ordinary course of trade or business.

(b) For purposes of this section, "dealer" has the meaning set forth in IC 9-13-2-42.

(c) For purposes of this section, "established place of business" refers to a place of business that meets the minimum standards prescribed by the bureau of motor vehicles **commission** under rules adopted under IC 4-22-2.

(d) If the inventory owned or held by a taxpayer on the assessment date of a year does not, in the taxpayer's opinion, fairly represent the average inventory carried by the taxpayer, the taxpayer may elect to list the taxpayer's inventory for assessment on the basis of the average true tax value of the inventory owned or held by the taxpayer during the preceding calendar year, or during the portion of the preceding calendar year that the taxpayer was engaged in business.

(e) If a taxpayer elects to use the average method, the taxpayer shall notify the township assessor of the election at the time the taxpayer files the taxpayer's personal property return. The election, once made, is binding on the taxpayer for the tax year in question and for each year thereafter unless permission to change is granted by the department of local government finance.

(f) If a taxpayer elects to use the average method, the taxpayer shall use that method for reporting the value of all the taxpayer's inventories which are located in this state.

(g) Inventory owned by a dealer shall be assessed at the dealer's established place of business.

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SECTION 15. IC 6-1.1-7-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) A mobile home may not be moved from one location to another unless the owner or the occupier obtains a permit to move the mobile home from the county treasurer.

(b) The bureau of motor vehicles **commission** may not transfer the title to a mobile home unless the owner obtains a permit to transfer the title from the county treasurer.

(c) A county treasurer shall issue a permit which is required to either move, or transfer the title to, a mobile home if the taxes due on the mobile home have been paid. The permit shall state the date it is issued.

SECTION 16. IC 6-2.5-9-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) The state may not title a vehicle or a watercraft or register an aircraft unless the person obtaining the title or registration:

(1) presents proper evidence, prescribed by the department, showing that the state gross retail and use taxes imposed in respect to the vehicle, watercraft, or aircraft have been paid or that the state gross retail and use taxes are inapplicable because of an exemption; or

(2) files the proper form and pays the state gross retail and use taxes imposed in respect to the vehicle, watercraft, or aircraft.

(b) A person who:

(1) is a purchaser of a vehicle, aircraft, or watercraft;

(2) is required to pay the state gross retail or use tax to the department, through the bureau of motor vehicles **commission,** Indiana department of transportation, department of natural resources, or a county treasurer; and

(3) knowingly fails to remit all or part of the state gross retail or use tax that is due;

commits a Class A misdemeanor.

SECTION 17. IC 6-3.5-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter:

"Branch office" means a branch office of the bureau of motor vehicles **commission.**

"County council" includes the city-county council of a county that contains a consolidated city of the first class.

"Motor vehicle" means a vehicle which is subject to the annual license excise tax imposed under IC 6-6-5.

"Net annual license excise tax" means the tax due under IC 6-6-5

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after the application of the adjustments and credits provided by that chapter.

"Surtax" means the annual license excise surtax imposed by a county council under this chapter.

SECTION 18. IC 6-3.5-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. If a county council adopts an ordinance to impose, rescind, or change the rate or amount of the surtax, the county council shall send a copy of the ordinance to the commissioner of the bureau of motor vehicles **commission.**

SECTION 19. IC 6-3.5-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. A person may not register a motor vehicle in a county that has adopted the surtax unless the person pays the surtax due, if any, to the bureau of motor vehicles **commission.** The amount of the surtax due equals the greater of seven dollars and fifty cents ($7.50), the amount established under section 2 of this chapter, or the product of:

(1) the amount determined under section 7.3 of this chapter for the vehicle, as adjusted under section 7.4 of this chapter; multiplied by

(2) the surtax rate in effect at the time of registration.

The bureau of motor vehicles **commission** shall collect the surtax due, if any, at the time a motor vehicle is registered. However, the bureau **of motor vehicles commission** may utilize its branch offices to collect the surtax.

SECTION 20. IC 6-3.5-4-7.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7.3. (a) The amount of surtax imposed by rate under this chapter shall be based upon the classification and age of a vehicle as determined by the bureau of motor vehicles **commission** under IC 6-6-5, in accordance with the schedule set out in subsection (b).

(b) The schedule to be used in determining the amount to be used in section 7 of this chapter is as follows:

Year of Manufacture	I	II	III	IV	V
1st	$12	$36	$60	$96	$132
2nd	12	30	51	84	114
3rd	12	27	42	72	96
4th	12	24	33	60	78
5th	12	18	24	48	66
6th	12	12	18	36	54
7th	12	12	12	24	42
8th	12	12	12	18	24

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9th	12	12	12	12	12
10th	12	12	12	12	12
and thereafter					
Year of Manufacture	VI	VII	VIII	IX	X
1st	$168	$206	$246	$300	$344
2nd	147	184	220	268	298
3rd	126	154	186	230	260
4th	104	127	156	196	224
5th	82	101	128	164	191
6th	63	74	98	130	157
7th	49	60	75	104	129
8th	30	40	54	80	106
9th	18	21	34	40	50
10th	12	12	12	12	12
and thereafter					
Year of Manufacture	XI	XII	XIII	XIV	XV
1st	$413	$500	$600	$700	$812
2nd	358	434	520	607	705
3rd	312	378	450	529	614
4th	269	326	367	456	513
5th	229	278	300	389	420
6th	188	228	242	319	338
7th	155	188	192	263	268
8th	127	129	129	181	181
9th	62	62	62	87	87
10th	21	26	30	36	42
and thereafter					
Year of Manufacture	XVI	XVII			
1st	$938	$1,063			
2nd	814	922			
3rd	709	795			
4th	611	693			
5th	521	591			
6th	428	483			
7th	353	383			
8th	258	258			
9th	125	125			
10th	49	55			
and thereafter					

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SECTION 21. IC 6-3.5-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. Each branch office manager shall report surtax collections, if any, to the bureau of motor vehicles **commission** at the same time that registration fees are reported.

SECTION 22. IC 6-3.5-4-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. If surtax is collected directly by the bureau of motor vehicles **commission,** instead of at a branch office, the commissioner of the bureau **of motor vehicles commission** shall:

(1) remit the surtax to, and file a surtax collections report with, the appropriate county treasurer; and

(2) file a surtax collections report with the county auditor;

in the same manner and at the same time that a branch office manager is required to remit and report under section 9 of this chapter.

SECTION 23. IC 6-3.5-4-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) The owner of a motor vehicle who knowingly registers the vehicle without paying surtax imposed under this chapter with respect to that registration commits a Class B misdemeanor.

(b) An employee of the bureau of motor vehicles ~~an employee of a branch office, or the manager of a branch office~~ **commission** who recklessly issues a registration on any motor vehicle without collecting surtax imposed under this chapter with respect to that registration commits a Class B misdemeanor.

SECTION 24. IC 6-3.5-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter:

"Branch office" means a branch office of the bureau of motor vehicles **commission.**

"Bus" has the meaning set forth in IC 9-13-2-17(a).

"County council" includes the city-county council of a county that contains a consolidated city of the first class.

"Political subdivision" has the meaning set forth in IC 34-6-2-110.

"Recreational vehicle" has the meaning set forth in IC 9-13-2-150.

"Semitrailer" has the meaning set forth in IC 9-13-2-164(a).

"State agency" has the meaning set forth in ~~IC 34-4-16.5-2.~~ **IC 34-6-2-141.**

"Tractor" has the meaning set forth in IC 9-13-2-180.

"Trailer" has the meaning set forth in IC 9-13-2-184(a).

"Truck" has the meaning set forth in IC 9-13-2-188(a).

"Wheel tax" means the tax imposed under this chapter.

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SECTION 25. IC 6-3.5-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The county council of any county may, subject to the limitation imposed by subsection (b), adopt an ordinance to impose an annual wheel tax on each vehicle which:

(1) is included in one (1) of the classes of vehicles listed in section 3 of this chapter;

(2) is not exempt from the wheel tax under section 4 of this chapter; and

(3) is registered in the county.

(b) The county council of a county may not adopt an ordinance to impose the wheel tax unless it concurrently adopts an ordinance under IC 6-3.5-4 to impose the annual license excise surtax.

(c) The county council may impose the wheel tax at a different rate for each of the classes of vehicles listed in section 3 of this chapter. In addition, the county council may establish different rates within the classes of buses, semitrailers, trailers, tractors, and trucks based on weight classifications of those vehicles that are established by the bureau of motor vehicles **commission** for use throughout Indiana. However, the wheel tax rate for a particular class or weight classification of vehicles may not be less than five dollars ($5) and may not exceed forty dollars ($40). The county council shall state the initial wheel tax rates in the ordinance that imposes the tax.

SECTION 26. IC 6-3.5-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. If a county council adopts an ordinance to impose, rescind, or change the rates of the wheel tax, the county council shall send a copy of the ordinance to the commissioner of the bureau of motor vehicles **commission.**

SECTION 27. IC 6-3.5-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. A person may not register a vehicle in a county which has adopted the wheel tax unless ~~he~~ **the person** pays the wheel tax due, if any, to the bureau of motor vehicles **commission.** The amount of the wheel tax due is based on the wheel tax rate, for that class of vehicle, in effect at the time of registration. The bureau of motor vehicles **commission** shall collect the wheel tax due, if any, at the time a motor vehicle is registered. However, the bureau **of motor vehicles commission** may utilize ~~its~~ **the** branch offices to collect the wheel tax.

SECTION 28. IC 6-3.5-5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. Each branch office manager shall report wheel tax collections, if any, to the bureau of motor vehicles **commission** at the same time that registration fees are

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reported.

SECTION 29. IC 6-3.5-5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. If the wheel tax is collected directly by the bureau of motor vehicles **commission,** instead of at a branch office, the commissioner of the bureau **of motor vehicles commission** shall:

(1) remit the wheel tax to, and file a wheel tax collections report with, the appropriate county treasurer; and

(2) file a wheel tax collections report with the county auditor;

in the same manner and at the same time that a branch office manager is required to remit and report under section 11 of this chapter.

SECTION 30. IC 6-3.5-5-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. (a) The owner of a vehicle who knowingly registers the vehicle without paying wheel tax imposed under this chapter with respect to that registration commits a Class B misdemeanor.

(b) An employee of the bureau of motor vehicles ~~an employee of a branch office, or the manager of a branch office~~ **commission** who recklessly issues a registration on any vehicle without collecting wheel tax imposed under this chapter with respect to that registration commits a Class B misdemeanor.

SECTION 31. IC 6-6-4.1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter:

(a) "Carrier" means a person who operates or causes to be operated a commercial motor vehicle on any highway in Indiana.

(b) "Commercial motor vehicle" means a vehicle which is listed in section 2(a) of this chapter and which is not excluded from the application of this chapter under section 2(b) of this chapter.

(c) "Commissioner" means the commissioner of the Indiana department of state revenue.

(d) "Declared gross weight" means the weight at which a motor vehicle is registered with:

(1) the bureau of motor vehicles **commission;** or

(2) a state other than Indiana.

(e) "Department" means the Indiana department of state revenue.

(f) "Highway" means the entire width between the boundary lines of every publicly maintained way that is open in any part to the use of the public for purposes of vehicular travel.

(g) "Motor fuel" means gasoline (as defined in IC 6-6-1.1), special fuel (as defined in IC 6-6-2.5), and alternative fuel (as defined in IC 6-6-2.5).

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(h) "Quarter" means calendar quarter.

(i) "Motor vehicle" has the meaning set forth in IC 6-6-1.1-103.

(j) "Recreational vehicle" means motor homes, pickup trucks with attached campers, and buses when used exclusively for personal pleasure. A vehicle is not a recreational vehicle if the vehicle is used in connection with a business.

SECTION 32. IC 6-6-4.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) Except as provided in subsection (b), this chapter applies to each:

(1) passenger vehicle that has seats for more than nine (9) passengers in addition to the driver;

(2) road tractor;

(3) tractor truck;

(4) truck having more than two (2) axles;

(5) truck having a gross weight or a declared gross weight greater than twenty-six thousand (26,000) pounds; and

(6) vehicle used in combination if the gross weight or the declared gross weight of the combination is greater than twenty-six thousand (26,000) pounds;

that is propelled by motor fuel.

(b) This chapter does not apply to:

(1) a vehicle operated by:

(A) this state;

(B) a political subdivision (as defined in IC 36-1-2-13);

(C) the United States; or

(D) an agency of states and the United States, or of two (2) or more states, in which this state participates;

(2) a school bus (as defined by the laws of a state) operated by, for, or on behalf of a:

(A) state;

(B) political subdivision (as defined in IC 36-1-2-13) of a state; or

(C) private or privately operated school;

(3) a vehicle used in casual or charter bus operations;

(4) trucks, trailers, or semitrailers and tractors that are qualified to be registered and used as farm trucks, farm trailers, or farm semitrailers and tractors and that are registered as such by the bureau of motor vehicles **commission** under IC 9-18 or under a similar law of another state;

(5) an intercity bus (as defined in IC 9-13-2-83);

(6) a vehicle described in subsection (a)(2) through (a)(6) when the vehicle is displaying a dealer registration plate; or

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(7) a recreational vehicle.

SECTION 33. IC 6-6-4.1-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 25. This section applies whenever the owner is required by law to obtain an annual motor carrier fuel tax permit or a license under the International Fuel Tax Agreement under IC 6-8.1-3-14 from the department. The bureau of motor vehicles **commission** may not register or license a motor bus, truck, tractor, trailer, or semitrailer used or intended to be used by the owner for transportation of property until the owner furnishes the bureau of motor vehicles **commission** with reasonable proof that the owner has a permit or license issued by the department.

SECTION 34. IC 6-6-4.1-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 27. (a) Notwithstanding IC 6-8.1-7 and IC 9-14-3-1, the department, the bureau of motor vehicles **commission,** and the Indiana department of transportation shall share the information regarding motor carriers and motor vehicles that is reasonably necessary for the effective administration and enforcement of IC 6-6-4.1, IC 8-2.1, and IC 9.

(b) For purposes of this section, the department may not divulge information:

(1) regarding the motor carrier fuel taxes paid by specific motor carriers; or

(2) contained on quarterly tax reports of specific motor carriers.

The department may provide statistical information that does not identify the amount of tax paid by a specific carrier.

SECTION 35. IC 6-6-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) As used in this chapter, "vehicle" means a vehicle subject to annual registration as a condition of its operation on the public highways pursuant to the motor vehicle registration laws of the state.

(b) As used in this chapter, "mobile home" means a nonself-propelled vehicle designed for occupancy as a dwelling or sleeping place.

(c) As used in this chapter, "bureau" means the bureau of motor vehicles **commission.**

(d) As used in this chapter, "license branch" means a branch office of the bureau authorized to register motor vehicles pursuant to the laws of the state.

(e) As used in this chapter, "owner" means the person in whose name the vehicle or trailer is registered (as defined in IC 9-13-2).

(f) As used in this chapter, "motor home" means a self-propelled vehicle having been designed and built as an integral part thereof

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having living and sleeping quarters, including that which is commonly referred to as a recreational vehicle.

(g) As used in this chapter, "last preceding annual excise tax liability" means either:

(1) the amount of excise tax liability to which the vehicle was subject on the owner's last preceding regular annual registration date; or

(2) the amount of excise tax liability to which a vehicle that was registered after the owner's last preceding annual registration date would have been subject if it had been registered on that date.

(h) As used in this chapter, "trailer" means a device having a gross vehicle weight equal to or less than three thousand (3,000) pounds that is pulled behind a vehicle and that is subject to annual registration as a condition of its operation on the public highways pursuant to the motor vehicle registration laws of the state. The term includes any utility, boat, or other two (2) wheeled trailer.

(i) This chapter does not apply to the following:

(1) Vehicles owned, or leased and operated, by the United States, the state, or political subdivisions of the state.

(2) Mobile homes and motor homes.

(3) Vehicles assessed under IC 6-1.1-8.

(4) Vehicles subject to registration as trucks under the motor vehicle registration laws of the state, except trucks having a declared gross weight not exceeding eleven thousand (11,000) pounds, trailers, semitrailers, tractors, and buses.

(5) Vehicles owned, or leased and operated, by an institution of higher education (as defined in IC 6-3-3-5(d)).

(6) Vehicles owned, or leased and operated, by a volunteer fire department (as defined in IC 36-8-12-2).

(7) Vehicles owned, or leased and operated, by a volunteer emergency ambulance service that:

(A) meets the requirements of IC 16-31; and

(B) has only members that serve for no compensation or a nominal annual compensation of not more than three thousand five hundred dollars ($3,500).

(8) Vehicles that are exempt from the payment of registration fees under IC 9-18-3-1.

(9) Farm wagons.

SECTION 36. IC 6-6-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) In respect to a vehicle that has been acquired, or brought into the state, or for any other reason becomes subject to registration after the regular annual registration

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date in the year on or before which the owner of the vehicle is required, under the motor vehicle registration laws of Indiana, to register vehicles, the tax imposed by this chapter shall become due and payable at the time the vehicle is acquired, brought into the state, or otherwise becomes subject to registration and the amount of tax to be paid by the owner for the remainder of the year shall be reduced by ten percent (10%) for each full calendar month that has elapsed since the regular annual registration date in the year fixed by the motor vehicle registration laws for annual registration by the owner. The tax shall be paid at the time of the registration of the vehicle.

(b) In the case of a vehicle that is acquired, or brought into the state, or for any other reason becomes subject to registration after January 1 of any year, then the owner may pay the applicable registration fee on the vehicle as provided in the motor vehicle registration laws and any excise tax due on the vehicle for the remainder of the annual registration year and simultaneously register the vehicle and pay the applicable registration fee and the excise tax due for the next succeeding annual registration year.

(c) Except as provided in subsection (f), no reduction in the applicable annual excise tax will be allowed to an Indiana resident applicant upon registration of any vehicle that was owned by the applicant on or prior to the registrant's annual registration period. A vehicle owned by an Indiana resident applicant that was located in and registered for use in another state during the same calendar year shall be entitled to the same reduction when registered in Indiana.

(d) The owner of a vehicle who sells the vehicle in a year in which the owner has paid the tax imposed by this chapter, shall receive a credit equal to the remainder of:

(1) the tax paid for the vehicle; reduced by

(2) ten percent (10%) for each full or partial calendar month that has elapsed in the registrant's annual registration year before the date of the sale.

The credit shall be applied to the tax due on any other vehicle purchased or subsequently registered by the owner in the same registrant's annual registration year. If the credit is not fully used and the amount of the credit remaining is at least four dollars ($4), the owner is entitled to a refund in the amount of the unused credit. The owner must pay a fee of three dollars ($3) to the bureau to cover costs of providing the refund, which may be deducted from the refund. The bureau shall issue the refund. ~~The bureau shall transfer to the bureau of motor vehicles commission three dollars ($3) of the fee to cover the commission's costs in processing the refund.~~ To claim the credit and

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refund provided by this subsection, the owner of the vehicle must present to the bureau proof of sale of the vehicle.

(e) Subject to the requirements of subsection (g), the owner of a vehicle that is destroyed in a year in which the owner has paid the tax imposed by this chapter, which vehicle is not replaced by a replacement vehicle for which a credit is issued under this section, shall receive a refund in an amount equal to ten percent (10%) of the tax paid for each full calendar month remaining in the registrant's annual registration year after the date of destruction, but only upon presentation or return to the bureau of the following:

(1) A request for refund on a form furnished by the bureau.

(2) A statement of proof of destruction on an affidavit furnished by the bureau.

(3) The license plate from the vehicle.

(4) The registration from the vehicle.

However, the refund may not exceed ninety percent (90%) of the tax paid on the destroyed vehicle. The amount shall be refunded by a warrant issued by the auditor of the county that received the excise tax revenue and shall be paid out of the special account created for settlement of the excise tax collections under IC 6-6-5-10. For purposes of this subsection, a vehicle is considered destroyed if the cost of repair of damages suffered by the vehicle exceeds the vehicle's fair market value.

(f) If the name of the owner of a vehicle is legally changed and the change has caused a change in the owner's annual registration date, the excise tax liability of the owner shall be adjusted as follows:

(1) If the name change requires the owner to register sooner than the owner would have been required to register if there had been no name change, the owner shall, at the time the name change is reported, be authorized a refund from the county treasurer in the amount of the product of:

(A) ten percent (10%) of the owner's last preceding annual excise tax liability; and

(B) the number of full calendar months between the owner's new regular annual registration month and the next succeeding regular annual registration month that is based on the owner's former name.

(2) If the name change required the owner to register later than the owner would have been required to register if there had been no name change, the vehicle shall be subject to excise tax for the period between the month in which the owner would have been required to register if there had been no name change and the new

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regular annual registration month in the amount of the product of:

(A) ten percent (10%) of the owner's excise tax liability computed as of the time the owner would have been required to register if there had been no name change; and

(B) the number of full calendar months between the month in which the owner would have been required to register if there had been no name change and the owner's new regular annual registration month.

(g) In order to claim a credit under subsection (e) for a vehicle that is destroyed, the owner of the vehicle must present to the bureau ~~of motor vehicles~~ a valid registration for the vehicle within ninety (90) days of the date that it was destroyed. The bureau shall then fix the amount of the credit that the owner is entitled to receive.

SECTION 37. IC 6-6-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) The bureau, in the administration and collection of the annual license excise tax imposed by this chapter, may utilize the services and facilities of license branches operated under IC 9-16 in its administration of the motor vehicle registration laws of the state of Indiana. The license branches may be so utilized in accordance with such procedures, in such manner, and to such extent as the bureau shall deem necessary and proper to implement and effectuate the administration and collection of the excise tax imposed by this chapter. However, in the event the bureau shall utilize such license branches in the collection of excise tax, the following apply:

(1) The excise taxes so collected by each license branch, less any refunds made by the license branch, shall be deposited daily by the license branch in a separate account in a depository duly designated by the state board of finance. The county treasurer of the county for which the collections are due may withdraw funds from the account at least two (2) times each week. The county treasurer is responsible for the safekeeping and investment of money withdrawn by the county treasurer under this subsection. Before the eleventh day of the month following the month in which the collections are made, the bureau ~~of motor vehicles~~ shall report the excise taxes collected and refunds made outside the county to the county treasurer of the county to which the collections are due and the refunds apply. The bureau shall forward a copy of this excise tax report to the county auditor of the county.

(2) A license branch shall each week forward a report to the county auditor of the county to whom the collections are due,

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showing the excise tax collected on each vehicle, each refund on a vehicle, and a copy of each registration certificate for all collections and refunds within the county.

(3) Each license branch shall also report to the bureau all excise taxes collected and refunds made under this chapter in the same manner and at the same time as registration fees are reported.

(4) Premiums for insurance to protect the funds collected by license branches against theft shall be paid by the bureau, except that the bureau may issue blanket coverage for all branches at its discretion. At the discretion of the bureau, the bureau may:

(A) self-insure to cover the activities of the license branches; or

(B) rather than purchase a bond or crime policy for each branch, purchase a single blanket bond or crime insurance policy endorsed to include faithful performance to cover all branches.

(5) If the services of a license branch are used by the bureau in the collection of the excise tax imposed by this chapter, the license branch shall collect the service charge prescribed under IC 9-29 for each vehicle registered upon which an excise tax is collected by that branch.

(6) If the excise tax imposed by this chapter is collected by the department of state revenue, the money collected shall be deposited in the state general fund to the credit of the appropriate county and reported to the bureau ~~of motor vehicles~~ on the first working day following the week of collection. Except as provided in subdivision (7), any amount collected by the department which represents interest or a penalty shall be retained by the department and used to pay its costs of enforcing this chapter.

(7) This subdivision applies only to interest or a penalty collected by the department of state revenue from a person who:

(A) fails to properly register a vehicle as required by IC 9-18 and pay the tax due under this chapter; and

(B) during any time after the date by which the vehicle was required to be registered under IC 9-18 displays on the vehicle a license plate issued by another state.

The total amount collected by the department that represents interest or a penalty, minus a reasonable amount determined by the department to represent its administrative expenses, shall be deposited in the state general fund for the credit of the county in which the person resides. The amount shall be reported to the bureau ~~of motor vehicles~~ on the first working day following the

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week of collection.

The bureau may contract with a bank card or credit card vendor for acceptance of bank or credit cards. ~~However, if there is a vendor transaction charge or discount fee, whether billed to the bureau or charged directly to the bureau's account, the bureau shall collect from the person using the card an official fee that may not exceed the highest transaction charge or discount fee charged to the bureau by bank or credit card vendors during the most recent collection period. This fee may be collected regardless of retail merchant agreements between the bank and credit card vendors that may prohibit such a fee. The fee is a permitted additional charge under IC 24-4.5-3-202.~~

(b) On or before April 1 of each year the bureau shall provide to the auditor of state the amount of motor vehicle excise taxes collected for each county for the preceding year.

(c) On or before May 10 and November 10 of each year the auditor of state shall distribute to each county one-half (1/2) of:

(1) the amount of delinquent taxes; and

(2) any penalty or interest described in subsection (a)(7);

that have been credited to the county under subsection (a). There is appropriated from the state general fund the amount necessary to make the distributions required by this subsection. The county auditor shall apportion and distribute the delinquent tax distributions to the taxing units in the county at the same time and in the same manner as excise taxes are apportioned and distributed under section 10 of this chapter.

(d) The commissioner of insurance shall prescribe the form of the bonds or crime policies required by this section.

SECTION 38. IC 6-6-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) The bureau shall establish procedures necessary for the collection of the tax imposed by this chapter and for the proper accounting for the same. The necessary forms and records shall be subject to approval by the state board of accounts.

(b) The county treasurer, upon receiving the excise tax collections, shall receipt such collections into a separate account for settlement thereof at the same time as property taxes are accounted for and settled in June and December of each year, with the right and duty of the treasurer and auditor to make advances prior to the time of final settlement of such property taxes in the same manner as provided in IC 5-13-6-3.

(c) The county auditor shall determine the total amount of excise taxes collected for each taxing unit in the county and the amount so collected (and the distributions received under section 9.5 of this

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chapter) shall be apportioned and distributed among the respective funds of each taxing unit in the same manner and at the same time as property taxes are apportioned and distributed. However, for purposes of determining distributions under this section for 2000 and each year thereafter, the state welfare allocation for each county equals the greater of zero (0) or the amount determined under STEP FIVE of the following STEPS:

STEP ONE: For 1997, 1998, and 1999, determine the result of:

(i) the amounts appropriated by the county in the year from the county's county welfare fund and county welfare administration fund; divided by

(ii) the total amounts appropriated by all the taxing units in the county in the year.

STEP TWO: Determine the sum of the results determined in STEP ONE.

STEP THREE: Divide the STEP TWO result by three (3).

STEP FOUR: Determine the amount that would otherwise be distributed to all the taxing units in the county under this subsection without regard to this subdivision.

STEP FIVE: Determine the result of:

(i) the STEP FOUR amount; multiplied by

(ii) the STEP THREE result.

The state welfare allocation shall be deducted from the total amount available for apportionment and distribution to taxing units under this section before any apportionment and distribution is made. The county auditor shall remit the state welfare allocation to the treasurer of state for deposit in a special account within the state general fund.

(d) Such determination shall be made from copies of vehicle registration forms furnished by the bureau. ~~of motor vehicles.~~ Prior to such determination, the county assessor of each county shall, from copies of registration forms, cause information pertaining to legal residence of persons owning taxable vehicles to be verified from the assessor's records, to the extent such verification can be so made. The assessor shall further identify and verify from the assessor's records the several taxing units within which such persons reside.

(e) Such verifications shall be done by not later than thirty (30) days after receipt of vehicle registration forms by the county assessor, and the assessor shall certify such information to the county auditor for the auditor's use as soon as it is checked and completed.

SECTION 39. IC 6-6-5.5-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. (a) The department shall promptly deposit all amounts collected under section 3(b) of this

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chapter into the commercial vehicle excise tax fund for distribution to the taxing units (as defined in IC 6-1.1-1-21) of Indiana. The amount to be distributed to the taxing units of Indiana each year is determined under section 19 of this chapter.

(b) The bureau of motor vehicles **commission** shall promptly deposit all amounts collected under this chapter into the commercial vehicle excise tax fund for distribution to the taxing units (as defined in IC 6-1.1-1-21) of Indiana. The amount to be distributed to the taxing units of Indiana each year is determined under section 19 of this chapter.

(c) A contractor providing:

(1) a full service license branch under IC 9-16-1-4; or

(2) a partial service license branch under IC 9-16-1-4.5;

shall remit the amount of commercial vehicle excise tax collected each week to the bureau of motor vehicles **commission** for deposit into the commercial vehicle excise tax fund.

SECTION 40. IC 6-6-11-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) The amount of boat excise tax that a boat owner shall pay for a boating year is based on the boat's class and age.

(b) Motorized boats and sailboats are classified for excise tax purposes according to the value of the boat when the boat was new. The amount of excise tax for a boating year that is imposed for a motorized boat or a sailboat and owed by the boat owner is prescribed in the following table:

MOTORIZED BOAT'S or SAILBOAT'S VALUE

CLASS	WHEN NEW AT LEAST but	LESS THAN	TAX DUE
1	$ 0.01	$ 500	$ 2
2	500	1,000	6
3	1,000	1,500	20
4	1,500	2,000	30
5	2,000	3,000	42
6	3,000	5,000	55
7	5,000	7,500	70
8	7,500	10,000	88
9	10,000	15,000	110
10	15,000	22,500	150
11	22,500	35,000	200
12	35,000	50,000	275
13	50,000	75,000	375
14	75,000 or more		500

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The bureau of motor vehicles **commission** shall adopt rules under IC 4-22-2 for determining the value of new boats. A tax paid under subsection (c) may be used as a credit against the taxes owed for the same boating year under this subsection.

(c) Notwithstanding subsection (b), the amount of excise tax imposed and owed by a boat owner is twelve dollars ($12) for a motorized boat or a sailboat that is stored in Indiana for sixty (60) consecutive days or more but not operated, used, or docked in Indiana waters, except to facilitate storage of the boat.

SECTION 41. IC 6-6-11-13, AS AMENDED BY P.L.46-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. A boat owner shall pay:

(1) the boat excise tax;

(2) the department of natural resources fee imposed by section 12(a) of this chapter;

(3) the lake and river enhancement fee imposed by section 12(b) of this chapter; and

(4) if:

(A) the motorboat is legally registered in another state; and

(B) the boat owner pays the excise tax and fees under subdivisions (1), (2), and (3);

the fee imposed by IC 9-29-15-9;

for a boating year to the bureau of motor vehicles **commission.** The tax and fees must be paid at the same time that the boat owner pays or would pay the registration fee and motor vehicle excise taxes on motor vehicles under IC 9-18 and IC 6-6-5. When the boat owner pays the tax and fees, the owner is entitled to receive the excise tax decals.

SECTION 42. IC 6-6-11-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) For a boat which has been acquired, or brought into Indiana, or for any other reason becomes subject to the excise tax after the regular annual tax payment date in the boating year on or before which the owner is required to pay the tax on boats under this chapter, the tax imposed by this chapter shall become due and payable no later than:

(1) the thirty-second day after the boat is operated in Indiana, if the boat is registered in Indiana; or

(2) the twenty-second consecutive day during the boating year that the boat is:

(A) stored in Indiana; or

(B) operated, used, or docked in Indiana waters if the boat is registered outside Indiana.

(b) The amount of excise tax to be paid by the owner for the

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remainder of the year shall be reduced by ten percent (10%) for each full calendar month which has elapsed since the regular annual tax payment date in the year fixed by the bureau of motor vehicles **commission** for tax payment by the owner.

SECTION 43. IC 6-6-11-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. (a) Every owner of a boat that:

(1) is destroyed in a year in which the owner paid the excise tax imposed by this chapter; and

(2) is not replaced by a replacement boat for which a credit is issued under this chapter;

is entitled to a refund in an amount equal to ten percent (10%) of the excise tax paid for each full calendar month remaining in the registrant's tax payment year after the date of destruction.

(b) To receive a refund under subsection (a), a boat owner must present and return to the bureau of motor vehicles **commission** the following:

(1) A request for refund on a form furnished by the bureau **of motor vehicles commission.**

(2) A statement of proof of destruction on an affidavit furnished by the bureau **of motor vehicles commission.**

(3) The tax payment form for the boat.

(c) A refund under this section may not exceed ninety percent (90%) of the excise tax paid on the destroyed boat. The amount shall be refunded by a warrant issued by the auditor of the county that received the excise tax revenue and shall be drawn on the county's boat excise tax fund.

(d) For purposes of this section, a boat is considered destroyed if the cost of repair of damages suffered by the boat exceeds the boat's fair market value.

SECTION 44. IC 6-6-11-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 20. The bureau of motor vehicles **commission,** in the administration and collection of the boat excise tax imposed by this chapter, may utilize the services and facilities of license branches operated under IC 9-16. The license branches may be utilized in accordance with the procedures, in the manner, and to the extent that the bureau **of motor vehicles commission** determines to be necessary and proper to implement and effectuate the administration and collection of the excise tax imposed by this chapter. However, if the bureau **of motor vehicles commission** utilizes the license branches in the collection of the boat excise tax, the following apply:

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(1) The excise taxes and fees collected by each license branch shall be deposited daily by the license branch in a separate account in a depository duly designated by the state board of finance. Before the eleventh day of the month following the month in which the collections are made, the bureau of motor vehicles **commission** shall report the excise taxes collected to the county treasurer of the county to which the collections are due.

(2) The bureau **of motor vehicles commission** shall forward a copy of the excise tax report to the county auditor of the county.

(3) Each license branch shall report to the bureau **of motor vehicles commission** all boat excise taxes and fees collected under this chapter in the same manner and at the same time as registration fees are reported for motor vehicle registrations.

(4) A bond in an amount to be set by the bureau **of motor vehicles commission** shall be posted by each license branch to cover the activities of the license branch in connection with the administration and collection of the excise tax and fees imposed by this chapter. The premiums for the bonds and for insurance to protect the funds collected by the branches against theft shall be paid by the bureau **of motor vehicles commission,** except that the bureau may issue blanket coverage for all branches at its discretion. This bond does not have to be a separate bond from the bond required by IC 6-6-5-9.

(5) An additional charge may not be imposed for the services of the license branches.

SECTION 45. IC 6-6-11-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 21. The state board of accounts shall prescribe the tax payment form to be used by the bureau of motor vehicles **commission.** The board shall prescribe one (1) document to serve as the form. The form must have a sufficient number of copies for distribution and include appropriate spaces for the following information:

(1) The owner's name and address.

(2) The name of the county and the address of the location where the boat has its tax situs for the boating year.

(3) A description of the boat, including the manufacturer's specified length for the boat.

(4) The age of the boat.

(5) The class prescribed for the boat under this chapter.

(6) The excise tax imposed on the boat for the boating year under this chapter.

(7) The boat's state registration or Coast Guard documentation

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number, if any, and any other information reasonably required by the department of natural resources.

(8) The signature of the boat owner on the owner's copy of the form verifying that the information is true and correct and acknowledging that the boat owner will be subject to penalties for perjury for providing false information.

(9) Any other information prescribed by the state board of accounts.

SECTION 46. IC 6-6-11-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 22. The department of natural resources shall prescribe the design of the boat excise tax decals in sufficient time for the bureau of motor vehicles **commission** to procure a sufficient number of boat excise tax decals for each class of boat. Each decal must:

(1) state the boating year to which the decal applies;

(2) have a unique identification number;

(3) be a different color than the colors used for the previous boating year; and

(4) be designed so that law enforcement officers can easily identify whether the decal is valid.

SECTION 47. IC 6-6-11-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 23. The bureau of motor vehicles **commission** shall establish a procedure for replacing lost, stolen, and damaged decals. A fee of three dollars ($3) shall be charged by the bureau to defray the cost of issuing replacement decals.

SECTION 48. IC 6-6-11-23.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 23.5. The bureau of motor vehicles **commission** may issue a decal to a boat owned by an organization exempt from Federal income taxation under **Section** 501(c)(3) of the Internal Revenue Code.

SECTION 49. IC 6-6-11-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 26. If a boat owner has a judgment entered against the owner for violating section 25 of this chapter, the court shall transmit a copy of the judgment to the bureau of motor vehicles **commission.** A boat owner who does not pay the boat excise tax on or before the due date shall pay a delinquent fee equal to one hundred percent (100%) of the boat excise tax due. The bureau of motor vehicles **commission** shall collect this delinquent fee along with the excise taxes due for the boat. The amount collected in delinquent fees shall be credited to a special account within the state general fund to be used as provided in section 35 of this chapter.

SECTION 50. IC 6-6-11-29 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 29. (a) The auditor of state shall transfer the department of natural resources fee, the lake and river enhancement fee, the delinquent excise taxes, and the delinquent fees collected under this chapter during the preceding month as follows:

(1) On or before the eleventh day of each month, the auditor of state shall transfer to the state license branch fund an amount equal to five percent (5%) of each excise tax transaction completed by the bureau **of motor vehicles commission.** The money is to be used to cover the expenses incurred by the bureau of motor vehicles **commission** and the license branches for returns, decals, collecting the fees and excise taxes and to cover any service charges by the commission under IC 9-29-3. An additional charge may not be imposed for the services of the license branches under this chapter.

(2) At least quarterly, the auditor of state shall set aside for the department of natural resources the fees and the delinquent fees collected under this chapter to use as provided in section 35 of this chapter.

(3) On or before the tenth day of each month, the auditor of state shall distribute to each county the excise tax collections, including delinquent tax collections, for the county for the preceding month. The auditor shall include a report with each distribution showing the information necessary for the county auditor to allocate the revenue among the taxing units of the county.

(4) The auditor of state shall deposit the revenue from the lake and river enhancement fee imposed by section 12(b) of this chapter in the lake and river enhancement fund established by section 12.5 of this chapter.

(b) Money credited to each county's account in the state general fund is appropriated to make the distributions and the transfers required by subsection (a). The distributions shall be made upon warrants drawn from the state general fund.

SECTION 51. IC 6-6-11-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 30. Before March 1 of each year the bureau of motor vehicles **commission** shall prepare a boat excise tax summary covering the previous boating year. The summary must include the following:

(1) The number of boats by county.

(2) The number of boats by class.

(3) The amount of excise tax collected by class.

The bureau **of motor vehicles commission** shall send a copy of the

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summary to the auditor of state, the department of natural resources, and the county assessors.

SECTION 52. IC 6-8.1-3-1, AS AMENDED BY P.L.91-2006, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) The department has the primary responsibility for the administration, collection, and enforcement of the listed taxes. In carrying out that responsibility, the department may exercise all the powers conferred on it under this article in respect to any of those taxes.

(b) In the case of the motor vehicle excise tax, the department has the responsibility to act only in the investigation, assessment, collection, and enforcement of the tax in instances of delinquency or evasion. Primary responsibility for the administration and collection of the tax remains with the agencies named in IC 6-6-5.

(c) In the case of commercial vehicle excise taxes that are payable to the bureau of motor vehicles **commission** and are not subject to apportionment under the International Registration Plan, the department has the responsibility to act only in the investigation, assessment, collection, and enforcement of the tax in instances of delinquency or evasion. Primary responsibility for the administration and collection of the tax remains with the bureau of motor vehicles **commission.**

SECTION 53. IC 6-8.1-3-16, AS AMENDED BY P.L.177-2005, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) The department shall prepare a list of all outstanding tax warrants for listed taxes each month. The list shall identify each taxpayer liable for a warrant by name, address, amount of tax, and either Social Security number or employer identification number. Unless the department renews the warrant, the department shall exclude from the list a warrant issued more than ten (10) years before the date of the list. The department shall certify a copy of the list to the bureau of motor vehicles **commission.**

(b) The department shall prescribe and furnish tax release forms for use by tax collecting officials. A tax collecting official who collects taxes in satisfaction of an outstanding warrant shall issue to the taxpayers named on the warrant a tax release stating that the tax has been paid. The department may also issue a tax release:

(1) to a taxpayer who has made arrangements satisfactory to the department for the payment of the tax; or

(2) by action of the commissioner under IC 6-8.1-8-2(k).

(c) The department may not issue or renew:

(1) a certificate under IC 6-2.5-8;

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(2) a license under IC 6-6-1.1 or IC 6-6-2.5; or

(3) a permit under IC 6-6-4.1;

to a taxpayer whose name appears on the most recent monthly warrant list, unless that taxpayer pays the tax, makes arrangements satisfactory to the department for the payment of the tax, or a release is issued under IC 6-8.1-8-2(k).

(d) The bureau of motor vehicles **commission** shall, before issuing the title to a motor vehicle under IC 9-17, determine whether the purchaser's or assignee's name is on the most recent monthly warrant list. If the purchaser's or assignee's name is on the list, the bureau **of motor vehicles commission** shall enter as a lien on the title the name of the state as the lienholder unless the bureau has received notice from the commissioner under IC 6-8.1-8-2(k). The tax lien on the title:

(1) is subordinate to a perfected security interest (as defined and perfected in accordance with IC 26-1-9.1); and

(2) shall otherwise be treated in the same manner as other title liens.

(e) The commissioner is the custodian of all titles for which the state is the sole lienholder under this section. Upon receipt of the title by the department, the commissioner shall notify the owner of the department's receipt of the title.

(f) The department shall reimburse the bureau of motor vehicles **commission** for all costs incurred in carrying out this section.

(g) Notwithstanding IC 6-8.1-8, a person who is authorized to collect taxes, interest, or penalties on behalf of the department under IC 6-3 or IC 6-3.5 may not, except as provided in subsection (h) or (i), receive a fee for collecting the taxes, interest, or penalties if:

(1) the taxpayer pays the taxes, interest, or penalties as consideration for the release of a lien placed under subsection (d) on a motor vehicle title; or

(2) the taxpayer has been denied a certificate or license under subsection (c) within sixty (60) days before the date the taxes, interest, or penalties are collected.

(h) In the case of a sheriff, subsection (g) does not apply if:

(1) the sheriff collects the taxes, interest, or penalties within sixty (60) days after the date the sheriff receives the tax warrant; or

(2) the sheriff collects the taxes, interest, or penalties through the sale or redemption, in a court proceeding, of a motor vehicle that has a lien placed on its title under subsection (d).

(i) In the case of a person other than a sheriff:

(1) subsection (g)(2) does not apply if the person collects the taxes, interests, or penalties within sixty (60) days after the date

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the commissioner employs the person to make the collection; and

(2) subsection (g)(1) does not apply if the person collects the taxes, interest, or penalties through the sale or redemption, in a court proceeding, of a motor vehicle that has a lien placed on its title under subsection (d).

(j) IC 5-14-3-4, IC 6-8.1-7-1, and any other law exempting information from disclosure by the department does not apply to this subsection. From the list prepared under subsection (a), the department shall compile each month a list of the taxpayers subject to tax warrants that:

(1) were issued at least twenty-four (24) months before the date of the list; and

(2) are for amounts that exceed one thousand dollars ($1,000).

The list compiled under this subsection must identify each taxpayer liable for a warrant by name, address, and amount of tax. The department shall publish the list compiled under this subsection on accessIndiana (as operated under IC 4-13.1-2) and make the list available for public inspection and copying under IC 5-14-3. The department or an agent, employee, or officer of the department is immune from liability for the publication of information under this subsection.

(k) The department may not publish a list under subsection (j) that identifies a particular taxpayer unless at least two (2) weeks before the publication of the list the department sends notice to the taxpayer stating that the taxpayer:

(1) is subject to a tax warrant that:

(A) was issued at least twenty-four (24) months before the date of the notice; and

(B) is for an amount that exceeds one thousand dollars ($1,000); and

(2) will be identified on a list to be published on accessIndiana unless a tax release is issued to the taxpayer under subsection (b).

(l) The department may not publish a list under subsection (j) after June 30, 2006.

SECTION 54. IC 6-8.1-4-1.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1.6. Subject to the discretion of the commissioner as set forth in section 1 of this chapter, the commissioner shall establish within the department a special tax division. The division shall do the following:

(1) Administer and enforce the following:

(A) Gasoline tax (IC 6-6-1.1).

(B) Special fuel tax (IC 6-6-2.5).

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(C) Motor carrier fuel tax (IC 6-6-4.1).
(D) Hazardous waste disposal tax (IC 6-6-6.6).
(E) Cigarette tax (IC 6-7-1).
(F) Tobacco products tax (IC 6-7-2).
(G) Alcoholic beverage tax (IC 7.1-4).
(H) Petroleum severance tax (IC 6-8-1).
(I) Any other tax the commissioner designates.

(2) Upon the commissioner's request, conduct studies of the department's operations and recommend whatever changes seem advisable.

(3) Annually audit a statistical sampling of the returns filed for the taxes administered by the division.

(4) Annually audit a statistical sampling of registrants with the bureau of motor vehicles **commission,** international registration plan division.

(5) Review federal tax returns and other data that may be helpful in performing the division's function.

(6) Furnish, at the commissioner's request, information that the commissioner requires.

(7) Conduct audits requested by the commissioner or the commissioner's designee.

(8) Administer the statutes providing for motor carrier regulation (IC 8-2.1).

SECTION 55. IC 6-8.1-7-1, AS AMENDED BY P.L.111-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) This subsection does not apply to the disclosure of information concerning a conviction on a tax evasion charge. Unless in accordance with a judicial order or as otherwise provided in this chapter, the department, its employees, former employees, counsel, agents, or any other person may not divulge the amount of tax paid by any taxpayer, terms of a settlement agreement executed between a taxpayer and the department, investigation records, investigation reports, or any other information disclosed by the reports filed under the provisions of the law relating to any of the listed taxes, including required information derived from a federal return, except to:

(1) members and employees of the department;

(2) the governor;

(3) the attorney general or any other legal representative of the state in any action in respect to the amount of tax due under the provisions of the law relating to any of the listed taxes; or

(4) any authorized officers of the United States;

when it is agreed that the information is to be confidential and to be

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used solely for official purposes.

(b) The information described in subsection (a) may be revealed upon the receipt of a certified request of any designated officer of the state tax department of any other state, district, territory, or possession of the United States when:

(1) the state, district, territory, or possession permits the exchange of like information with the taxing officials of the state; and

(2) it is agreed that the information is to be confidential and to be used solely for tax collection purposes.

(c) The information described in subsection (a) relating to a person on public welfare or a person who has made application for public welfare may be revealed to the director of the division of family resources, and to any director of a county office of family and children located in Indiana, upon receipt of a written request from either director for the information. The information shall be treated as confidential by the directors. In addition, the information described in subsection (a) relating to a person who has been designated as an absent parent by the state Title IV-D agency shall be made available to the state Title IV-D agency upon request. The information shall be subject to the information safeguarding provisions of the state and federal Title IV-D programs.

(d) The name, address, Social Security number, and place of employment relating to any individual who is delinquent in paying educational loans owed to an institution of higher education may be revealed to that institution if it provides proof to the department that the individual is delinquent in paying for educational loans. This information shall be provided free of charge to approved institutions of higher learning (as defined by IC 20-12-21-3(2)). The department shall establish fees that all other institutions must pay to the department to obtain information under this subsection. However, these fees may not exceed the department's administrative costs in providing the information to the institution.

(e) The information described in subsection (a) relating to reports submitted under IC 6-6-1.1-502 concerning the number of gallons of gasoline sold by a distributor, and IC 6-6-2.5 concerning the number of gallons of special fuel sold by a supplier and the number of gallons of special fuel exported by a licensed exporter or imported by a licensed transporter may be released by the commissioner upon receipt of a written request for the information.

(f) The information described in subsection (a) may be revealed upon the receipt of a written request from the administrative head of a state agency of Indiana when:

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(1) the state agency shows an official need for the information; and

(2) the administrative head of the state agency agrees that any information released will be kept confidential and will be used solely for official purposes.

(g) The name and address of retail merchants, including township, as specified in IC 6-2.5-8-1(j) may be released solely for tax collection purposes to township assessors.

(h) The department shall notify the appropriate innkeepers' tax board, bureau, or commission that a taxpayer is delinquent in remitting innkeepers' taxes under IC 6-9.

(i) All information relating to the delinquency or evasion of the motor vehicle excise tax may be disclosed to the bureau of motor vehicles **commission** in Indiana and may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.

(j) All information relating to the delinquency or evasion of commercial vehicle excise taxes payable to the bureau of motor vehicles **commission** in Indiana may be disclosed to the bureau **of motor vehicles commission** and may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.5.

(k) All information relating to the delinquency or evasion of commercial vehicle excise taxes payable under the International Registration Plan may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.5.

(l) This section does not apply to:

(1) the beer excise tax (IC 7.1-4-2);

(2) the liquor excise tax (IC 7.1-4-3);

(3) the wine excise tax (IC 7.1-4-4);

(4) the hard cider excise tax (IC 7.1-4-4.5);

(5) the malt excise tax (IC 7.1-4-5);

(6) the motor vehicle excise tax (IC 6-6-5);

(7) the commercial vehicle excise tax (IC 6-6-5.5); and

(8) the fees under IC 13-23.

(m) The name and business address of retail merchants within each county that sell tobacco products may be released to the division of mental health and addiction and the alcohol and tobacco commission solely for the purpose of the list prepared under IC 6-2.5-6-14.2.

SECTION 56. IC 7.1-5-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) It is a Class C

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infraction for a minor to make a false statement of the minor's age or to present or offer false or fraudulent evidence of majority or identity to a permittee for the purpose of ordering, purchasing, attempting to purchase, or otherwise procuring or attempting to procure an alcoholic beverage.

(b) In addition to the penalty under subsection (a), a minor who:

(1) uses a false or altered driver's license or the driver's license of another person as evidence of majority under this section; or

(2) is convicted of purchasing or procuring an alcoholic beverage with or without using a false or altered driver's license;

shall have the minor's driver's license suspended for up to one (1) year in accordance with IC 9-24-18-8 and IC 9-30-4-9.

(c) Upon entering a judgment for the infraction under this section, the court shall forward a copy of the judgment to the bureau of motor vehicles **commission** for the purpose of complying with subsection (b).

SECTION 57. IC 7.1-5-7-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) It is a Class C misdemeanor for a minor to knowingly:

(1) possess an alcoholic beverage;

(2) consume it; or

(3) transport it on a public highway when not accompanied by at least one (1) of ~~his~~ **the minor's** parents or guardians.

(b) If a minor is found to have violated subsection (a) while operating a motor vehicle, the court may order the minor's driver's license suspended for up to one (1) year. However, if the minor is less than eighteen (18) years of age, the court shall order the minor's driver's license suspended for at least sixty (60) days.

(c) The court shall deliver any order suspending the minor's driver's license under this section to the bureau of motor vehicles **commission,** which shall suspend the minor's driver's license under IC 9-24-18-12 for the period ordered by the court.

SECTION 58. IC 8-2.1-19-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. The bureau of motor vehicles **commission** may not register or license a motor bus, truck, tractor, trailer, or semitrailer used or intended to be used for hire by the owner whenever the law requires the owner to obtain a permit or certificate of convenience and necessity from the department until the department furnishes the bureau of motor vehicles **commission** with an instrument.

SECTION 59. IC 8-2.1-24-18, AS AMENDED BY P.L.210-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. (a) 49 CFR Parts 382 through 387, 390

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through 393, and 395 through 398 is incorporated into Indiana law by reference, and, except as provided in subsections (d), (e), (f), and (g), must be complied with by an interstate and intrastate motor carrier of persons or property throughout Indiana. Intrastate motor carriers subject to compliance reviews under 49 CFR 385 shall be selected according to criteria determined by the superintendent which must include but is not limited to factors such as previous history of violations found in roadside compliance checks and other recorded violations. However, the provisions of 49 CFR 395 that regulate the hours of service of drivers, including requirements for the maintenance of logs, do not apply to a driver of a truck that is registered by the bureau of motor vehicles **commission** and used as a farm truck under IC 9-18, or a vehicle operated in intrastate construction or construction related service, or the restoration of public utility services interrupted by an emergency. Except as provided in subsection (i), intrastate motor carriers not operating under authority issued by the United States Department of Transportation shall comply with the requirements of 49 CFR 390.21(b)(3) by registering with the department of state revenue as an intrastate motor carrier and displaying the certification number issued by the department of state revenue preceded by the letters "IN". Except as provided in subsection (i), all other requirements of 49 CFR 390.21 apply equally to interstate and intrastate motor carriers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) Notwithstanding subsection (a) or (b), the following provisions of 49 CFR do not apply to private carriers of property operated only in intrastate commerce or any carriers of property operated only in intrastate commerce whether or not the carrier vehicle is of a class that requires a commercial driver's license:

(1) Subpart 391.41(b)(3) as it applies to physical qualifications of a driver who has been diagnosed as an insulin dependent diabetic, if the driver has applied for and been granted an intrastate medical waiver by the bureau of motor vehicles **commission**

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pursuant to this subsection. The same standards and the following procedures shall apply for this waiver whether or not the driver is required to hold a commercial driver's license. An application for the waiver shall be submitted by the driver and completed and signed by a certified endocrinologist or the driver's treating physician attesting that the driver:

(A) is not otherwise physically disqualified under Subpart 391.41 to operate a motor vehicle, whether or not any additional disqualifying condition results from the diabetic condition, and is not likely to suffer any diminution in driving ability due to the driver's diabetic condition;

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

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

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

(E) has submitted the blood glucose logs from the monitoring device to the endocrinologist or treating physician at the time of the annual medical examination. A copy of the blood glucose logs shall be filed along with the annual statement from the endocrinologist or treating physician with the bureau of motor vehicles **commission** for review by the driver licensing medical advisory board established under IC 9-14-4. A copy of the annual statement shall also be provided to the driver's employer for retention in the driver's qualification file, and a copy shall be retained and held by the driver while driving for presentation to an authorized federal, state, or local law enforcement official. Notwithstanding the requirements of this clause, the endocrinologist, the treating physician, the advisory board of the bureau of motor vehicles **commission**, or the bureau of motor vehicles **commission** may, where medical indications warrant, establish a short period for the medical examinations required under this clause.

(2) Subpart 396.9 as it applies to inspection of vehicles carrying or loaded with a perishable product. However, this exemption

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does not prohibit a law enforcement officer from stopping these vehicles for an obvious violation that poses an imminent threat of an accident or incident. The exemption is not intended to include refrigerated vehicles loaded with perishables when the refrigeration unit is working.

(3) Subpart 396.11 as it applies to driver vehicle inspection reports.

(4) Subpart 396.13 as it applies to driver inspection.

(h) For purposes of 49 CFR 395.1(l), "planting and harvesting season" refers to the period between January 1 and December 31 of each year. The intrastate commerce exception set forth in 49 CFR 395.1(l), as it applies to the transportation of agricultural commodities and farm supplies, is restricted to single vehicles and cargo tank motor vehicles with a capacity of not more than five thousand four hundred (5,400) gallons.

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

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

SECTION 60. IC 9-14-3.5-7, AS AMENDED BY P.L.1-2006, SECTION 158, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) Except as provided in sections 8 and 10 of this chapter:

~~(1) an officer or employee of the bureau;~~

~~(2)~~ **(1)** an officer or employee of the ~~bureau of motor vehicles~~ commission; or

~~(3)~~ **(2)** a contractor of the ~~bureau or the bureau of motor vehicles~~ commission (or an officer or employee of the contractor);

may not knowingly disclose personal information about a person obtained by the ~~bureau~~ **commission** in connection with a motor vehicle record.

(b) A person's Social Security number shall not be in any way disclosed on a motor vehicle registration.

SECTION 61. IC 9-15-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. The commission shall do the following:

(1) Develop and continuously update the ~~bureau's~~ **commission's**

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policies.

(2) Recommend to the governor legislation that is needed to implement the policies developed by the commission.

~~(3) Recommend to the bureau proposed rules that are needed to implement the policies developed by the commission and require those proposed rules to be adopted under IC 4-22-2.~~

~~(4)~~ **(3)** Review, revise, adopt, and submit to the budget agency budget proposals for the commission. ~~the bureau, and the license branches operated under IC 9-16, including the budget required by IC 9-16-3-3.~~

~~(5)~~ **(4)** Establish the determination criteria and determine the number and location of license branches to be operated under IC 9-16. However, there must be at least one (1) full service license branch in each county.

~~(6)~~ **(5)** Establish and adopt minimum standards for the operation and maintenance of each full service license branch operated under IC 9-16.

~~(7) Before January 1, 1997,~~ **(6)** Establish and adopt minimum standards for the operation and maintenance of each partial service contractor under IC 9-16. The standards must result in more convenience to the public by providing license branch services at as many walk-up locations as possible without increasing the costs of providing these services.

~~(8) Before March 1, 1997,~~ **(7)** Establish and adopt minimum standards for providing license branch services using telephonic, facsimile, electronic, or computer means under IC 9-16.

~~(9)~~ **(8)** Administer the state license branch fund established under IC 9-29-14.

(9) Adopt and enforce rules under IC 4-22-2 necessary to carry out this title.

SECTION 62. IC 9-15-2-4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 4. (a) The governor shall appoint a commissioner who serves at the pleasure of the governor.**

(b) Subject to IC 4-12-1-3, the governor shall fix the salary of the commissioner at the time of appointment.

(c) The commissioner shall obtain a design for and procure a seal of office for the commission.

SECTION 63. IC 9-15-2-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5. The commission shall:**

(1) appoint, subject to the approval of the governor, the

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deputies, subordinate officers, clerks, and other employees necessary to carry out this title, IC 6-6-5, IC 6-6-5.5, and IC 6-6-11; and

(2) fix the salaries of the employees employed under subdivision (1).

SECTION 64. IC 9-15-2-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 6. The commissioner shall do the following:**

(1) Administer and enforce:

(A) this title and other statutes concerning the commission; and

(B) the policies and procedures of the commission.

(2) Organize the commission in the manner necessary to carry out the duties of the commission.

(3) Submit budget proposals for the commission to the budget director before September 1 of each year.

(4) Perform other duties as required by the commission.

SECTION 65. IC 9-15-2-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 7. The commission shall:**

(1) provide and prescribe all forms necessary to carry out any laws administered and enforced by the commission; and

(2) provide notary public service for the convenience of the public when applying for a:

(A) certificate of title;

(B) registration; or

(C) license.

SECTION 66. IC 9-15-2-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 8. The commission shall do the following:**

(1) File and index by name each application for a license or permit issued by the commission under this title.

(2) Maintain suitable records of all licenses and permits issued by the commission under this title.

SECTION 67. IC 9-15-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. IC 34-13-3 applies to a claim or suit in tort against any of the following:

(1) A member of the commission.

(2) An employee of the commission, ~~who is employed at a license branch under IC 9-16,~~ except for an employee employed at a license branch operated under a contract with the commission under IC 9-16-1-4.

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SECTION 68. IC 9-16-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter, "qualified person" means any of the following:

(1) A motor club that is any of the following:

(A) A domestic corporation.

(B) A foreign corporation qualified to transact business in Indiana under IC 23-1 or IC 23-17.

(2) A financial institution (as defined in IC 28-1-1-3).

(3) A new motor vehicle dealer licensed under IC 9-23-2.

(4) Other persons, including persons licensed under IC 9-23-2 that are not covered by subdivision (3), that the commission determines can meet the standards adopted by the commission under ~~IC 9-15-2-1(7)~~ **IC 9-15-2-1(6)** and the requirements for partial service contractors under section 4.5 of this chapter.

SECTION 69. IC 9-16-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) License branches have all the powers and duties assigned to license branches by statute and by the commissioner.

(b) The commissioner shall assign to license branches those functions that:

(1) the commission ~~or the bureau~~ is legally required or authorized to perform; and

(2) cannot be adequately performed by the commission ~~or the bureau~~ without assistance from the license branches.

SECTION 70. IC 9-16-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. ~~Subject to the approval of~~ The commission ~~the bureau~~ may request the necessary office space, storage space, and parking facilities for each license branch operated by the commission from the Indiana department of administration as provided in IC 4-20.5-5-5.

SECTION 71. IC 9-19-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. This chapter does not apply to a front seat occupant who meets any of the following conditions:

(1) For medical reasons should not wear safety belts.

(2) Is a child required to be restrained by a child restraint system under IC 9-19-11.

(3) Is traveling in a commercial or a United States Postal Service vehicle that makes frequent stops for the purpose of pickup or delivery of goods or services.

(4) Is a rural carrier of the United States Postal Service and is operating a vehicle while serving a rural postal route.

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(5) Is a newspaper motor route carrier or newspaper bundle hauler who stops to make deliveries from a vehicle.

(6) Is a driver examiner ~~designated and appointed under IC 9-14-2-3 and is~~ conducting an examination of an applicant for a permit or license under IC 9-24-10.

SECTION 72. IC 9-29-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) Money from the increases in fees levied by the 1969 regular session of the general assembly in IC 9-18-2, IC 9-18-5, IC 9-18-6, IC 9-18-7, IC 9-18-9, IC 9-18-10, IC 9-18-16, IC 9-24-3, IC 9-24-4, IC 9-24-5, IC 9-24-7, IC 9-24-8, IC 9-24-10, IC 9-24-11, IC 9-24-12, IC 9-24-13, IC 9-24-14, and IC 9-29-9-15 (and IC 9-1-4 before its repeal on July 1, 1991) shall be deposited daily with the treasurer of state and credited to the highway, road, and street fund established under IC 8-14-2-2.1.

(b) For the purpose of providing adequate and sufficient funds for the crossroads 2000 fund established under IC 8-14-10-9, and subject to subsection (c), ~~after June 30, 1997, with the approval of~~ the ~~bureau of motor vehicles~~ commission ~~the bureau of motor vehicles~~ may adopt rules under IC 4-22-2 to increase, by an amount that is in addition to the fees specified by statute, the fees under the following:

IC 9-29-4-3
IC 9-29-5
IC 9-29-9-1
IC 9-29-9-2
IC 9-29-9-3
IC 9-29-9-4
IC 9-29-9-5
IC 9-29-9-6
IC 9-29-9-7
IC 9-29-9-8
IC 9-29-9-9
IC 9-29-9-10
IC 9-29-9-11
IC 9-29-9-13
IC 9-29-9-14
IC 9-29-15-1
IC 9-29-15-2
IC 9-29-15-3
IC 9-29-15-4.

The amount of fees increased under this section shall first be deposited into the crossroads 2000 fund established under IC 8-14-10-9.

(c) The ~~bureau's~~ **commission's** authority to adopt rules under

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subsection (b) is subject to the condition that a fee increase must be uniform throughout all license branches and at all partial service locations in Indiana.

SECTION 73. IC 9-29-3-19, AS AMENDED BY P.L.68-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) As used in this section, "low numbered motor vehicle registration plate" means any motor vehicle registration plate numbered from one (1) to one hundred (100) before or after the county designation number or letter series designation, or both.

(b) As used in this section, "pull service charge" refers to the charge that the commission may require for a requested low numbered motor vehicle registration plate or a special numbered motor vehicle registration plate.

(c) As used in this section, "special numbered motor vehicle registration plate" means any plate, other than a low numbered motor vehicle registration plate, requested for issuance out of its established numerical sequence.

(d) Subject to subsections (e) and (f), ~~and with the approval of~~ the commission ~~the bureau~~ may adopt rules under IC 4-22-2 to do the following:

(1) Increase or decrease any of the service charges listed in sections 1 through 18 of this chapter.

(2) Impose a service charge on any other license branch service that is not listed in sections 1 through 18 of this chapter.

(3) Increase or decrease a service charge imposed under subdivision (2).

(e) The ~~bureau's~~ **commission's** authority to adopt rules under subsection (d) is subject to the condition that a service charge must be uniform throughout all license branches and at all partial service locations in Indiana.

(f) The ~~bureau~~ **commission** may not impose a pull service charge for a requested passenger motor vehicle registration plate containing the numbers set forth in IC 9-18-2-28 for a motor vehicle:

(1) issued a license plate under IC 9-18-17 that designates the motor vehicle as being owned by a former prisoner of war or by the surviving spouse of a former prisoner of war; or

(2) after December 31, 2006, issued a license plate under IC 9-18-19 that designates the motor vehicle as being owned by a person who has received a Purple Heart decoration.

(g) The ~~bureau~~ **commission** may not impose a pull service charge of more than fifteen dollars ($15) for a requested motor vehicle registration plate issued under IC 9-18-25 for a special group

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recognition license plate that commemorates the bicentennial of the Lewis and Clark expedition.

SECTION 74. IC 9-29-16-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. The state motor vehicle technology fund is established for the purpose of paying for new technology **for the commission** as it becomes available. ~~to carry out the functions of IC 9-14-2.~~ The fund shall be administered by the ~~bureau.~~ **commission.** This fund is in addition to normal budgetary appropriations.

SECTION 75. IC 9-30-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) If a person who is an Indiana resident:

(1) is arrested for a misdemeanor regulating the use and operation of motor vehicles, other than the misdemeanor of operating a vehicle while intoxicated; and

(2) is not immediately taken to court as provided in section 4 of this chapter;

the person shall be released from custody by the arresting officer upon signing a written promise to appear in the proper court at a time and date indicated on the promise. The resident shall be given a copy of the promise.

(b) Except as provided in IC 9-28-1 and IC 9-28-2, if a person who is not an Indiana resident is arrested for a violation of a traffic ordinance or a statute punishable as an infraction or a misdemeanor that regulates the use and operation of a motor vehicle and is not immediately taken to court as provided in section 4 of this chapter, the person shall be released upon the deposit of a security. The security shall be:

(1) the amount of the fine and costs for the violation in the form of cash, a money order, or a traveler's check made payable to the clerk of the court; or

(2) a valid motor club card of a motor club that, by written plan approved by the secretary of state as provided in section 8 of this chapter, guarantees the nonresident's deposit in the amount of the fine and costs.

The proper court shall provide a list of security deposits, which must be equal to the fine and costs for the violation, and a security deposit agreement that acts as a receipt for the deposit. A nonresident who does not choose to deposit a security shall be taken to the proper court.

(c) The agreement for the security deposit and the written promise or notice to appear in court must contain the following:

(1) A citation of the violation.

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(2) The name and address of the person accused of committing the violation.

(3) The number of the person's license to operate a motor vehicle.

(4) The registration number of the person's vehicle, if any.

(5) The time and place the person must appear in court.

If the violation is a misdemeanor, the time specified for appearance must be at least five (5) days after the arrest unless the arrested person demands an earlier hearing. The place specified for appearance must be in the proper court within the county where the person was arrested or given a notice to appear in the case of an infraction or ordinance. The nonresident shall be properly informed of the consequences of a guilty plea or an agreed judgment. The agreement for the security must also contain a provision in which the nonresident agrees that the court shall take permanent possession of the deposit, and if the nonresident fails to appear in court or is not represented in court, a guilty plea or an offer of judgment shall be entered on the court's record on behalf of the nonresident. Upon proper appearance or representation, the security shall be returned to the nonresident.

(d) A nonresident licensed by a jurisdiction that has entered into an agreement with Indiana under IC 9-28-2 may deposit the nonresident's license to operate a motor vehicle with the law enforcement officer as security for release. A nonresident shall, by the date required on the security deposit agreement, do one (1) of the following:

(1) Appear in court.

(2) Be represented in court.

(3) Deliver to the court by mail or courier the amount of the fine and costs prescribed for the violation.

The license to operate a motor vehicle shall be returned to the nonresident upon payment of the fine and costs and entry of a guilty plea or upon other judgment of the court. Until a judgment has been entered upon the court's records, the nonresident's copy of the security deposit agreement acts as a temporary license to operate a motor vehicle. Upon failure to appear or to be represented, the nonresident's license to operate a motor vehicle and a copy of the judgment shall be sent by the court to the ~~bureau,~~ **commission,** which shall notify the appropriate agency in accordance with IC 9-30-3-8.

(e) A nonresident who requests to deposit a security in the amount of the fine and costs shall be accompanied to the nearest United States mail receptacle and instructed by the law enforcement officer to place:

(1) the amount of the fine and costs; and

(2) one (1) signed copy of the security deposit agreement;

into a stamped, addressed envelope, which the proper court shall

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supply to the officer for the nonresident. The officer shall observe this transaction and shall observe the nonresident deposit the envelope in the mail receptacle. The nonresident shall then be released and given a copy of the security deposit agreement. If the nonresident does not appear in court or is not represented in court at the time and date specified on the receipt, a guilty plea or judgment against the nonresident shall be entered and the security deposit shall be used to satisfy the amount of the fine and costs prescribed for the violation.

(f) A nonresident motorist may deposit with the law enforcement officer a valid motor club card as a guarantee of security if the motor club or its affiliated clubs have a written plan approved by the secretary of state that guarantees the payment of the security in the amount of the fine and costs if the motorist:

(1) does not appear in court; or

(2) is not represented in court on the date and time specified in the security agreement.

(g) The recipient court may refuse acceptance of a security deposit agreement for a second moving traffic charge within a twelve (12) month period. The court may send notice requiring a personal court appearance on a date specified. Upon failure to appear the court shall take the appropriate action as described in this section.

SECTION 76. IC 9-30-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) The:

(1) superintendent of the state police department;

(2) police chief of each city or the police chief's designee;

(3) sheriff of each county; and

(4) ~~the~~ town marshal or police chief of each town;

shall report to the ~~bureau~~ **commission** immediately the arrest of a person for a violation of an Indiana law or a city ordinance relating to the operation of motor vehicles upon the highways.

(b) The report must state the following:

(1) The offense with which the operator or driver is charged.

(2) The court in which pending.

(3) The names of all available witnesses to the violation.

(4) The name and address of the operator.

(5) If the operator is the holder of a license, the following:

(A) The kind of license and license number.

(B) The license plate number of the vehicle operated by the operator.

(c) The ~~bureau~~ **commission** shall cause the report:

(1) to be filed in the ~~bureau,~~ **commission;** and

(2) retained for at least two (2) years.

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(d) The ~~bureau~~ **commission** shall prescribe and the ~~bureau~~ **commission** shall furnish the form of the report required by this section.

SECTION 77. IC 9-30-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) In traffic cases, the information and summons shall be in substantially the following form:

In the _____ Court of _____ County
Cause No. _____ Docket No. _____
Page No. _____
State of Indiana
SS: No._____
County of _____

INFORMATION AND SUMMONS

The undersigned having probable cause to believe and being duly sworn upon his oath says that:
On the _____ Day of _____, 20 ____ at ____ M
Name _____
Last First Middle
Street _____
City _____ State _____ Zip Code _____
Race ___ Sex ___ Age ___ D.O.B. _____ HT ____ WT _____
Oper. Lic. #_____ St. ____ Did Unlawfully
Operate Veh. Color _____ Veh. Yr.___ Veh. Make _____
Veh. Lic. Yr. ____ Veh. Lic. St. ____ Veh. Lic. # _____
Upon, (Location) _____
_____
A PUBLIC STREET OR HIGHWAY IN _____
COUNTY, INDIANA, AND COMMIT, THE OFFENSE OF:
_____
_____
CONTRARY TO THE FORM OF THE ( ) STATE STATUTE
( ) LOCAL ORDINANCE IN SUCH CASE MADE AND PROVIDED.
OFFICER'S SIGNATURE _____
I.D. No. _____ Div. Dist. _____
POLICE AGENCY _____
Subscribed And Sworn to Before Me
(Deputy Clerk) _____
This _____ Day of _____, 20 ____

COURT APPEARANCE

I PROMISE TO APPEAR IN COURTROOM
_____

C o p y

ADDRESS: _____
ON _____ THE _____ DAY OF_____, 20 ___ AT __ M. OR BE SUBJECT TO ARREST.
SIGNATURE _____
YOUR SIGNATURE IS NOT AN ADMISSION OF GUILT

The information and summons shall consist of four (4) parts:

(1) the original copy, printed on white paper, which shall be the abstract of court record for the ~~Indiana bureau of motor vehicles;~~ **commission;**

(2) the court copy, printed on white paper;

(3) the police record, which shall be a copy of the information, printed on pink paper; and

(4) the summons copy, printed on white stock.

The reverse sides of the information and abstract of court record shall be substantially as follows, with such additions or deletions as are necessary to adapt the form to the court involved:

RECEIPT #_____
DATE _____

COURT ACTION AND OTHER ORDERS

BAIL $ _____
REARREST BOND $ _____ DATE _____
1. CONTINUANCE TO ___ 4. CONTINUANCE TO ____
2. CONTINUANCE TO ___ 5. CONTINUANCE TO ____
3. CONTINUANCE TO ___ 6. CONTINUANCE TO ____

	Motions	Date	Ruling	Date
1.	___	___	___	___
2.	___	___	___	___
3.	___	___	___	___
4.	___	___	___	___

PLEA ( ) GUILTY
( ) NOT GUILTY
FINDING ( ) GUILTY
( ) NOT GUILTY

THE COURT THEREFORE, ENTERS
THE FOLLOWING ORDER

FINE $ _____ AMOUNT SUSP. $ _____
(STATE) $ _____
COSTS
(CITY) $ _____
_____ DAYS IN _____ DAYS SUSP. _____
( ) RECOMMENDED LICENSE SUSPENDED FOR _____

Copy

( ) PROBATIONARY LICENSE AUTHORIZED FOR ONE YEAR PROBATION

_____

_____

_____

_____

JUDGE: _____

DATE: _____

ATTORNEY FOR DEFENDANT _____

ADDRESS_____ TELEPHONE _____

WITNESSES

_____

_____

The notice, the appearance, the plea of either guilty or not guilty, and the waiver shall be printed on the summons. The trimmed size of the paper and stock on which the form is printed shall be nominally four and one quarter (4 1/4) inches by eight and one quarter (8 1/4) inches.

(b) In civil traffic cases, the complaint and summons shall be in substantially the following form:

In the _____ Court of _____ County

Cause No. _____ Docket No. _____

Page No._____

State of Indiana

SS: No._____

County of _____

COMPLAINT AND SUMMONS

The undersigned having probable cause to believe and being duly sworn upon his oath says that:

On the _____ Day of_____, 20 ____ at __ M

Name _____

Last First Middle

Street _____

City _____ State _____ Zip Code _____

Race ___ Sex ___ Age __ D.O.B. _____ HT ____ WT ___

Oper. Lic. # _____ St. _____ Did Unlawfully

Operate Veh. Color _____ Veh. Yr. ___ Veh. Make _____

Veh. Lic. Yr. ____ Veh. Lic. St. ____ Veh. Lic. # _____

Upon, (Location) _____

_____

A PUBLIC STREET OR HIGHWAY IN _____

COUNTY, INDIANA, AND COMMIT, THE OFFENSE OF:

Copy

_____
_____
_____

CONTRARY TO THE FORM OF THE ( ) STATE STATUTE
( ) LOCAL ORDINANCE IN SUCH CASE MADE AND PROVIDED.
OFFICER'S SIGNATURE _____
I.D. No. _____ Div. Dist. _____
POLICE AGENCY _____
Subscribed And Sworn to Before Me
(Deputy Clerk) _____
This _____ Day of _____, 20___

COURT APPEARANCE

I PROMISE TO APPEAR IN _____
COURTROOM _____
ADDRESS: _____
ON _____ THE _____ DAY OF ____, 20 ___
AT __ M. OR BE SUBJECT TO ARREST.
SIGNATURE _____
YOUR SIGNATURE IS NOT AN ADMISSION OF A VIOLATION

The complaint and summons shall consist of four (4) parts:

(1) the original copy, printed on white paper, which shall be the abstract of court record for the ~~Indiana bureau of motor vehicles~~ **commission;**

(2) the court copy, printed on white paper;

(3) the police record, which shall be a copy of the complaint, printed on pink paper; and

(4) the summons copy, printed on white stock.

The reverse sides of the complaint and abstract of court record shall be substantially as follows, with such additions or deletions as are necessary to adapt the form to the court involved:

RECEIPT #_____
DATE _____

COURT ACTION AND OTHER ORDERS

BAIL $ _____
REARREST BOND $ _____ DATE _____

1. CONTINUANCE TO _____	4. CONTINUANCE TO _____
2. CONTINUANCE TO _____	5. CONTINUANCE TO _____
3. CONTINUANCE TO _____	6. CONTINUANCE TO _____

	Motions	Date	Ruling	Date
1.	___	___	___	___
2.	___	___	___	___
3.	___	___	___	___

Copy

4. ___ ___ ___ ___
PLEA ( ) ADMIT
( ) DENY
( ) NOLO CONTENDERE
FINDING ( ) JUDGMENT FOR PLAINTIFF
( ) JUDGMENT FOR DEFENDANT
THE COURT THEREFORE, ENTERS
THE FOLLOWING ORDER
FINE $ _____ AMOUNT SUSP. $ _____
(STATE) $ _____
COSTS
(CITY) $ _____
( ) RECOMMENDED LICENSE SUSPENDED FOR _____
( ) PROBATIONARY LICENSE AUTHORIZED FOR ONE YEAR
PROBATION
_____
_____
_____
_____
_____
JUDGE: _____
DATE: _____
ATTORNEY FOR DEFENDANT _____
ADDRESS _____ TELEPHONE _____
WITNESSES
_____
_____

The notice, appearance, plea of either admission, denial, or nolo contendere shall be printed on the summons. The trimmed size of the paper and stock on which the form is printed shall be nominally four and one quarter (4 1/4) inches by eight and one quarter (8 1/4) inches.

(c) The complaint form shall be used in traffic cases, whether the charge is made by a law enforcement officer or by any other person.

(d) Each judicial officer or police authority issuing traffic complaints and summons:

(1) is responsible for the disposition of all the traffic complaints and summons issued under the authority of the officer or authority; and

(2) shall prepare and submit the records and reports relating to the traffic complaints in the manner and at the time prescribed by both the state examiner of the state board of accounts and the ~~bureau.~~ **commission.**

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SECTION 78. IC 9-30-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) The court may issue a warrant for the arrest of a defendant who is an Indiana resident and who fails to appear or answer a traffic information and summons or a complaint and summons served upon the defendant. If the warrant is not executed within thirty (30) days after issue, the court shall promptly forward the court copy of the traffic information and summons or complaint and summons to the ~~bureau~~ **commission** indicating that the defendant failed to appear in court as ordered. The court shall then mark the case as failure to appear on the court's records.

(b) If a defendant who is not an Indiana resident fails to appear or answer a traffic summons served upon the defendant and upon which the information or complaint has been filed thirty (30) days after the return date of the information and summons or complaint and summons, the court shall promptly forward the court copy of the traffic information and summons or complaint and summons to the ~~bureau.~~ **commission.** The ~~bureau~~ **commission** shall notify the motor vehicle commission of the state of the nonresident defendant of the defendant's failure to appear and also of any action taken by the ~~bureau~~ **commission** relative to the Indiana driving privileges of the defendant. If the defendant fails to appear or otherwise answer within thirty (30) days, the court shall mark the case as failure to appear on the court's records.

(c) If the ~~bureau~~ **commission** receives a copy of the traffic information and summons or complaint and summons for failure to appear in court, the ~~bureau~~ **commission** shall suspend the driving privileges of the defendant until the defendant appears in court and the case has been disposed of. The order of suspension may be served upon the defendant by mailing the order by first class mail to the defendant at the last address shown for the defendant in the records of the ~~bureau.~~ **commission.** The order takes effect on the date the order is mailed.

(d) For nonresidents of Indiana, the order of suspension shall be mailed to the defendant at the address given to the arresting officer by the defendant as shown by the traffic information or complaint. The order takes effect on the date of mailing. A copy of the order shall also be sent to the motor vehicle bureau of the state of the nonresident defendant. If:

(1) the defendant's failure to appear in court has been certified to the ~~bureau~~ **commission** under this chapter; and

(2) the defendant subsequently appears in court to answer the charges against the defendant;

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the court shall proceed to hear and determine the case in the same manner as other cases pending in the court. Upon final determination of the case, the court shall notify the ~~bureau~~ **commission** of the determination upon forms prescribed by the ~~bureau.~~ **commission.** The notification shall be made by the court within ten (10) days after the final determination of the case, and the original copy of the traffic information and summons or complaint and summons must accompany the notification.

SECTION 79. IC 9-30-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) Before accepting a plea of guilty to a misdemeanor traffic offense, the court shall inform the defendant of the defendant's rights, including the right to:

(1) engage counsel;

(2) a reasonable continuance to engage counsel to subpoena witnesses;

(3) have process issued by the court, without expense to the defendant, to compel the attendance of witnesses in the defendant's behalf;

(4) testify or not to testify in the defendant's own behalf;

(5) a trial by jury; and

(6) appeal.

(b) The court shall inform each defendant charged with a traffic offense other than a nonmoving traffic offense, if the defendant is convicted or judgment is entered against the defendant, that a record of the conviction or judgment will be sent to the ~~bureau~~ **commission** or the motor vehicle bureau of the state where the defendant received a license to drive, to become a part of the defendant's driving record.

(c) The court shall keep a full record of every case in which a person is charged with a traffic offense other than a nonmoving traffic offense. Within ten (10) days after the conviction, judgment, or forfeiture of security deposit of a person, the court shall forward a copy of the judgment or an abstract as prescribed by IC 9-25-6-8. The abstract comprises the original copy of the traffic information and summons or complaint and summons if the conviction, judgment, or forfeiture of security deposit has been entered on that copy. However, instead of the original copy, the court may, subject to the approval of the ~~bureau,~~ **commission,** send the information in the form of a chemical based, magnetic, or machine readable media. Records of nonmoving traffic offenses are not required to be forwarded to the ~~bureau.~~ **commission.**

(d) One (1) year after the abstract has been forwarded, the court may destroy the remaining court copies of the information and summons or

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complaint and summons and related pleadings if an order book entry of the copy has been made and the original copy has been sent to the ~~bureau of motor vehicles.~~ **commission.**

(e) Upon the failure of a court officer to comply with subsection (c), the officer is liable on the officer's official bond for a civil penalty of one hundred dollars ($100) accruing to the state, which may be recovered, together with the costs of the suit, in a civil action brought by the attorney general in the name of the state on relation of the attorney general. Each failure by an officer constitutes a separate cause of action.

SECTION 80. IC 9-30-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) If during any twelve (12) month period a person has committed moving traffic violations for which the person has:

(1) been convicted of at least two (2) traffic misdemeanors;

(2) had at least two (2) traffic judgments entered against the person; or

(3) been convicted of at least one (1) traffic misdemeanor and has had at least one (1) traffic judgment entered against the person;

the ~~bureau~~ **commission** may require the person to attend and satisfactorily complete a defensive driving school program. The person shall pay all applicable fees required by the ~~bureau.~~ **commission.**

(b) This subsection applies to an individual who holds a probationary license under IC 9-24-11-3 or is less than eighteen (18) years of age. An individual is required to attend and satisfactorily complete a defensive driving school program if either of the following occurs at least twice or if both of the following have occurred:

(1) The individual has been convicted of a moving traffic offense (as defined in section 14(a) of this chapter), other than an offense that solely involves motor vehicle equipment.

(2) The individual has been the operator of a motor vehicle involved in an accident for which a report is required to be filed under IC 9-26-2.

The individual shall pay all applicable fees required by the ~~bureau.~~ **commission.**

(c) The ~~bureau~~ **commission** may suspend the driving license of any person who:

(1) fails to attend a defensive driving school program; or

(2) fails to satisfactorily complete a defensive driving school program;

as required by this section.

(d) Notwithstanding IC 33-37-4-2, any court may suspend one-half

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(1/2) of each applicable court cost for which a person is liable due to a traffic violation if the person enrolls in and completes a defensive driving school or a similar school conducted by an agency of the state or local government.

SECTION 81. IC 9-30-3-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. In a proceeding, prosecution, or hearing where the prosecuting attorney must prove that the defendant had a prior conviction for an offense under this title, the relevant portions of a certified computer printout or electronic copy as set forth in IC 9-14-3-4 made from the records of the ~~bureau~~ **commission** are admissible as prima facie evidence of the prior conviction. However, the prosecuting attorney must establish that the document identifies the defendant by the defendant's driving license number or by any other identification method utilized by the ~~bureau.~~ **commission.**

SECTION 82. IC 9-30-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) If a person has been found to have committed a traffic offense, the court may do the following:

(1) Require the person to attend and satisfactorily complete a driver improvement course that has been approved by the court and the ~~bureau~~ **commission** or by the ~~bureau.~~ **commission.**

(2) Place the person on probation for up to one (1) year.

(3) Suspend the person's driver's license for up to thirty (30) days.

(b) A driver improvement course required under subsection (a) may be financed by assessing a reasonable charge as determined by the course provider and approved by the ~~bureau.~~ **commission.**

SECTION 83. IC 9-30-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. Upon any reasonable ground appearing on the records of the ~~bureau,~~ **commission,** the ~~bureau~~ **commission** may do the following:

(1) Suspend or revoke the current driving license of any person.

(2) Suspend or revoke the certificate of registration and license plate for any motor vehicle.

SECTION 84. IC 9-30-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. The ~~bureau~~ **commission** may modify, amend, or cancel any order or determination during the time within which a judicial review could be had. A person aggrieved by the modification, amendment, or cancellation may seek a judicial review as provided in this chapter.

SECTION 85. IC 9-30-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) A person

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aggrieved by an order or act of the ~~bureau~~ **commission** under section 1 or 2 of this chapter may, within fifteen (15) days after notice is given, file a petition in the circuit or superior court of the county in which the person resides. If the person is a nonresident, the person may file a petition for review in the Marion circuit court.

(b) The petitioner must state facts showing how the order or act of the ~~bureau~~ **commission** is wrongful or unlawful, but the filing of a petition does not suspend the order or act unless a stay is allowed by a judge of the court pending final determination of the review on a showing of reasonable probability that the order or act is wrongful or unlawful.

(c) The court shall, within six (6) months of the date of the filing of the petition, hear the petition, take testimony, and examine the facts of the case. The court may, in disposing of the issues, modify, affirm, or reverse the order or act of the ~~bureau~~ **commission** in whole or in part and shall make an appropriate order. If the petition has not been heard within six (6) months from the date of the filing, the original order or act of the ~~bureau~~ **commission** shall be reinstated in full force and effect.

SECTION 86. IC 9-30-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. On the filing of a petition for judicial review, the cause shall be docketed by the clerk of the court in the name of the petitioner against the ~~bureau.~~ **commission.** The issues shall be considered closed by denial of all matters at issue without the necessity of filing any further pleadings. Changes of venue from the judge or from the county shall be granted either party under the law governing changes of venue in civil causes. The ~~bureau~~ **commission** is not liable or taxable for any cost in any action for judicial review.

SECTION 87. IC 9-30-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. An appeal from the judgment of the court may be prosecuted by either party to the supreme court as in civil causes if a notice of intention to appeal is filed with the supreme court within a period of fifteen (15) days from the date of the judgment, together with an appeal bond conditioned that the appellant will duly prosecute the appeal and pay all costs if the decision of the supreme court is determined against the appellant with surety approved by the court. No bond is required of the ~~bureau.~~ **commission.**

SECTION 88. IC 9-30-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) Whenever the ~~bureau~~ **commission** suspends or revokes the current driver's license upon receiving a record of the conviction of a person for any offense

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under the motor vehicle laws not enumerated under subsection (b), the ~~bureau~~ **commission** may also suspend any of the certificates of registration and license plates issued for any motor vehicle registered in the name of the person so convicted. However, the ~~bureau~~ **commission** may not suspend the evidence of registration, unless otherwise required by law, if the person has given or gives and maintains during the three (3) years following the date of suspension or revocation proof of financial responsibility in the future in the manner specified in this section.

(b) The ~~bureau~~ **commission** shall suspend or revoke without notice or hearing the current driver's license and all certificates of registration and license plates issued or registered in the name of a person who is convicted of any of the following:

(1) Manslaughter or reckless homicide resulting from the operation of a motor vehicle.

(2) Perjury or knowingly making a false affidavit to the department under this chapter or any other law requiring the registration of motor vehicles or regulating motor vehicle operation upon the highways.

(3) A felony under Indiana motor vehicle laws or felony in the commission of which a motor vehicle is used.

(4) Three (3) charges of criminal recklessness involving the use of a motor vehicle within the preceding twelve (12) months.

(5) Failure to stop and give information or assistance or failure to stop and disclose the person's identity at the scene of an accident that has resulted in death, personal injury, or property damage in excess of two hundred dollars ($200).

(6) Possession, distribution, manufacture, cultivation, transfer, use, or sale of a controlled substance or counterfeit substance, or attempting or conspiring to possess, distribute, manufacture, cultivate, transfer, use, or sell a controlled substance or counterfeit substance.

(c) The license of a person shall also be suspended upon conviction in another jurisdiction for any offense described in ~~subsections~~ **subsection** (b)(1), (b)(2), (b)(3), (b)(4), and (b)(5), except if property damage is less than two hundred dollars ($200), the ~~bureau~~ **commission** may determine whether the driver's license and certificates of registration and license plates shall be suspended or revoked. The license of a person shall also be suspended upon conviction in another jurisdiction for any offense described in subsection (b)(6).

(d) A suspension or revocation remains in effect and a new or renewal license may not be issued to the person and a motor vehicle

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may not be registered in the name of the person as follows:

(1) Except as provided in subdivisions (2) and (3), for six (6) months from the date of conviction or on the date on which the person is otherwise eligible for a license, whichever is later. Except as provided in IC 35-48-4-15, this includes a person convicted of a crime for which the person's license is suspended or revoked under subsection (b)(6).

(2) Upon conviction of an offense described in subsection (b)(1), for a fixed period of not less than two (2) years and not more than five (5) years, to be fixed by the ~~bureau~~ **commission** based upon recommendation of the court entering a conviction. A new or reinstated license may not be issued to the person unless that person, within the three (3) years following the expiration of the suspension or revocation, gives and maintains in force at all times during the effective period of a new or reinstated license proof of financial responsibility in the future in the manner specified in this chapter. However, the liability of the insurance carrier under a motor vehicle liability policy that is furnished for proof of financial responsibility in the future as set out in this chapter becomes absolute whenever loss or damage covered by the policy occurs, and the satisfaction by the insured of a final judgment for loss or damage is not a condition precedent to the right or obligation of the carrier to make payment on account of loss or damage, but the insurance carrier has the right to settle a claim covered by the policy. If the settlement is made in good faith, the amount shall be deductive from the limits of liability specified in the policy. A policy may not be canceled or annulled with respect to a loss or damage by an agreement between the carrier and the insured after the insured has become responsible for the loss or damage, and a cancellation or annulment is void. The policy may provide that the insured or any other person covered by the policy shall reimburse the insurance carrier for payment made on account of any loss or damage claim or suit involving a breach of the terms, provisions, or conditions of the policy. If the policy provides for limits in excess of the limits specified in this chapter, the insurance carrier may plead against any plaintiff, with respect to the amount of the excess limits of liability, any defenses that the carrier may be entitled to plead against the insured. The policy may further provide for prorating of the insurance with other applicable valid and collectible insurance. An action does not lie against the insurance carrier by or on behalf of any claimant under the policy until a final judgment has been obtained after actual

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trial by or on behalf of any claimant under the policy.

(3) For the period ordered by a court under IC 35-48-4-15.

(e) The ~~bureau~~ **commission** may take action as required in this section upon receiving satisfactory evidence of a conviction of a person in another state.

(f) For the purpose of this chapter, "conviction" includes any of the following:

(1) A conviction upon a plea of guilty.

(2) A determination of guilt by a jury or court, even if:

(A) no sentence is imposed; or

(B) a sentence is suspended.

(3) A forfeiture of bail, bond, or collateral deposited to secure the defendant's appearance for trial, unless the forfeiture is vacated.

(4) A payment of money as a penalty or as costs in accordance with an agreement between a moving traffic violator and a traffic violations bureau.

(g) A suspension or revocation under this section or under IC 9-25-6-8 stands pending appeal of the conviction to a higher court and may be set aside or modified only upon the receipt by the ~~bureau~~ **commission** of the certificate of the court reversing or modifying the judgment that the cause has been reversed or modified. However, if the suspension or revocation follows a conviction in a court of no record in Indiana, the suspension or revocation is stayed pending appeal of the conviction to a court of record.

(h) A person aggrieved by an order or act of the ~~bureau~~ **commission** under this section or IC 9-25-6-8 may file a petition for a court review.

SECTION 89. IC 9-30-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) A person whose:

(1) operator's or chauffeur's license; or

(2) certificate of registration or license plate;

has been suspended and has not been reinstated shall immediately return the license, certificate of registration, and license plate to the ~~bureau.~~ **commission.** A person who knowingly fails to comply with this requirement commits a Class C misdemeanor.

(b) The ~~bureau~~ **commission** may:

(1) take possession of a license, certificate of registration, or license plate upon the suspension; or

(2) direct a law enforcement officer to take possession and return the license, certificate, or license plate to the office of the ~~bureau.~~ **commission.**

(c) All law enforcement officers are authorized as agents of the ~~bureau~~ **commission** to seize the license, certificate of registration, and

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license plate of a person who fails to surrender the license, certificate, or license plate. A law enforcement officer shall notify the ~~bureau~~ **commission** of the seizure.

SECTION 90. IC 9-30-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) A person whose certificate of registration has been suspended or revoked, with restoration or the issuance of a new certificate being contingent upon the furnishing of proof of financial responsibility and who, during the suspension or revocation or in the absence of full authorization from the ~~bureau,~~ **commission,** operates the motor vehicle upon a highway or knowingly permits the motor vehicle to be operated by another person upon a highway except as permitted under this chapter commits a Class C misdemeanor.

(b) A person with a restricted license issued by the ~~bureau~~ **commission** who operates a motor vehicle upon a highway in violation of the terms and conditions specified on the restricted license commits a Class C misdemeanor.

SECTION 91. IC 9-30-4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) Upon the filing of a complaint in writing with the ~~bureau~~ **commission** against a person holding a current driver's license or applying for a current driver's license or a renewal, the ~~bureau~~ **commission** may cite the person for a hearing to consider the suspension or revocation of the license upon any of the following charges:

(1) That the person has committed an offense for the conviction of which mandatory revocation of license is provided.

(2) That the person has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any other person or property damage.

(3) That the person is incompetent to drive a motor vehicle or is afflicted with mental or physical infirmities or disabilities rendering it unsafe for the person to drive a motor vehicle.

(4) That the person is a reckless or negligent driver of a motor vehicle or has committed a violation of a motor vehicle law.

(b) Whenever the ~~bureau~~ **commission** issues a citation upon a complaint in writing for any of the reasons set out in this section, the ~~bureau~~ **commission** shall immediately notify the licensee or permit holder of the time and place of the hearing and afford the person an opportunity of a hearing in the county in which the person so cited and against whom the complaint is filed resides before the ~~bureau~~ **commission** or a deputy or an agent of the ~~bureau~~ **commission** designated for the purpose of the hearing. The citation must state the

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time, date, and place where the hearing will be held and that the licensee or permit holder has the right to appear and to be heard. At the hearing, the ~~bureau~~ **commission** or the deputy or agent may issue an order of suspension or revocation or decline to suspend, revoke, or issue the license or permit.

(c) The ~~bureau~~ **commission** or the deputy or agent may suspend or revoke the current driver's license of a person and any of the certificates of registration and license plates for a motor vehicle or require the person cited to operate for a period of one (1) year under a restricted license and make the reports the ~~bureau~~ **commission** requires.

(d) The ~~bureau~~ **commission** or the deputy or agent may subpoena witnesses, administer oaths, and take testimony. The failure of the defendant to appear at the time and place of the hearing after notice as provided in this section does not prevent the hearing, the taking of testimony, and the determination of the matter.

(e) Testimony or a record of suspension or revocation of a current driver's license in the custody of the ~~bureau~~ **commission** following a hearing is not admissible as evidence:

(1) in any court in any action at law for negligence; or

(2) in any civil action brought against a person so cited by the ~~bureau~~ **commission** under this chapter.

(f) The ~~bureau~~ **commission** may suspend or revoke the license of an Indiana resident for a period of not more than one (1) year upon receiving notice of the conviction of the person in another state of an offense that, if committed in Indiana, would be grounds for the suspension or revocation of the license. The ~~bureau~~ **commission** may, upon receiving a record of the conviction in Indiana of a nonresident driver of a motor vehicle of an offense under Indiana motor vehicle laws, forward a certified copy of the record to the motor vehicle administrator in the state where the person convicted is a resident.

(g) The ~~bureau~~ **commission** may not suspend a current driver's license for more than one (1) year and upon suspending or revoking any license shall require that the license be surrendered to the ~~bureau.~~ **commission.**

(h) A suspension or revocation under this section stands pending any proceeding for review of an action of the ~~bureau~~ **commission** taken under this section.

(i) In addition to any other power, the ~~bureau~~ **commission** may modify, amend, or cancel any order or determination during the time within which a judicial review could be had. A person aggrieved by the order or act may have a judicial review under sections 10 and 11 of this

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chapter.

SECTION 92. IC 9-30-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) A person whose current driver's license or permit or certificate of registration has been suspended or revoked by the ~~bureau~~ **commission** under section 9 of this chapter may file a petition within thirty (30) days for a hearing in the matter in a circuit or superior court in the county in which the person resides. The court has jurisdiction and shall set the matter for hearing after fifteen (15) days written notice to the ~~bureau.~~ **commission.** The court shall conduct a hearing on the petition, take testimony, and examine into the facts of the case de novo and determine whether the action of the ~~bureau~~ **commission** complained of was erroneous and make an appropriate order or decree as provided in this chapter.

(b) Every action for a court review or appeal under this chapter shall be tried by the court and not by a jury. The court shall, without any requests, make, sign, and file a special finding of facts in writing and shall state in writing its conclusions of law. The court shall immediately, after ruling on any motion for a new trial duly filed, render judgment in accordance with the conclusions of law stated in the special findings of facts. Exceptions to conclusions of law may be taken by an entry of the exceptions at any time before judgment.

SECTION 93. IC 9-30-4-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) On the filing of a petition under section 10 of this chapter for judicial review, the cause shall be docketed by the clerk of the court in the name of the petitioner against the ~~bureau.~~ **commission.** The issues shall be considered closed by denial of all matters at issue without the necessity of filing any further pleadings. Changes of venue from the judge or from the county shall be granted either party under the law governing changes of venue in civil causes. The ~~bureau~~ **commission** is not liable or taxable for any costs in any action for judicial review.

(b) An appeal from the judgment of the court may be prosecuted by either party as in civil causes, provided a notice of intention to appeal is filed with the court within fifteen (15) days from the date of the judgment, together with an appeal bond conditioned that the appellant will duly prosecute the appeal and pay all costs if the decision of the court having appellate jurisdiction over the appeal is determined against the appellant with surety approved by the court. A bond is not required of the ~~bureau.~~ **commission.**

(c) IC 4-21.5 does not apply to this chapter. A court does not have jurisdiction to review any order or act of the ~~bureau~~ **commission** except

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as provided for in this chapter, any other law to the contrary, regardless of the date of enactment of the other law.

SECTION 94. IC 9-30-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) Whenever the ~~bureau~~ **commission** is authorized or required to give notice under this chapter or any other law regulating the operation of vehicles, unless a different method of giving notice is otherwise expressly prescribed, the notice may be given either by personal delivery to the person to be notified or by deposit with the United States Postal Service of the notice by first class mail.

(b) A person who, after notification, fails to return or surrender to the ~~bureau~~ **commission** upon demand a suspended, revoked, or canceled current driver's license or certificate of registration commits a Class C misdemeanor. The ~~bureau~~ **commission** may file an affidavit with the prosecuting attorney of the county in which the person resides charging the person with the offense.

SECTION 95. IC 9-30-4-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. The ~~bureau~~ **commission** may adopt rules under IC 4-22-2 to administer this chapter.

SECTION 96. IC 9-30-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) A person who operates a vehicle in violation of any term of a probationary license issued under this chapter, IC 9-30-6, or IC 9-30-9 commits a Class C infraction.

(b) In addition to any other penalty imposed under this section, the court may suspend the person's driving privileges for a period of not more than one (1) year.

(c) The ~~bureau~~ **commission** shall send notice of a judgment entered under this section to the court that granted the defendant probationary driving privileges.

SECTION 97. IC 9-30-5-10, AS AMENDED BY P.L.172-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) In addition to a criminal penalty imposed for an offense under this chapter or IC 14-15-8, the court shall, after reviewing the ~~person's bureau~~ driving record **of the person maintained by the commission** and other relevant evidence, recommend the suspension of the person's driving privileges for the fixed period of time specified under this section.

(b) If the court finds that the person:

(1) does not have a previous conviction of operating a vehicle or a motorboat while intoxicated; or

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(2) has a previous conviction of operating a vehicle or a motorboat while intoxicated that occurred at least ten (10) years before the conviction under consideration by the court;

the court shall recommend the suspension of the person's driving privileges for at least ninety (90) days but not more than two (2) years.

(c) If the court finds that the person has a previous conviction of operating a vehicle or a motorboat while intoxicated and the previous conviction occurred more than five (5) years but less than ten (10) years before the conviction under consideration by the court, the court shall recommend the suspension of the person's driving privileges for at least one hundred eighty (180) days but not more than two (2) years. The court may stay the execution of that part of the suspension that exceeds the minimum period of suspension and grant the person probationary driving privileges for a period of time equal to the length of the stay.

(d) If the court finds that the person has a previous conviction of operating a vehicle or a motorboat while intoxicated and the previous conviction occurred less than five (5) years before the conviction under consideration by the court, the court shall recommend the suspension of the person's driving privileges for at least one (1) year but not more than two (2) years. The court may stay the execution of that part of the suspension that exceeds the minimum period of suspension and grant the person probationary driving privileges for a period of time equal to the length of the stay. If the court grants probationary driving privileges under this subsection, the court shall order that the probationary driving privileges include the requirement that the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8. However, the court may grant probationary driving privileges under this subsection without requiring the installation of an ignition interlock device, if the person is successfully participating in a court supervised alcohol treatment program in which the person is taking disulfiram or a similar substance that the court determines is effective in treating alcohol abuse. The person granted probationary driving privileges under this subsection shall pay all costs associated with the installation of an ignition interlock device unless the sentencing court determines that the person is indigent.

(e) If the conviction under consideration by the court is for an offense under:

(1) section 4 of this chapter;

(2) section 5 of this chapter;

(3) IC 14-15-8-8(b); or

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(4) IC 14-15-8-8(c);

the court shall recommend the suspension of the person's driving privileges for at least two (2) years but not more than five (5) years.

(f) If the conviction under consideration by the court is for an offense involving the use of a controlled substance listed in schedule I, II, III, IV, or V of IC 35-48-2, in which a vehicle was used in the offense, the court shall recommend the suspension or revocation of the person's driving privileges for at least six (6) months.

SECTION 98. IC 9-30-5-11, AS AMENDED BY P.L.153-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) If a court grants a person probationary driving privileges under section 12 of this chapter, the person may operate a vehicle only as follows:

(1) To and from the person's place of employment.

(2) For specific purposes in exceptional circumstances.

(3) To and from a court-ordered treatment program.

(b) If the court grants the person probationary driving privileges under section 12(a) of this chapter, that part of the court's order granting probationary driving privileges does not take effect until the person's driving privileges have been suspended for at least thirty (30) days under IC 9-30-6-9.

(c) The court shall notify a person who is granted probationary driving privileges of the following:

(1) That the probationary driving period commences when the ~~bureau~~ **commission** issues the probationary license.

(2) That the ~~bureau~~ **commission** may not issue a probationary license until the ~~bureau~~ **commission** receives a reinstatement fee from the person, if applicable, and the person otherwise qualifies for a license.

SECTION 99. IC 9-30-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. The ~~bureau~~ **commission** shall adopt rules under IC 4-22-2 necessary to carry out this chapter, IC 9-30-5, IC 9-30-9, or IC 9-30-15.

SECTION 100. IC 9-30-6-4.3, AS ADDED BY P.L.94-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4.3. (a) This section applies only to a person whose motor vehicle has been seized under ~~IC 34-24-1-1(14).~~ **IC 34-24-1-1(a)(15).**

(b) If the ~~bureau~~ **commission** receives an order from a court recommending that the ~~bureau~~ **commission** not register a motor vehicle in the name of a person whose motor vehicle has been seized under ~~IC 34-24-1-1(15),~~ **IC 34-24-1-1(a)(15),** the ~~bureau~~ **commission** may

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not register a motor vehicle in the name of the person whose motor vehicle has been seized until the person proves that the person possesses a current driving license.

SECTION 101. IC 9-30-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) If a person refuses to submit to a chemical test, the arresting officer shall inform the person that refusal will result in the suspension of the person's driving privileges.

(b) If a person refuses to submit to a chemical test after having been advised that the refusal will result in the suspension of driving privileges or submits to a chemical test that results in prima facie evidence of intoxication, the arresting officer shall do the following:

(1) Obtain the person's driver's license or permit if the person is in possession of the document and issue a receipt valid until the initial hearing of the matter held under IC 35-33-7-1.

(2) Submit a probable cause affidavit to the prosecuting attorney of the county in which the alleged offense occurred.

(3) Send a copy of the probable cause affidavit submitted under subdivision (2) to the ~~bureau.~~ **commission.**

SECTION 102. IC 9-30-6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) Whenever a judicial officer has determined that there was probable cause to believe that a person has violated IC 9-30-5 or IC 14-15-8, the clerk of the court shall forward:

(1) a copy of the affidavit; and

(2) a ~~bureau~~ **commission** certificate as described in section 16 of this chapter;

to the ~~bureau.~~ **commission.**

(b) The probable cause affidavit required under section 7(b)(2) of this chapter must do the following:

(1) Set forth the grounds for the arresting officer's belief that there was probable cause that the arrested person was operating a vehicle in violation of IC 9-30-5 or a motorboat in violation of IC 14-15-8.

(2) State that the person was arrested for a violation of IC 9-30-5 or operating a motorboat in violation of IC 14-15-8.

(3) State whether the person:

(A) refused to submit to a chemical test when offered; or

(B) submitted to a chemical test that resulted in prima facie evidence that the person was intoxicated.

(4) Be sworn to by the arresting officer.

(c) Except as provided in subsection (d), if it is determined under

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subsection (a) that there was probable cause to believe that a person has violated IC 9-30-5 or IC 14-15-8, at the initial hearing of the matter held under IC 35-33-7-1:

(1) the court shall recommend immediate suspension of the person's driving privileges to take effect on the date the order is entered;

(2) the court shall order the person to surrender all driver's licenses, permits, and receipts; and

(3) the clerk shall forward the following to the ~~bureau.~~ **commission:**

(A) The person's license or permit surrendered under this section or section 3 or 7 of this chapter.

(B) A copy of the order recommending immediate suspension of driving privileges.

(d) If it is determined under subsection (a) that there is probable cause to believe that a person violated IC 9-30-5, the court may, as an alternative to a license suspension under subsection (c)(1), issue an order recommending that the person be prohibited from operating a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8 until the ~~bureau~~ **commission** is notified by a court that the criminal charges against the person have been resolved.

SECTION 103. IC 9-30-6-8.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8.5. (a) If the ~~bureau~~ **commission** receives an order recommending use of an ignition interlock device under section 8(d) of this chapter, the ~~bureau~~ **commission** shall immediately do the following:

(1) Mail a notice to the person's last known address stating that the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8 commencing:

(A) five (5) days after the date of the notice; or

(B) on the date the court enters an order recommending use of an ignition interlock device;

whichever occurs first.

(2) Notify the person of the right to a judicial review under section 10 of this chapter.

(b) Notwithstanding IC 4-21.5, an action that the ~~bureau~~ **commission** is required to take under this section is not subject to any administrative adjudication under IC 4-21.5.

SECTION 104. IC 9-30-6-9, AS AMENDED BY P.L.94-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2007]: Sec. 9. (a) This section does not apply if an ignition interlock device order is issued under section 8(d) of this chapter.

(b) If the affidavit under section 8(b) of this chapter states that a person refused to submit to a chemical test, the ~~bureau~~ **commission** shall suspend the driving privileges of the person:

(1) for:

(A) one (1) year; or

(B) if the person has at least one (1) previous conviction for operating while intoxicated, two (2) years; or

(2) until the suspension is ordered terminated under IC 9-30-5.

(c) If the affidavit under section 8(b) of this chapter states that a chemical test resulted in prima facie evidence that a person was intoxicated, the ~~bureau~~ **commission** shall suspend the driving privileges of the person:

(1) for one hundred eighty (180) days; or

(2) until the ~~bureau~~ **commission** is notified by a court that the charges have been disposed of;

whichever occurs first.

(d) Whenever the ~~bureau~~ **commission** is required to suspend a person's driving privileges under this section, the ~~bureau~~ **commission** shall immediately do the following:

(1) Mail a notice to the person's last known address that must state that the person's driving privileges will be suspended for a specified period, commencing:

(A) five (5) days after the date of the notice; or

(B) on the date the court enters an order recommending suspension of the person's driving privileges under section 8(c) of this chapter;

whichever occurs first.

(2) Notify the person of the right to a judicial review under section 10 of this chapter.

(e) Notwithstanding IC 4-21.5, an action that the ~~bureau~~ **commission** is required to take under this article is not subject to any administrative adjudication under IC 4-21.5.

(f) If a person is granted probationary driving privileges under IC 9-30-5 and the ~~bureau~~ **commission** has not received the probable cause affidavit described in section 8(b) of this chapter, the ~~bureau~~ **commission** shall suspend the person's driving privileges for a period of thirty (30) days. After the thirty (30) day period has elapsed, the ~~bureau~~ **commission** shall, upon receiving a reinstatement fee, if applicable, from the person who was granted probationary driving privileges, issue the probationary license if the person otherwise

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qualifies for a license.

(g) If the ~~bureau~~ **commission** receives an order granting probationary driving privileges to a person who has a prior conviction for operating while intoxicated, the ~~bureau~~ **commission** shall do the following:

(1) Issue the person a probationary license and notify the prosecuting attorney of the county from which the order was received that the person is not eligible for a probationary license.

(2) Send a certified copy of the person's driving record to the prosecuting attorney.

The prosecuting attorney shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order. If the ~~bureau~~ **commission** does not receive a corrected order within sixty (60) days, the ~~bureau~~ **commission** shall notify the attorney general, who shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order.

SECTION 105. IC 9-30-6-10, AS AMENDED BY P.L.2-2005, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) A person against whom an ignition interlock device order has been issued under section 8.5 of this chapter or whose driving privileges have been suspended under section 9 of this chapter is entitled to a prompt judicial hearing. The person may file a petition that requests a hearing:

(1) in the court where the charges with respect to the person's operation of a vehicle are pending; or

(2) if charges with respect to the person's operation of a vehicle have not been filed, in any court of the county where the alleged offense or refusal occurred that has jurisdiction over crimes committed in violation of IC 9-30-5.

(b) The petition for review must:

(1) be in writing;

(2) be verified by the person seeking review; and

(3) allege specific facts that contradict the facts alleged in the probable cause affidavit.

(c) The hearing under this section shall be limited to the following issues:

(1) Whether the arresting law enforcement officer had probable cause to believe that the person was operating a vehicle in violation of IC 9-30-5.

(2) Whether the person refused to submit to a chemical test offered by a law enforcement officer.

(d) If the court finds:

(1) that there was no probable cause; or

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(2) that the person's driving privileges were suspended under section 9(b) of this chapter and that the person did not refuse to submit to a chemical test;

the court shall order the ~~bureau~~ **commission** to rescind the ignition interlock device requirement or reinstate the person's driving privileges.

(e) The prosecuting attorney of the county in which a petition has been filed under this chapter shall represent the state on relation of the ~~bureau~~ **commission** with respect to the petition.

(f) The petitioner has the burden of proof by a preponderance of the evidence.

(g) The court's order is a final judgment appealable in the manner of civil actions by either party. The attorney general shall represent the state on relation of the ~~bureau~~ **commission** with respect to the appeal.

SECTION 106. IC 9-30-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) Notwithstanding any other provision of this chapter, IC 9-30-5, or IC 9-30-9, the court shall order the ~~bureau~~ **commission** to rescind an ignition interlock device requirement or reinstate the driving privileges of a person if:

(1) all of the charges under IC 9-30-5 have been dismissed and the prosecuting attorney states on the record that no charges will be refiled against the person;

(2) the court finds the allegations in a petition filed by a defendant under section 18 of this chapter are true; or

(3) the person:

(A) did not refuse to submit to a chemical test offered as a result of a law enforcement officer having probable cause to believe the person committed the offense charged; and

(B) has been found not guilty of all charges by a court or by a jury.

(b) The court's order must contain findings of fact establishing that the requirements for reinstatement described in subsection (a) have been met.

(c) A person whose driving privileges are reinstated under this section is not required to pay a reinstatement fee.

SECTION 107. IC 9-30-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) If a court recommends suspension of the driving privileges under this chapter, IC 9-30-5, or IC 9-30-9:

(1) the ~~bureau~~ **commission** shall comply with the recommendation of suspension, and the driving privileges of the person remain suspended for the period set by the court; and

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(2) the person shall surrender to the court all licenses, permits, or receipts issued to the person, and the court shall immediately forward the licenses, permits, or receipts to the ~~bureau~~ **commission** with the abstract of conviction or judgment.

(b) During the three (3) years following the termination of the suspension, the person's driving privileges remain suspended until the person provides proof of financial responsibility in force under IC 9-25.

(c) If at any time during the three (3) years following the termination of the suspension imposed under subsection (a) a person who has provided proof of financial responsibility under IC 9-25 fails to maintain the proof, the ~~bureau~~ **commission** shall suspend the person's driving privileges until the person again provides proof of financial responsibility under IC 9-25.

(d) An agency action under this section is not subject to IC 4-21.5.

SECTION 108. IC 9-30-6-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. If a court orders the ~~bureau~~ **commission** to rescind an ignition interlock device requirement or reinstate a person's driving privileges under this article, the ~~bureau~~ **commission** shall comply with the order. Unless the order for reinstatement is issued under section ~~11(2)~~ **11(a)(2)** of this chapter, the ~~bureau~~ **commission** shall also do the following:

(1) Remove any record of the ignition interlock device requirement or suspension from the ~~bureau's~~ **commission's** recordkeeping system.

(2) Reinstate the privileges without cost to the person.

SECTION 109. IC 9-30-6-13.5, AS AMENDED BY P.L.2-2005, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13.5. Whenever a case filed under IC 9-30-5 is terminated in favor of the defendant and the defendant's driving privileges were suspended under section 9(c) of this chapter, the ~~bureau~~ **commission** shall remove any record of the suspension, including the reason for suspension, from the defendant's official driving record.

SECTION 110. IC 9-30-6-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. In a proceeding under this article:

(1) a certified copy of a person's driving record obtained from the ~~bureau,~~ **commission;** or

(2) a certified copy of a court record concerning a previous conviction;

constitutes prima facie evidence that the person has a previous conviction of operating while intoxicated.

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SECTION 111. IC 9-30-6-16, AS AMENDED BY P.L.2-2005, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. The ~~bureau~~ **commission** certificate must contain the following information and may be substantially in the following form:

BUREAU OF MOTOR VEHICLES **COMMISSION**
CERTIFICATE

Date of Arrest Time Driver's License No. License State
a.m.
/ / p.m.
Name: (first) (M.I.) (last) Date of Birth
/ /
CURRENT Address (street, city, state, zip)
Court Code Cause Number Sex Weight Height Eyes Hair
The above motorist ~~BUREAU~~ **COMMISSION**
USE ONLY
REFUSED alcohol test
FAILED alcohol test 0.%
Court Determination
It has been determined there was probable cause the defendant violated IC 9-30-5 this _____ day of _____, 20__ and that charges are pending herein.
_____ Court _____ County
_____
Judge's Signature

SECTION 112. IC 9-30-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. The ~~bureau~~ **commission** shall adopt rules under IC 4-22-2 to establish standards and specifications for an ignition interlock device, the installation of which the courts may mandate under IC 9-30-5-16. The standards and specifications must require at a minimum that the device meets the following requirements:

(1) Is accurate.
(2) Does not impede the safe operation of a vehicle.
(3) Provides a minimum opportunity to be bypassed.
(4) Shows evidence of tampering if tampering is attempted.
(5) Has a label affixed warning that a person tampering with or misusing the device is subject to a civil penalty.

SECTION 113. IC 9-30-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. If a court orders a person under IC 9-30-5-16 to operate only a vehicle that is equipped with an ignition interlock device, the ~~bureau~~ **commission** shall include

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that condition when issuing a license.

SECTION 114. IC 9-30-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. As used in this chapter, "license" includes any type of license or permit to operate a motor vehicle issued by the ~~bureau.~~ **commission.**

SECTION 115. IC 9-30-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) A person who has accumulated at least two (2) judgments within a ten (10) year period for any of the following violations, singularly or in combination, not arising out of the same incident, and with at least one (1) violation occurring after March 31, 1984, is a habitual violator:

(1) Reckless homicide resulting from the operation of a motor vehicle.

(2) Voluntary or involuntary manslaughter resulting from the operation of a motor vehicle.

(3) Failure of the driver of a motor vehicle involved in an accident resulting in death or injury to any person to stop at the scene of the accident and give the required information and assistance.

(4) Operation of a vehicle while intoxicated resulting in death.

(5) Before July 1, 1997, operation of a vehicle with at least ten-hundredths percent (0.10%) alcohol in the blood resulting in death.

(6) After June 30, 1997, and before July 1, 2001, operation of a vehicle with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath;

resulting in death.

(7) After June 30, 2001, operation of a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath;

resulting in death.

(b) A person who has accumulated at least three (3) judgments within a ten (10) year period for any of the following violations, singularly or in combination, not arising out of the same incident, and with at least one (1) violation occurring after March 31, 1984, is a habitual violator:

(1) Operation of a vehicle while intoxicated.

(2) Before July 1, 1997, operation of a vehicle with at least ten-hundredths percent (0.10%) alcohol in the blood.

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(3) After June 30, 1997, and before July 1, 2001, operation of a vehicle with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath.

(4) After June 30, 2001, operation of a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath.

(5) Operating a motor vehicle while the person's license to do so has been suspended or revoked as a result of the person's conviction of an offense under IC 9-1-4-52 (repealed July 1, 1991), IC 9-24-18-5(b) (repealed July 1, 2000), IC 9-24-19-3, or IC 9-24-19-5.

(6) Operating a motor vehicle without ever having obtained a license to do so.

(7) Reckless driving.

(8) Criminal recklessness involving the operation of a motor vehicle.

(9) Drag racing or engaging in a speed contest in violation of law.

(10) Violating IC 9-4-1-40 (repealed July 1, 1991), IC 9-4-1-46 (repealed July 1, 1991), IC 9-26-1-1(1), IC 9-26-1-1(2), IC 9-26-1-1(4), IC 9-26-1-2(1), IC 9-26-1-2(2), IC 9-26-1-3, or IC 9-26-1-4.

(11) Any felony under an Indiana motor vehicle statute or any felony in the commission of which a motor vehicle is used.

A judgment for a violation enumerated in subsection (a) shall be added to the violations described in this subsection for the purposes of this subsection.

(c) A person who has accumulated at least ten (10) judgments within a ten (10) year period for any traffic violation, except a parking or an equipment violation, of the type required to be reported to the ~~bureau,~~ **commission,** singularly or in combination, not arising out of the same incident, and with at least one (1) violation occurring after March 31, 1984, is a habitual violator. However, at least one (1) of the judgments must be for a violation enumerated in subsection (a) or (b). A judgment for a violation enumerated in subsection (a) or (b) shall be added to the judgments described in this subsection for the purposes of this subsection.

SECTION 116. IC 9-30-10-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) If it appears from

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the records maintained in the ~~bureau~~ **commission** that a person's driving record makes the person a habitual violator under section 4 of this chapter, the ~~bureau~~ **commission** shall mail a notice to the person's last known address that informs the person that the person's driving privileges will be suspended in thirty (30) days because the person is a habitual violator according to the records of the ~~bureau.~~ **commission.**

(b) Thirty (30) days after the ~~bureau~~ **commission** has mailed a notice under this section, the ~~bureau~~ **commission** shall suspend the person's driving privileges for:

(1) except as provided in subdivision (2), ten (10) years if the person is a habitual violator under section 4(a) of this chapter;

(2) life if the person is a habitual violator under section 4(a) of this chapter and has at least two (2) violations under section 4(a)(4) through 4(a)(7) of this chapter;

(3) ten (10) years if the person is a habitual violator under section 4(b) of this chapter; or

(4) five (5) years if the person is a habitual violator under section 4(c) of this chapter.

(c) The notice must inform the person that the person may be entitled to relief under section 6 of this chapter or may seek judicial review of the person's suspension under this chapter.

SECTION 117. IC 9-30-10-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) A person who has received a notice under section 5 of this chapter may notify the ~~bureau,~~ **commission,** in writing on forms provided by the ~~bureau,~~ **commission,** that the ~~bureau's~~ **commission's** records contain a material error with respect to the person's driving record. If a person so notifies the ~~bureau,~~ **commission,** the ~~bureau~~ **commission** shall, within thirty (30) days after the date the notice was received by the ~~bureau,~~ **commission,** determine whether a material error was made with respect to the person's driving record.

(b) If the ~~bureau~~ **commission** determines that a material error was made with respect to the person's driving record, the ~~bureau~~ **commission** shall:

(1) prevent the suspension of; or

(2) reinstate;

the person's driving privileges.

(c) The ~~bureau~~ **commission** shall notify the prosecuting attorney of the county where the record originated that the ~~bureau~~ **commission** has determined that a material error exists. The prosecuting attorney is entitled to respond to the ~~bureau's~~ **commission's** determination.

(d) An action taken or a determination made by the ~~bureau~~

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commission under this chapter is not subject to IC 4-21.5. However, the person may file a petition for judicial review under this chapter.

SECTION 118. IC 9-30-10-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) A petition for judicial review under this chapter must:

(1) be verified by the petitioner;

(2) state the petitioner's age, date of birth, place of residence, and driver's license identification number;

(3) state the grounds for relief and the relief sought;

(4) be filed in the county in which the petitioner resides; and

(5) be filed in a circuit, superior, county, or municipal court.

(b) A summons in an action under this chapter shall be issued and served in the manner provided for civil actions. The prosecuting attorney of the county in which the petition is filed and the ~~bureau~~ **commission** shall be served with the summons and a copy of the petition.

(c) In an action under this chapter, the petitioner must bear the burden of proof by a preponderance of the evidence to prevail.

(d) IC 9-30-3-15 and the rules of trial procedure apply in a proceeding under this chapter. However, a responsive pleading is not required when a petition for review has been filed, and a person is not entitled to a change of venue from the county.

(e) The prosecuting attorney of the county in which the petition is filed shall represent the state in relation with the ~~bureau.~~ **commission.**

(f) Court costs shall be assessed and paid by the petitioner at the time of filing in an amount equal to the costs assessed in the enforcement of infractions. However, a petitioner who has the petitioner's driving privileges reinstated under section 8 of this chapter is entitled to a refund of all costs paid.

SECTION 119. IC 9-30-10-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) If a person files a petition for judicial review under section 6 of this chapter, the court shall promptly hold a hearing. The petition must be filed and the hearing must be held in accordance with section 7 of this chapter.

(b) If the court finds that the petitioner is not a habitual violator, the court shall order the ~~bureau~~ **commission** to reinstate the driving privileges of the person.

(c) If the court finds that the petitioner is a habitual violator, the person's driving privileges remain suspended, unless the court places the person on probation under section 9 of this chapter.

SECTION 120. IC 9-30-10-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) After June 30,

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2005, this section does not apply to a person who:

(1) holds a commercial driver's license; and

(2) has been charged with an offense involving the operation of a motor vehicle in accordance with the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159.113 Stat. 1748).

(b) If a court finds that a person:

(1) is a habitual violator under section 4(c) of this chapter;

(2) has not been previously placed on probation under this section by a court;

(3) operates a vehicle for commercial or business purposes, and the person's mileage for commercial or business purposes:

(A) is substantially in excess of the mileage of an average driver; and

(B) may have been a factor that contributed to the person's poor driving record; and

(4) does not have:

(A) a judgment for a violation enumerated in section 4(a) of this chapter; or

(B) at least three (3) judgments (singularly or in combination and not arising out of the same incident) of the violations enumerated in section 4(b) of this chapter;

the court may place the person on probation in accordance with subsection (d).

(c) If a court finds that a person:

(1) is a habitual violator under section 4(b) of this chapter;

(2) has not been previously placed on probation under this section by a court;

(3) does not have a judgment for any violation listed in section 4(a) of this chapter;

(4) has had the person's driving privileges suspended under this chapter for at least five (5) consecutive years; and

(5) has not violated the terms of the person's suspension by operating a vehicle;

the court may place the person on probation in accordance with subsection (d). However, if the person has any judgments for operation of a vehicle before July 1, 2001, while intoxicated or with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per one hundred (100) milliliters of the blood or two hundred ten (210) liters of the breath, or for the operation of a vehicle after June 30, 2001, while intoxicated or with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per one hundred

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(100) milliliters of the blood or two hundred ten (210) liters of the breath, the court, before the court places a person on probation under subsection (d), must find that the person has successfully fulfilled the requirements of a rehabilitation program certified by one (1) or both of the following:

(A) The division of mental health and addiction.

(B) The Indiana judicial center.

(d) Whenever a court places a habitual violator on probation, the court:

(1) shall record each of the court's findings under this section in writing;

(2) shall obtain the person's driver's license or permit and send the license or permit to the ~~bureau,~~ **commission;**

(3) shall direct the person to apply to the ~~bureau~~ **commission** for a restricted driver's license;

(4) shall order the ~~bureau~~ **commission** to issue the person an appropriate license;

(5) shall place the person on probation for a fixed period of not less than three (3) years and not more than ten (10) years;

(6) shall attach restrictions to the person's driving privileges, including restrictions limiting the person's driving to:

(A) commercial or business purposes or other employment related driving;

(B) specific purposes in exceptional circumstances; and

(C) rehabilitation programs;

(7) shall order the person to file proof of financial responsibility for three (3) years following the date of being placed on probation; and

(8) may impose other appropriate conditions of probation.

(e) If a court finds that a person:

(1) is a habitual violator under section 4(b) or 4(c) of this chapter;

(2) does not have any judgments for violations under section 4(a) of this chapter;

(3) does not have any judgments or convictions for violations under section 4(b) of this chapter, except for judgments or convictions under section 4(b)(5) of this chapter that resulted from driving on a suspended license that was suspended for:

(A) the commission of infractions only; or

(B) previously driving on a suspended license;

(4) has not been previously placed on probation under this section by a court; and

(5) has had the person's driving privileges suspended under this

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chapter for at least three (3) consecutive years and has not violated the terms of the person's suspension by operating a vehicle for at least three (3) consecutive years;

the court may place the person on probation under subsection (d).

SECTION 121. IC 9-30-10-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) Upon the filing of a petition for revocation of probation, the court shall do the following:

(1) Set a date for a hearing upon the petition that is not earlier than twenty (20) days nor later than forty-five (45) days from the date of the filing of the petition for review.

(2) Hold a hearing on the date set, unless the proceeding is continued by order of the court.

(3) Cause notice of the hearing date to be sent to all parties.

(b) At the hearing, the prosecuting attorney must bear the burden of proof by a preponderance of the evidence to prevail.

(c) If the court finds that the person has violated any terms of the probation, the court shall do the following:

(1) Record each of its findings in writing.

(2) Obtain the person's license.

(3) Order the ~~bureau~~ **commission** to suspend the person's driving privileges for a period equal to the period of suspension originally imposed under section 5 of this chapter.

(4) Not place the person on probation under section 9 of this chapter.

(d) If the court finds that the person has not violated any of the terms of the person's probation, the court shall do the following:

(1) Record each of the court's findings in writing.

(2) Continue the person on probation for the remainder of the probationary period.

(e) The court's findings under subsection (c) or (d) constitute a final judgment from which either party may appeal. An appeal does not act as a stay of the court's findings and orders.

SECTION 122. IC 9-30-10-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) The ~~bureau~~ **commission** may issue a license to operate a motor vehicle to a habitual violator whose driving privileges are suspended under section 5(b) of this chapter if the following conditions exist:

(1) The time specified for the person's probation or the restriction or suspension of the person's license has elapsed.

(2) The person has met all the requirements of all applicable statutes and rules relating to the licensing of motor vehicle

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operators.

(3) The person files with the ~~bureau~~ **commission** and maintains for three (3) years after filing proof of financial responsibility in accordance with IC 9-25.

(b) The ~~bureau~~ **commission** may issue a license to operate a motor vehicle to a habitual violator whose driving privileges have been suspended for life if the following conditions exist:

(1) The ~~bureau~~ **commission** has received an order for rescission of suspension and reinstatement issued under section 15 of this chapter.

(2) The person to whom the license is to be issued has never been convicted of a violation described in section 4(a) or 17 of this chapter.

(3) The person has not been convicted of an offense under section 16 of this chapter more than one (1) time.

(4) The person has met all the requirements of all applicable statutes and rules relating to the licensing of motor vehicle operators.

(5) The person files with the ~~bureau,~~ **commission,** and maintains for three (3) years after filing, proof of financial responsibility in accordance with IC 9-25.

(c) A habitual violator is not eligible for relief under the hardship provisions of IC 9-24-15.

SECTION 123. IC 9-30-10-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) Except as provided in subsection (e), a person whose driving privileges have been suspended for life may petition a court in a civil action for a rescission of the suspension order and reinstatement of driving privileges if the following conditions exist:

(1) Ten (10) years have elapsed since the date on which an order for the lifetime suspension of the person's driving privileges was issued.

(2) The person has never been convicted of a violation described in section 4(a) of this chapter.

(3) The person has never been convicted of an offense under section 17 of this chapter.

(4) The person has not been convicted of an offense under section 16 of this chapter more than one (1) time.

(b) A petition for rescission and reinstatement under this section must meet the following conditions:

(1) Be verified by the petitioner.

(2) State the petitioner's age, date of birth, and place of residence.

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(3) Describe the circumstances leading up to the lifetime suspension of the petitioner's driving privileges.

(4) Aver a substantial change in the petitioner's circumstances of the following:

(A) That indicates the petitioner would no longer pose a risk to the safety of others if the petitioner's driving privileges are reinstated.

(B) That makes the lifetime suspension of the petitioner's driving privileges unreasonable.

(C) Indicates it is in the best interests of society for the petitioner's driving privileges to be reinstated.

(5) Aver that the petitioner has never been convicted of an offense under section 17 of this chapter.

(6) Aver that the petitioner has not been convicted of an offense under section 16 of this chapter more than one (1) time.

(7) Aver that the petitioner has never been convicted of a violation described in section 4(a) of this chapter.

(8) Be filed in a circuit or superior court having jurisdiction in the county where the petitioner resides.

(9) If the petition is being filed under subsection (e), aver the existence of the conditions listed in subsection (e)(1) through (e)(3).

(c) The petitioner shall serve the prosecuting attorney of the county where the petitioner resides and the ~~bureau~~ **commission** with a copy of the petition described in subsection (b). A responsive pleading is not required.

(d) The prosecuting attorney of the county where the petitioner resides shall represent the state in the matter.

(e) A person whose driving privileges have been suspended for life may petition a court in a civil action for a rescission of the suspension order and reinstatement of driving privileges if all of the following conditions exist:

(1) Three (3) years have elapsed since the date on which the order for lifetime suspension of the petitioner's driving privileges was issued.

(2) The petitioner's lifetime suspension was the result of driving on a suspended license that was suspended for commission of infractions only or for driving on a suspended license.

(3) The petitioner has never been convicted of a violation described in section 4(a) or 4(b) of this chapter, with the exception of a judgement or conviction under section 4(b)(3) of this chapter.

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(4) The petitioner has never been convicted of an offense under section 17 of this chapter.

(5) The petitioner has not been convicted of an offense under section 16 of this chapter more than one (1) time.

SECTION 124. IC 9-30-10-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. (a) Upon receiving a petition filed under section 14 of this chapter, a court shall set a date for hearing the matter and direct the clerk of the court to provide notice of the hearing date to the following:

(1) The petitioner.

(2) The prosecuting attorney of the county where the petitioner resides.

(3) The ~~bureau.~~ **commission.**

(b) A court may order the rescission of the order that required the suspension of the petitioner's driving privileges for life and may order the ~~bureau~~ **commission** to reinstate the driving privileges of a petitioner whose driving privileges have been suspended for life if, after the hearing of the matter, the court makes the following written findings and conclusions, based on clear and convincing evidence:

(1) That the petitioner has never been convicted of a violation described in section 4(a) of this chapter.

(2) That the petitioner has never been convicted of an offense under section 17 of this chapter.

(3) That the petitioner has not been convicted of an offense under section 16 of this chapter more than one (1) time.

(4) If the person is petitioning the court under section 14(a) of this chapter that ten (10) years have elapsed since the date on which an order was issued that required the suspension of the petitioner's driving privileges for life.

(5) That there has been a substantial change in the petitioner's circumstances indicating the petitioner would no longer pose a risk to the safety of others if the petitioner's driving privileges were reinstated.

(6) That there has been a substantial change in the petitioner's circumstances indicating that the suspension of the petitioner's driving privileges for life has become unreasonable.

(7) That it is in the best interests of society for the petitioner's driving privileges to be reinstated.

(8) If the person is petitioning the court under section 14(e) of this chapter:

(A) that three (3) years have elapsed since the date the order was issued that required the suspension of the petitioner's

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driving privileges for life; and

(B) that the conditions listed under section 14(e) of this chapter are satisfied.

(c) The petitioner has the burden of proof under this section and an order issued under subsection (b) is a final order, appealable by any party to the action.

(d) In an order for reinstatement of driving privileges issued under this section, the court may require the ~~bureau~~ **commission** to issue to the prevailing petitioner:

(1) a license to operate a motor vehicle under section 13(b) of this chapter; or

(2) a restricted driving license for a time and subject to conditions specified by the court.

(e) If a court orders the ~~bureau~~ **commission** to issue a restricted driving license to a petitioner under subsection (d), the court shall specify the conditions under which the petitioner may be issued a license to operate a motor vehicle under section 13(b) of this chapter. After the expiration date of the restricted license and upon:

(1) fulfillment by the petitioner of the conditions specified by the court; and

(2) the expiration of the restricted license issued under subsection (d)(2);

the ~~bureau~~ **commission** shall issue to the petitioner a license to operate a motor vehicle under section 13(b) of this chapter.

SECTION 125. IC 9-30-10-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) A person who operates a motor vehicle:

(1) while the person's driving privileges are validly suspended under this chapter or IC 9-12-2 (repealed July 1, 1991) and the person knows that the person's driving privileges are suspended; or

(2) in violation of restrictions imposed under this chapter or IC 9-12-2 (repealed July 1, 1991) and who knows of the existence of the restrictions;

commits a Class D felony.

(b) Service by the ~~bureau~~ **commission** of notice of the suspension or restriction of a person's driving privileges under subsection (a)(1) or (a)(2):

(1) in compliance with section 5 of this chapter; and

(2) by first class mail to the person at the last address shown for the person in the ~~bureau's~~ **commission's** records;

establishes a rebuttable presumption that the person knows that the

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person's driving privileges are suspended or restricted.

(c) In addition to any criminal penalty, a person who is convicted of a felony under subsection (a) forfeits the privilege of operating a motor vehicle for life. However, if judgment for conviction of a Class A misdemeanor is entered for an offense under subsection (a), the court may order a period of suspension of the convicted person's driving privileges that is in addition to any suspension of driving privileges already imposed upon the person.

SECTION 126. IC 9-30-11-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. If it appears from the records of a court that has jurisdiction to enforce ordinances that regulate parking violations that three (3) judgments concerning a motor vehicle have not been paid before the deadlines established by a statute, an ordinance, or a court order, the clerk of the court shall send a notice to the person who is the registered owner of the motor vehicle. The notice must inform the person of the following:

(1) That the clerk will send a referral to the ~~bureau~~ **commission** if the judgments are not paid within thirty (30) days after a notice was mailed.

(2) That the referral will result in the suspension of the motor vehicle's registration if the judgments are not paid.

SECTION 127. IC 9-30-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. A clerk may send a referral to the ~~bureau~~ **commission** if the judgments are not paid not later than thirty (30) days after a notice was mailed. The referral must include the following:

(1) Any information known or available to the clerk concerning the following of the motor vehicle:

(A) The license plate number and year of registration.

(B) The name of the owner.

(2) The date on which each of the violations occurred.

(3) The law enforcement agencies responsible for the parking citations.

(4) The date when the notice required under section 3 of this chapter was mailed.

(5) The seal of the clerk.

SECTION 128. IC 9-30-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. If the ~~bureau~~ **commission** receives a referral under section 4 of this chapter, the ~~bureau~~ **commission** shall suspend the registration of the motor vehicle and mail a notice to the person in whose name the vehicle is registered that does the following:

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(1) Informs the person that the motor vehicle's registration has been suspended and the reason for the suspension.

(2) Informs the person that if the judgments are not paid within fifteen (15) days, the motor vehicle's license plates will be removed by a law enforcement officer.

(3) Explains what the person is required to do to have the registration reinstated.

SECTION 129. IC 9-30-11-6, AS AMENDED BY P.L.153-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. The ~~bureau~~ **commission** shall reinstate **a** motor vehicle registration that is suspended under this chapter if the following occur:

(1) Any person presents the ~~bureau~~ **commission** or a ~~bureau~~ **commission** license branch with adequate proof that all unpaid judgments with respect to the motor vehicle have been paid.

(2) A reinstatement fee under IC 9-29 is paid to the ~~bureau,~~ **commission,** if applicable.

SECTION 130. IC 9-30-11-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. If the ~~bureau~~ **commission** suspends a motor vehicle registration under section 5 of this chapter, the ~~bureau~~ **commission** shall send a notice of the suspension to the clerk who sent the referral. Upon receipt of a notice, a clerk shall inform each of the law enforcement agencies that are listed on the referral of the following:

(1) That the motor vehicle's registration has been suspended.

(2) That any law enforcement agency may remove the license plate of the motor vehicle fifteen (15) days after the motor vehicle's registration was suspended unless the judgments have been paid.

SECTION 131. IC 9-30-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. The ~~bureau~~ **commission** may suspend or revoke the driver's license or permit of an individual who pays the fee required for the driver's license or permit with a check that:

(1) is not honored by the financial institution on which the check is drawn; or

(2) has had payment stopped by the maker of the check.

SECTION 132. IC 9-30-12-2, AS AMENDED BY P.L.153-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. The ~~bureau~~ **commission** may:

(1) reinstate a license or permit revoked or suspended under section 1 of this chapter; or

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(2) revalidate a title or registration that has been invalidated under section 3 of this chapter;

if the obligation has been satisfied, including the payment of service, collection, and reinstatement fees, if applicable.

SECTION 133. IC 9-30-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. The ~~bureau~~ **commission** may invalidate a title or registration that has been issued by the ~~bureau~~ **commission** and the applicable fees have been paid with a check that:

(1) is not honored by the financial institution on which the check is drawn; or

(2) has had payment stopped by the maker of the check.

SECTION 134. IC 9-30-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. The ~~bureau~~ **commission** may suspend or revoke the driver's license or permit of an individual who pays the fee required for a vehicle title or registration with a check that:

(1) is not honored by the financial institution on which the check is drawn; or

(2) has had payment stopped by the maker of the check.

SECTION 135. IC 9-30-12-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. The ~~bureau~~ **commission** shall adopt a rule to establish procedures to be followed by the ~~bureau~~ **commission** in suspending or revoking a driver's license or permit under this chapter.

SECTION 136. IC 9-30-13-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. If a court fails to recommend a fixed term of suspension for an offense described under section 4 of this chapter, the ~~bureau~~ **commission** shall suspend the driver's license of the convicted person under IC 9-30-4-6 for two (2) years.

SECTION 137. IC 9-30-15-3, AS AMENDED BY P.L.209-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) This section does not apply to the following:

(1) A container possessed by a person who is in the:

(A) passenger compartment of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation; or

(B) living quarters of a house coach or house trailer.

(2) A container located in a fixed center console or other similar fixed compartment that is locked.

(3) A container located:

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(A) behind the last upright seat; or
(B) in an area not normally occupied by a person;
in a motor vehicle that is not equipped with a trunk.

(b) A person in a motor vehicle who, while the motor vehicle is in operation or while the motor vehicle is located on the right-of-way of a public highway, possesses a container:
(1) that has been opened;
(2) that has a broken seal; or
(3) from which some of the contents have been removed;
in the passenger compartment of the motor vehicle commits a Class C infraction.

(c) A violation of this section is not considered a moving traffic violation:
(1) for purposes of IC 9-14-3; and
(2) for which points are assessed by the ~~bureau~~ **commission** under the point system.

SECTION 138. IC 10-19-8-2, AS AMENDED BY P.L.101-2006, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The council consists of the following members:
(1) The lieutenant governor.
(2) The executive director.
(3) The superintendent of the state police department.
(4) The adjutant general.
(5) The state health commissioner.
(6) The commissioner of the department of environmental management.
(7) The director of the department of agriculture.
(8) The chairman of the Indiana utility regulatory commission.
(9) The commissioner of the Indiana department of transportation.
(10) The executive director of the Indiana criminal justice institute.
(11) The commissioner of the bureau of motor vehicles **commission.**
(12) A local law enforcement officer or a member of the law enforcement training academy appointed by the governor.
(13) The speaker of the house of representatives or the speaker's designee.
(14) The president pro tempore of the senate or the president pro tempore's designee.
(15) The chief justice of the supreme court.
(16) The director of the department of natural resources or, if

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designated by the director, the deputy director who manages the bureau of law enforcement and administration.

(17) The state veterinarian.

(b) The members of the council under subsection (a)(13), (a)(14), and (a)(15) are nonvoting members.

(c) Representatives of the United States Department of Justice may serve as members of the council as the council and the Department of Justice may determine. Any representatives of the Department of Justice serve as nonvoting members of the council.

SECTION 139. IC 13-11-2-245, AS AMENDED BY P.L.1-2006, SECTION 199, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 245. (a) "Vehicle", for purposes of IC 13-17-5, refers to a vehicle required to be registered with the bureau of motor vehicles **commission** and required to have brakes. The term does not include the following:

(1) Mobile homes (house trailers).

(2) Trailers weighing not more than three thousand (3,000) pounds.

(3) Antique motor vehicles.

(4) Special machinery (as defined in IC 9-13-2-170.3).

(b) "Vehicle", for purposes of IC 13-18-12, means a device used to transport a tank.

(c) "Vehicle", for purposes of IC 13-20-4, refers to a municipal waste collection and transportation vehicle.

(d) "Vehicle", for purposes of IC 13-20-13-7, means a motor vehicle, a farm tractor (as defined in IC 9-13-2-56), an implement of agriculture (as defined in IC 9-13-2-77), a semitrailer (as defined in IC 9-13-2-164(a) or IC 9-13-2-164(b)), and types of equipment, machinery, implements, or other devices used in transportation, manufacturing, agriculture, construction, or mining. The term does not include a lawn and garden tractor that is propelled by a motor of not more than twenty-five (25) horsepower.

(e) "Vehicle", for purposes of IC 13-20-14, has the meaning set forth in IC 9-13-2-196.

SECTION 140. IC 13-17-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. The commissioner of the bureau of motor vehicles **commission** shall suspend the registration of any vehicle that is not in compliance with section 3 of this chapter and may not reinstate the registration until:

(1) the emission control equipment of the vehicle has been restored, replaced, or repaired and is in good working order; and

(2) if the vehicle is subject to a rule of the board requiring testing

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of the emission characteristics of certain vehicles in certain counties, all requirements of that rule applying to the vehicle have been satisfied.

SECTION 141. IC 13-17-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) Whenever:

(1) an officer or employee of the department; or

(2) a person the department has contracted with under section 5 (before its repeal) or 5.1 of this chapter or IC 13-1-1-11 (before its repeal);

learns of a violation of section 1, 2, 3, or 4 of this chapter or IC 13-1-1-6 (before its repeal), the officer or employee shall notify the bureau of motor vehicles **commission** in writing of the violation or failure for purposes of the suspension of the registration of the vehicle in question under IC 9-18-2-39.

(b) After a vehicle's registration is suspended under IC 9-18-2-39:

(1) an officer or employee of the department; or

(2) a person the department has contracted with under section 5 (before its repeal) or 5.1 of this chapter or IC 13-1-1-11 (before its repeal);

who recognizes that the violation of section 1, 2, 3, or 4 of this chapter or IC 13-1-1-6 (before its repeal) has been corrected shall notify the bureau of motor vehicles **commission** in writing of the correction or achievement of compliance for purposes of the reinstatement of the vehicle's registration under IC 9-18-2-39.

SECTION 142. IC 14-8-2-185, AS AMENDED BY P.L.225-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 185. (a) "Off-road vehicle", for purposes of IC 14-16-1 and IC 14-19-1-0.5, means a motor driven vehicle capable of cross-country travel:

(1) without benefit of a road; and

(2) on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain.

(b) The term includes the following:

(1) A multi-wheel drive or low pressure tire vehicle.

(2) An amphibious machine.

(3) A ground effect air cushion vehicle.

(4) Other means of transportation deriving motive power from a source other than muscle or wind.

(c) The term does not include the following:

(1) A farm vehicle being used for farming.

(2) A vehicle used for military or law enforcement purposes.

(3) A construction, mining, or other industrial related vehicle used

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in performance of the vehicle's common function.

(4) A snowmobile (as defined by section 261 of this chapter).

(5) A registered aircraft.

(6) Any other vehicle properly registered by the bureau of motor vehicles **commission.**

(7) Any watercraft that is registered under Indiana statutes.

(8) A golf cart vehicle.

SECTION 143. IC 14-15-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter, "bureau" refers to the bureau of motor vehicles **commission** established by ~~IC 9-14-1-1.~~ **IC 9-15-1-1.**

SECTION 144. IC 14-15-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. As used in this chapter, "Indiana driver's license" means:

(1) an operator's license;

(2) a chauffeur's license; or

(3) a public passenger chauffeur's license;

that is issued to an individual by the bureau ~~of motor vehicles~~ under IC 9-24-3.

SECTION 145. IC 14-15-11-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) The bureau ~~of motor vehicles~~ and the natural resources commission established by IC 14-10-1-1 shall adopt rules under IC 4-22-2 to administer this chapter.

(b) The bureau ~~of motor vehicles~~ shall adopt rules concerning the following matters:

(1) The suspension of a motorboat operator's license under section 14 of this chapter.

(2) The assessment of points under section 17 of this chapter against a person who commits a misdemeanor by operating a motorboat.

(c) The natural resources commission shall adopt rules concerning the following matters:

(1) The duties of the department under this chapter.

(2) The information that a boating education course must offer in order to be approved by the department for purposes of this chapter.

SECTION 146. IC 14-16-1-18, AS AMENDED BY P.L.219-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. (a) A dealer shall maintain in safe operating condition all vehicles rented, leased, or furnished by the dealer. The dealer or the dealer's agents or employees shall explain the operation

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of a vehicle being rented, leased, or furnished. If the dealer or the dealer's agent or employee believes the person to whom the vehicle is to be rented, leased, or furnished is not competent to operate the vehicle with safety to the person or others, the dealer or the dealer's agent or employee shall refuse to rent, lease, or furnish the vehicle.

(b) A dealer renting, leasing, or furnishing a vehicle shall carry a policy of liability insurance subject to minimum limits, exclusive of interest and costs, with respect to the vehicle as follows:

(1) Twenty thousand dollars ($20,000) for bodily injury to or death of one (1) person in any one (1) accident.

(2) Subject to the limit for one (1) person, forty thousand dollars ($40,000) for bodily injury to or death of at least two (2) persons in any one (1) accident.

(3) Ten thousand dollars ($10,000) for injury to or destruction of property of others in any one (1) accident.

(c) In the alternative, a dealer may demand and must be shown proof that the person renting, leasing, or being furnished a vehicle carries a liability policy of at least the type and coverage specified in subsection (b).

(d) A dealer:

(1) shall prepare an application for a certificate of title as required by IC 9-17-2-1.5 for a purchaser of an off-road vehicle and shall submit the application for the certificate of title in the format required by IC 9-17-2-2 to the bureau of motor vehicles **commission;** and

(2) may charge a processing fee for this service that may not exceed ten dollars ($10).

(e) This subsection does not apply to an off-road vehicle that is at least five (5) model years old. After January 1, 2008, a dealer may not have on its premise an off-road vehicle that does not have a certificate of:

(1) origin from its manufacturer; or

(2) title issued by;

(A) the bureau of motor vehicles **commission** or its equivalent in another state; or

(B) a foreign country.

SECTION 147. IC 14-19-1-0.5, AS ADDED BY P.L.225-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 0.5. (a) "Motorized cart" means a conveyance that is:

(1) motor driven, either by gas or electricity;

(2) used to carry passengers or equipment; and

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(3) smaller than the types of motor vehicles required to be registered by the bureau of motor vehicles **commission** such as a:
(A) passenger motor vehicle (as defined in IC 9-13-2-123);
(B) recreational vehicle (as defined in IC 9-13-2-150); or
(C) truck (as defined in IC 9-13-2-188).

A motorized cart may be characterized as a golf cart, utility cart, or similar form of motor vehicle.

(b) The term does not include:
(1) an electric personal assistive mobility device (as defined in IC 9-13-2-49.3);
(2) a motorcycle (as defined in IC 9-13-2-108);
(3) a motor scooter (as defined in IC 9-13-2-104);
(4) a motorized bicycle (as defined in IC 9-13-2-109); or
(5) an off-road vehicle.

SECTION 148. IC 14-22-17-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter, "resident" means a person who:
(1) has continuously resided in Indiana for at least three hundred sixty-five (365) consecutive days immediately before applying for a license under this chapter; and
(2) possesses:
(A) an Indiana motor vehicle operator's license; or
(B) an identification card;
issued by the bureau of motor vehicles **commission.**

SECTION 149. IC 14-22-39-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) A conservation officer may issue a summons for a violation committed within the view of the conservation officer.

(b) A defendant who fails to appear as commanded by the summons is in contempt of court.

(c) Upon a failure to appear, the court shall issue a warrant for the arrest of the defendant.

(d) This subsection applies to a warrant issued under subsection (c) for the arrest of a defendant who is an Indiana resident. If the warrant is not executed within thirty (30) days after issue, the court shall promptly forward the court copy of the summons to the bureau of motor vehicles **commission** indicating that the defendant failed to appear in court as ordered. The court shall then mark the case as failure to appear on the court's records.

(e) This subsection applies to a warrant issued under subsection (c) for the arrest of a defendant who is not an Indiana resident. If the warrant is not executed within thirty (30) days after issue, the court

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shall promptly forward the court copy of the summons to the bureau of motor vehicles **commission.** ~~The bureau of motor vehicles shall notify the bureau of motor vehicles commission of the state of the nonresident defendant of the defendant's failure to appear and also of any action taken by the bureau of motor vehicles relative to the Indiana driving privileges of the defendant.~~ The court shall then mark the case as failure to appear on the court's records.

(f) If the bureau of motor vehicles **commission** receives a copy of the summons or a summons for failure to appear in court, the bureau of motor vehicles **commission** shall suspend the driving privileges of the defendant until the defendant appears in court and the case has been disposed of. The order of suspension may be served upon the defendant by mailing the order by certified mail, return receipt requested, to the defendant at the last address shown for the defendant in the records of the bureau of motor vehicles **commission.** The order takes effect on the date the order is mailed.

(g) For nonresidents of Indiana, the order of suspension shall be mailed to the defendant at the address given to the arresting conservation officer by the defendant as shown by the signed summons. The order takes effect on the date of mailing. A copy of the order shall also be sent to the bureau of motor vehicles **commission** of the state of the nonresident defendant. If:

(1) the defendant's failure to appear in court has been certified to the bureau of motor vehicles **commission** under this chapter; and

(2) the defendant subsequently appears in court to answer the charges against the defendant;

the court shall proceed to hear and determine the case in the same manner as other cases pending in the court. Upon final determination of the case, the court shall notify the bureau of motor vehicles **commission** of the determination upon forms prescribed by the bureau of motor vehicles **commission.** The notification shall be made by the court within ten (10) days after the final determination of the case, and the original copy of the summons must accompany the notification.

SECTION 150. IC 20-27-3-1, AS ADDED BY P.L.218-2005, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) The state school bus committee is established. The committee has the following voting members:

(1) The state superintendent or the state superintendent's authorized representative, who serves as chairperson of the committee.

(2) The commissioner of the bureau of motor vehicles **commission,** or the commissioner's authorized representative.

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(3) The administrator of the motor carrier services division of the department of state revenue.

(4) The director of the governor's council on impaired and dangerous driving.

(5) A school bus driver appointed by the state superintendent upon the recommendation of the Indiana State Association of School Bus Drivers, Inc.

(6) A superintendent of a school corporation appointed by the state superintendent upon the recommendation of the Indiana Association of Public School Superintendents.

(7) A member of the governing body of a school corporation appointed by the state superintendent upon the recommendation of the Indiana School Boards Association.

(8) A representative of the Indiana School for the Blind and Visually Impaired or the Indiana School for the Deaf appointed by the state superintendent.

(9) A member of the School Transportation Association of Indiana appointed by the state superintendent upon the recommendation of the School Transportation Association of Indiana.

(b) The state superintendent shall designate a secretary from the department who shall keep the official record of the meetings and of official transactions of the committee.

SECTION 151. IC 20-27-5-13, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. Before a bidder may be awarded a transportation contract, the bidder must meet the following conditions:

(1) The bidder must meet the physical requirements prescribed in IC 20-27-8-1 as evidenced by a certificate signed by an Indiana physician who has examined the bidder.

(2) The bidder must hold a valid public passenger chauffeur's license or commercial driver's license issued by the bureau of motor vehicles **commission.**

SECTION 152. IC 20-27-6-5, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. Before a school bus driver may enter into a parents' supplemental transportation contract, the school bus driver must meet the following prerequisites:

(1) The school bus driver must meet all physical requirements required of school bus drivers by the committee, including the requirements under IC 20-27-8-1.

(2) The school bus driver must obtain the physical fitness

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certificate required of all school bus drivers by IC 20-27-8-4.

(3) The school bus driver must have a valid public passenger chauffeur's license issued by the bureau of motor vehicles **commission.**

(4) The school bus driver must meet any additional requirements required by the contracting parents.

SECTION 153. IC 20-27-7-16, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. When the owner of a school bus applies for a registration plate, the owner shall submit with the application a certificate of inspection and safety issued under this chapter. If the certificate does not accompany an owner's application, the bureau of motor vehicles **commission** may not issue a registration plate.

SECTION 154. IC 20-27-8-2, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) Before a school corporation enters into a:

(1) contract with a school bus driver; or

(2) fleet contract under IC 20-27-5;

the school corporation shall obtain, at no fee from the bureau of motor vehicles a copy of the school bus driver's driving summary for the last seven (7) years as maintained by the bureau of motor vehicles **commission** or the equivalent agency in another state.

(b) To obtain a copy of the school bus driver's driving summary as required under subsection (a), the school corporation shall provide the bureau of motor vehicles **commission** with the following information:

(1) The school bus driver's name.

(2) The school bus driver's Social Security number.

(3) Any other information required by the bureau of motor vehicles **commission.**

SECTION 155. IC 20-33-2-11, AS ADDED BY P.L.242-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) Notwithstanding IC 9-24 concerning the minimum requirements for qualifying for the issuance of an operator's license or a learner's permit, and subject to subsections (c) through (e), an individual who is:

(1) at least thirteen (13) years of age but less than fifteen (15) years of age;

(2) a habitual truant under the definition of habitual truant established under subsection (b); and

(3) identified in the information submitted to the bureau of motor vehicles **commission** under subsection (f);

may not be issued an operator's license or a learner's permit to drive a

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motor vehicle under IC 9-24 until the individual is at least eighteen (18) years of age.

(b) Each governing body shall establish and include as part of the written copy of its discipline rules described in IC 20-33-8-12:

(1) a definition of a child who is designated as a habitual truant, which must, at a minimum, define the term as a student who is chronically absent, by having unexcused absences from school for more than ten (10) days of school in one (1) school year;

(2) the procedures under which subsection (a) will be administered; and

(3) all other pertinent matters related to this action.

(c) An individual described in subsection (a) is entitled to the procedure described in IC 20-33-8-19.

(d) An individual described in subsection (a) who is at least thirteen (13) years of age and less than eighteen (18) years of age is entitled to a periodic review of the individual's attendance record in school to determine whether the prohibition described in subsection (a) shall continue. The periodic reviews may not be conducted less than one (1) time each school year.

(e) Upon review, the governing body may determine that the individual's attendance record has improved to the degree that the individual may become eligible to be issued an operator's license or a learner's permit.

(f) Before:

(1) February 1; and

(2) October 1;

of each year the governing body of the school corporation shall submit to the bureau of motor vehicles **commission** the pertinent information concerning an individual's ineligibility under subsection (a) to be issued an operator's license or a learner's permit.

(g) The department shall develop guidelines concerning criteria used in defining a habitual truant that may be considered by a governing body in complying with subsection (b).

SECTION 156. IC 20-33-2-28.5, AS AMENDED BY P.L.185-2006, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 28.5. (a) This section applies to an individual:

(1) who:

(A) attends or last attended a public school;

(B) is at least sixteen (16) years of age but less than eighteen (18) years of age; and

(C) has not completed the requirements for graduation;

(2) who:

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(A) wishes to withdraw from school before graduation;
(B) fails to return at the beginning of a semester; or
(C) stops attending school during a semester; and
(3) who has no record of transfer to another school.

(b) An individual to whom this section applies may withdraw from school only if all of the following conditions are met:
(1) An exit interview is conducted.
(2) The individual's parent consents to the withdrawal.
(3) The school principal approves of the withdrawal.
(4) The withdrawal is due to:
(A) financial hardship and the individual must be employed to support the individual's family or a dependent;
(B) illness; or
(C) an order by a court that has jurisdiction over the child.

During the exit interview, the school principal shall provide to the student and the student's parent a copy of statistics compiled by the department concerning the likely consequences of life without a high school diploma. The school principal shall advise the student and the student's parent that the student's withdrawal from school may prevent the student from receiving or result in the revocation of the student's employment certificate and driver's license or learner's permit.

(c) For purposes of this section, the following must be in written form:
(1) An individual's request to withdraw from school.
(2) A parent's consent to a withdrawal.
(3) A principal's consent to a withdrawal.

(d) If the individual's principal does not consent to the individual's withdrawal under this section, the individual's parent may appeal the denial of consent to the governing body of the public school that the individual last attended.

(e) Each public school, including each school corporation and each charter school (as defined in IC 20-24-1-4), shall provide an annual report to the department setting forth the following information:
(1) The total number of individuals:
(A) who withdrew from school under this section; and
(B) who either:
(i) failed to return to school at the beginning of a semester; or
(ii) stopped attending school during a semester;
and for whom there is no record of transfer to another school.
(2) The number of individuals who withdrew from school following an exit interview.

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(f) If an individual to which this section applies:

(1) has not received consent to withdraw from school under this section; and

(2) fails to return to school at the beginning of a semester or during the semester;

the principal of the school that the individual last attended shall deliver by certified mail or personal delivery to the bureau of child labor a record of the individual's failure to return to school so that the bureau of child labor revokes any employment certificates issued to the individual and does not issue any additional employment certificates to the individual. For purposes of IC 20-33-3-13, the individual shall be considered a dropout.

(g) At the same time that a school principal delivers the record under subsection (f), the principal shall deliver by certified mail or personal delivery to the bureau of motor vehicles **commission** a record of the individual's failure to return to school so that the bureau of motor vehicles **commission** revokes any driver's license or learner's permit issued to the individual and does not issue any additional driver's licenses or learner's permits to the individual before the individual is at least eighteen (18) years of age. For purposes of IC 9-24-2-1, the individual shall be considered a dropout.

(h) If:

(1) a principal has delivered the record required under subsection (f) or (g), or both; and

(2) the school subsequently gives consent to the individual to withdraw from school under this section;

the principal of the school shall send a notice of withdrawal to the bureau of child labor and the bureau of motor vehicles **commission** by certified mail or personal delivery and, for purposes of IC 20-33-3-13 and IC 9-24-2-1, the individual shall no longer be considered a dropout.

SECTION 157. IC 20-33-8-33, AS ADDED BY P.L.231-2005, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 33. Before February 1 and before October 1 of each year, except when a hearing has been requested to determine financial hardship under IC 9-24-2-1(a)(4), a principal shall submit to the bureau of motor vehicles **commission** the pertinent information concerning an individual's ineligibility under IC 9-24-2-1 to be issued a driver's license or learner's permit, or concerning the invalidation of a license or permit under IC 9-24-2-4.

SECTION 158. IC 24-5-13.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. As used in this chapter, "bureau" refers to the bureau of motor vehicles **commission**

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created by ~~IC 9-14-1-1.~~ **IC 9-15-1-1.**

SECTION 159. IC 25-1-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. It is unlawful for any board, officer, or person to issue any license, as defined in section 2 of this chapter, to any person who is a resident of this state, unless the applicant, at the time he applies for such license, submits, in addition to all other requirements prescribed by law, a receipt or other evidence showing that he has paid all his personal property taxes in full. "Other evidence" in the case of all licenses issued by the bureau of motor vehicles **commission** means a statement signed by the treasurer of the county in which the applicant is a resident that the applicant has paid all personal taxes assessed against him, including all delinquent personal property tax; or, if the applicant owns no personal property subject to taxation, a signed statement from the assessor of the county in which the applicant resides certifying that he has made an affidavit to the effect that he owes no delinquent personal property tax in any county in Indiana.

SECTION 160. IC 27-1-22-3.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3.1. (a) As used in this section, "motor vehicle insurance" means any type of insurance described in IC 27-1-5-1, Class 2(f).

(b) A motor vehicle insurance rate filed under section 4 of this chapter may provide for an appropriate reduction in premium charges for a policy if the principal operator of the motor vehicle covered under the policy:

(1) is at least fifty-five (55) years of age; and

(2) has, within three (3) years before the issuance or renewal of the policy, successfully completed a motor vehicle accident prevention course approved by the bureau of motor vehicles **commission.**

(c) A reduction in premium charges need not be provided under this section if the principal operator of the motor vehicle covered under the policy participated in the motor vehicle accident prevention course under the order of a court.

(d) This section does not prevent an insurer from withholding or rescinding the reduction in premium charges for a motor vehicle insurance policy if the principal operator of the motor vehicle covered under the policy is involved in a motor vehicle accident for which the principal operator is at fault.

SECTION 161. IC 29-1-8-1, AS AMENDED BY P.L.61-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Forty-five (45) days after the death of a

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decedent and upon being presented an affidavit that complies with subsection (b), a person:

(1) indebted to the decedent; or

(2) having possession of personal property or an instrument evidencing a debt, an obligation, a stock, or a chose in action belonging to the decedent;

shall make payment of the indebtedness or deliver the personal property or the instrument evidencing a debt, an obligation, a stock, or a chose in action to a person claiming to be entitled to payment or delivery of property of the decedent.

(b) The affidavit required by subsection (a) must be an affidavit made by or on behalf of the claimant and must state the following:

(1) That the value of the gross probate estate, wherever located (less liens and encumbrances), does not exceed fifty thousand dollars ($50,000).

(2) That forty-five (45) days have elapsed since the death of the decedent.

(3) That no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction.

(4) The name and address of each other person that is entitled to a share of the property and the part of the property to which each person is entitled.

(5) That the claimant has notified each person identified in the affidavit of the claimant's intention to present an affidavit under this section.

(6) That the claimant is entitled to payment or delivery of the property on behalf of each person identified in the affidavit.

(c) If a motor vehicle or watercraft (as defined in IC 9-13-2-198.5) is part of the estate, nothing in this section shall prohibit a transfer of the certificate of title to the motor vehicle if five (5) days have elapsed since the death of the decedent and no appointment of a personal representative is contemplated. A transfer under this subsection shall be made by the bureau of motor vehicles **commission** upon receipt of an affidavit containing a statement of the conditions required by subsection (b)(1) and (b)(6). The affidavit must be duly executed by the distributees of the estate.

(d) A transfer agent of a security shall change the registered ownership on the books of a corporation from the decedent to a claimant upon the presentation of an affidavit as provided in subsection (a).

(e) For the purposes of subsection (a), an insurance company that,

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by reason of the death of the decedent, becomes obligated to pay a death benefit to the estate of the decedent is considered a person indebted to the decedent.

(f) For purposes of subsection (a), property in a safe deposit box rented by a decedent from a financial institution organized or reorganized under the law of any state (as defined in IC 28-2-17-19) or the United States is considered personal property belonging to the decedent in the possession of the financial institution.

SECTION 162. IC 31-14-12-4, AS AMENDED BY P.L.145-2006, SECTION 226, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. If a court finds that a person is delinquent (as defined in IC 31-25-4-2) as a result of an intentional violation of an order for support, the court shall issue an order to the bureau of motor vehicles **commission:**

(1) stating that the person is delinquent; and

(2) ordering the following:

(A) If the person who is the subject of the order holds a driving license or permit on the date of issuance of the order, that the driving privileges of the person be suspended until the bureau **of motor vehicles commission** receives a further order of the court recommending reinstatement.

(B) If the person who is the subject of the order does not hold a driving license or permit on the date of issuance of the order, that the bureau **of motor vehicles commission** may not issue a driving license or permit to the person until the bureau **of motor vehicles commission** receives a further order of the court recommending issuance.

SECTION 163. IC 31-14-12-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. The Title IV-D agency shall provide the full name, date of birth, verified address, and Social Security number or driving license number of the person who is the subject of an order under:

(1) section 4 of this chapter to the bureau of motor vehicles **commission;**

(2) section 5 of this chapter to the board regulating the person's profession or occupation;

(3) section 6 of this chapter to the Indiana horse racing commission or the Indiana gaming commission; and

(4) section 7 of this chapter to the commissioner of the department of insurance.

SECTION 164. IC 31-16-12-7, AS AMENDED BY P.L.145-2006, SECTION 234, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2007]: Sec. 7. If a court finds that a person is delinquent (as defined in IC 31-25-4-2) as a result of an intentional violation of an order for support, the court shall issue an order to the bureau of motor vehicles **commission:**

(1) stating that the person is delinquent; and

(2) ordering the following:

(A) If the person who is the subject of the order holds a driving license or permit on the date of issuance of the order, that the driving privileges of the person be suspended until further order of the court.

(B) If the person who is the subject of the order does not hold a driving license or permit on the date of issuance of the order, that the bureau **of motor vehicles commission** may not issue a driving license or permit to the person until the bureau **of motor vehicles commission** receives a further order of the court.

SECTION 165. IC 31-19-5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) Each:

(1) clerk of a circuit court;

(2) branch office of the bureau of motor vehicles **commission;**

(3) hospital; and

(4) local health department;

shall post in a conspicuous place a notice that informs the public about the purpose and operation of the registry.

(b) The notice under subsection (a) must include information regarding the following:

(1) Where to obtain a registration form.

(2) Where to register.

(3) The circumstances under which a putative father is required to register.

(4) When under section 12 of this chapter a putative father is required to register to entitle the putative father to notice of an adoption.

(5) The consequences of not submitting a timely registration.

(c) Failure to post a proper notice under this section does not relieve a putative father of the obligation to register with the state department of health in accordance with this chapter to entitle the putative father to notice of the adoption of a child who may have been conceived by the putative father.

SECTION 166. IC 31-25-4-30, AS ADDED BY P.L.145-2006, SECTION 271, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 30. (a) The bureau shall, each

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month, prepare a list of each person against whom a child support obligation lien is held under IC 31-16-16-3 (or IC 31-2-11-9 before its repeal). The list must identify each person liable for a lien by name, address, amount of lien, and either Social Security number or employer identification number. The bureau shall certify a copy of the list to the bureau of motor vehicles **commission.**

(b) The bureau of motor vehicles **commission** shall, before issuing the title to a motor vehicle under IC 9-17, determine whether the purchaser's or assignee's name is on the most recent monthly lien list. If the purchaser's or assignee's name is on the list, the bureau **of motor vehicles commission** shall enter as a lien on the title the name of the state as the lienholder. The state's lien on a title under this section is subordinate to a prior perfected security interest if the interest is defined and perfected under any of the following:

(1) IC 26-1-9.1.
(2) IC 32-8 (before its repeal).
(3) IC 32-28.
(4) IC 32-29.
(5) IC 32-33.
(6) IC 32-34-10.

(c) A lien against the title under this section must be treated in the same manner as any other subordinate title lien.

(d) The bureau shall prescribe and furnish release forms for use by the bureau **of motor vehicles commission.** When the amount of the lien is paid, the bureau **of motor vehicles commission** shall issue to the person against whom the lien was held a release stating that the amount represented by the lien has been paid. The bureau **of motor vehicles commission** may also issue a release to a person against whom the lien is held if the person has made arrangements, agreed to by the bureau, for the payment of the amount represented by the lien.

(e) The director of the bureau **of motor vehicles commission** or the director's designee is the custodian of all titles having the state as the sole lienholder under this section. Upon receiving a title from the bureau of motor vehicles **commission** under this section, the director shall notify the owner of the motor vehicle.

(f) The bureau shall reimburse the bureau of motor vehicles **commission** for all costs incurred by the bureau **of motor vehicles commission** in implementing this section.

SECTION 167. IC 31-25-4-32, AS ADDED BY P.L.145-2006, SECTION 271, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 32. (a) When the Title IV-D agency finds that an obligor is delinquent and can demonstrate that all previous

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enforcement actions have been unsuccessful, the Title IV-D agency shall send, to a verified address, a notice to the obligor that does the following:

(1) Specifies that the obligor is delinquent.

(2) Describes the amount of child support that the obligor is in arrears.

(3) States that unless the obligor:

(A) pays the obligor's child support arrearage in full;

(B) requests the activation of an income withholding order under IC 31-16-15-2 and establishes a payment plan with the Title IV-D agency to pay the arrearage; or

(C) requests a hearing under section 33 of this chapter;

within twenty (20) days after the date the notice is mailed, the Title IV-D agency shall issue an order to the bureau of motor vehicles **commission** stating that the obligor is delinquent and that the obligor's driving privileges shall be suspended.

(4) Explains that the obligor has twenty (20) days after the notice is mailed to do one (1) of the following:

(A) Pay the obligor's child support arrearage in full.

(B) Request the activation of an income withholding order under IC 31-16-15-2 and establish a payment plan with the Title IV-D agency to pay the arrearage.

(C) Request a hearing under section 33 of this chapter.

(5) Explains that if the obligor has not satisfied any of the requirements of subdivision (4) within twenty (20) days after the notice is mailed, that the Title IV-D agency shall issue a notice to:

(A) the board or department that regulates the obligor's profession or occupation, if any, that the obligor is delinquent and that the obligor may be subject to sanctions under IC 25-1-1.2, including suspension or revocation of the obligor's professional or occupational license;

(B) the supreme court disciplinary commission if the obligor is licensed to practice law;

(C) the department of education established by IC 20-19-3-1 if the obligor is a licensed teacher;

(D) the Indiana horse racing commission if the obligor holds or applies for a license issued under IC 4-31-6;

(E) the Indiana gaming commission if the obligor holds or applies for a license issued under IC 4-33;

(F) the commissioner of the department of insurance if the obligor holds or is an applicant for a license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3; or

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(G) the director of the department of natural resources if the obligor holds or is an applicant for a license issued by the department of natural resources under the following:

(i) IC 14-22-12 (fishing, hunting, and trapping licenses).

(ii) IC 14-22-14 (Lake Michigan commercial fishing license).

(iii) IC 14-22-16 (bait dealer's license).

(iv) IC 14-22-17 (mussel license).

(v) IC 14-22-19 (fur buyer's license).

(vi) IC 14-24-7 (nursery dealer's license).

(vii) IC 14-31-3 (ginseng dealer's license).

(6) Explains that the only basis for contesting the issuance of an order under subdivision (3) or (5) is a mistake of fact.

(7) Explains that an obligor may contest the Title IV-D agency's determination to issue an order under subdivision (3) or (5) by making written application to the Title IV-D agency within twenty (20) days after the date the notice is mailed.

(8) Explains the procedures to:

(A) pay the obligor's child support arrearage in full;

(B) establish a payment plan with the Title IV-D agency to pay the arrearage; and

(C) request the activation of an income withholding order under IC 31-16-15-2.

(b) Whenever the Title IV-D agency finds that an obligor is delinquent and has failed to:

(1) pay the obligor's child support arrearage in full;

(2) establish a payment plan with the Title IV-D agency to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2; or

(3) request a hearing under section 33 of this chapter within twenty (20) days after the date the notice described in subsection (a) is mailed;

the Title IV-D agency shall issue an order to the bureau of motor vehicles **commission** stating that the obligor is delinquent.

(c) An order issued under subsection (b) must require the following:

(1) If the obligor who is the subject of the order holds a driving license or permit on the date the order is issued, that the driving privileges of the obligor be suspended until further order of the Title IV-D agency.

(2) If the obligor who is the subject of the order does not hold a driving license or permit on the date the order is issued, that the bureau of motor vehicles **commission** may not issue a driving

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license or permit to the obligor until the bureau of motor vehicles **commission** receives a further order from the Title IV-D agency.

(d) The Title IV-D agency shall provide the:

(1) full name;

(2) date of birth;

(3) verified address; and

(4) Social Security number or driving license number;

of the obligor to the bureau of motor vehicles **commission.**

(e) Whenever the Title IV-D agency finds that an obligor who is an applicant (as defined in IC 25-1-1.2-1) or a practitioner (as defined in IC 25-1-1.2-6) is delinquent and the applicant or practitioner has failed to:

(1) pay the obligor's child support arrearage in full;

(2) establish a payment plan with the Title IV-D agency to pay the arrearage or request the activation of an income withholding order under IC 31-16-15; or

(3) request a hearing under section 33 of this chapter;

the Title IV-D agency shall issue an order to the board regulating the practice of the obligor's profession or occupation stating that the obligor is delinquent.

(f) An order issued under subsection (e) must direct the board or department regulating the obligor's profession or occupation to impose the appropriate sanctions described under IC 25-1-1.2.

(g) Whenever the Title IV-D agency finds that an obligor who is an attorney or a licensed teacher is delinquent and the attorney or licensed teacher has failed to:

(1) pay the obligor's child support arrearage in full;

(2) establish a payment plan with the Title IV-D agency to pay the arrearage or request the activation of an income withholding order under IC 31-16-15-2; or

(3) request a hearing under section 33 of this chapter;

the Title IV-D agency shall notify the supreme court disciplinary commission if the obligor is an attorney, or the department of education if the obligor is a licensed teacher, that the obligor is delinquent.

(h) Whenever the Title IV-D agency finds that an obligor who holds a license issued under IC 4-31-6 or IC 4-33 has failed to:

(1) pay the obligor's child support arrearage in full;

(2) establish a payment plan with the Title IV-D agency to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2; or

(3) request a hearing under section 33 of this chapter;

the Title IV-D agency shall issue an order to the Indiana horse racing

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commission if the obligor holds a license issued under IC 4-31-6, or to the Indiana gaming commission if the obligor holds a license issued under IC 4-33, stating that the obligor is delinquent and directing the commission to impose the appropriate sanctions described in IC 4-31-6-11 or IC 4-33-8.5-3.

(i) Whenever the Title IV-D agency finds that an obligor who holds a license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3 has failed to:

(1) pay the obligor's child support arrearage in full;

(2) establish a payment plan with the Title IV-D agency to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2; or

(3) request a hearing under section 33 of this chapter;

the Title IV-D agency shall issue an order to the commissioner of the department of insurance stating that the obligor is delinquent and directing the commissioner to impose the appropriate sanctions described in IC 27-1-15.6-29 or IC 27-10-3-20.

(j) Whenever the Title IV-D agency finds that an obligor who holds a license issued by the department of natural resources under IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19, IC 14-24-7, or IC 14-31-3 has failed to:

(1) pay the obligor's child support arrearage in full;

(2) establish a payment plan with the Title IV-D agency to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2; or

(3) request a hearing under section 33 of this chapter;

the Title IV-D agency shall issue an order to the director of the department of natural resources stating that the obligor is delinquent and directing the director to suspend or revoke a license issued to the obligor by the department of natural resources as provided in IC 14-11-3.

SECTION 168. IC 31-25-4-33, AS ADDED BY P.L.145-2006, SECTION 271, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 33. (a) An obligor may contest the Title IV-D agency's determination to issue an order under section 32 of this chapter by making a written application to the Title IV-D agency within twenty (20) days after the date the notice is mailed to the obligor.

(b) The only basis for contesting an order issued under this section is a mistake of fact.

(c) The Title IV-D agency shall hold a hearing, within twenty-five (25) days after written application is made under subsection (a), to

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review its determination to issue an order under section 32 of this chapter. The Title IV-D agency shall make a determination in writing on the issuance of an order under section 32 of this chapter at the hearing.

(d) At the hearing described in subsection (c), if the obligor whose driving license or permit is suspended under this chapter proves to the satisfaction of the Title IV-D agency that public transportation is unavailable for travel by the obligor:

(1) to and from the obligor's regular place of employment;

(2) in the course of the obligor's regular employment;

(3) to and from the obligor's place of worship; or

(4) to participate in parenting time with the obligor's children consistent with a court order granting parenting time;

the Title IV-D agency may order the bureau of motor vehicles **commission** to issue the obligor a restricted driving permit.

(e) If the obligor requests a hearing but fails to appear or if the obligor appears and is found to be delinquent, the Title IV-D agency shall issue an order to the bureau of motor vehicles **commission** stating that the obligor is delinquent.

(f) An order issued under subsection (e) must require the following:

(1) If the obligor who is the subject of the order holds a driving license or permit on the date the order is issued, that the obligor's driving privileges be suspended under further order of the Title IV-D agency.

(2) If the obligor who is the subject of the order does not hold a driving license or permit on the date the order is issued, that the bureau of motor vehicles **commission** may not issue a driving license or permit to the obligor until the bureau of motor vehicles **commission** receives a further order from the Title IV-D agency.

(g) A restricted driving permit issued by the bureau of motor vehicles **commission** under this section must specify that the restricted driving permit is valid only for purposes of driving under the conditions described in subsection (d).

(h) Unless a person whose driving license or permit is suspended under this chapter has been issued a restricted driving permit under this section as a result of a suspension under this chapter, a person who operates a motor vehicle in violation of this section commits a Class A infraction.

SECTION 169. IC 31-37-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) If a child is alleged to have committed an act that would be an offense under IC 9-30-5 if committed by an adult, a juvenile court shall recommend

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the immediate suspension of the child's driving privileges as provided in IC 9-30-5. If a court recommends suspension of a child's driving privileges under this section, the bureau of motor vehicles **commission** shall comply with the recommendation of suspension as provided in IC 9-30-6-12.

(b) If a court recommends suspension of a child's driving privileges under this section, the court may order the bureau of motor vehicles **commission** to reinstate the child's driving privileges as provided in IC 9-30-6-11.

(c) If a juvenile court orders the bureau of motor vehicles **commission** to reinstate a child's driving privileges under subsection (b), the bureau **of motor vehicles commission** shall comply with the order. Unless the order for reinstatement is issued as provided under IC 9-30-6-11(a)(2) because of a violation of the speedy trial provisions applicable to the juvenile court, the bureau **of motor vehicles commission** shall also do the following:

(1) Remove any record of the suspension from the ~~bureau's~~ **bureau of motor vehicles commission's** record keeping system.

(2) Reinstate the privileges without cost to the person.

(d) If a juvenile court orders a suspension under this section and the child did not refuse to submit to a chemical test offered under IC 9-30-6-2 during the investigation of the delinquent act that would have been an offense under IC 9-30-5 if committed by an adult, the juvenile court may grant the child probationary driving privileges for one hundred eighty (180) days in conformity with the procedures in IC 9-30-5-12. The standards and procedures in IC 9-30-5-11 and IC 9-30-5-13 apply to an action under this subsection.

(e) If a proceeding described in this section is terminated in favor of the child and the child did not refuse to submit to a chemical test offered as provided under IC 9-30-6-2 during the investigation of the delinquent act that would be an offense under IC 9-30-5 if committed by an adult, the bureau **of motor vehicles commission** shall remove any record of the suspension, including the reasons for the suspension, from the child's official driving record.

(f) The bureau of motor vehicles **commission** may adopt rules under IC 4-22-2 to carry out this section.

SECTION 170. IC 31-37-19-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) This section applies if a child:

(1) is a delinquent child under IC 31-37-2 due to the commission of a delinquent act under IC 31-37-2-3 (or IC 31-6-4-1(a)(3) before its repeal); and

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(2) has been previously determined to be a delinquent child under IC 31-37-2 (or IC 31-6-4-1(b)(2) before its repeal) due to the commission of a delinquent act under IC 31-37-2-3 (or IC 31-6-4-1(a)(3) before its repeal).

(b) The juvenile court shall, in addition to any other order or decree the juvenile court makes under this chapter, order the bureau of motor vehicles **commission** to invalidate the child's driver's license or permit for a period specified by the court that is not less than ninety (90) days but not more than one (1) year.

SECTION 171. IC 31-37-19-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be:

(1) dealing in:

(A) a controlled substance (as defined in IC 35-48-1-9); or

(B) a counterfeit substance (as defined in IC 35-48-1-10);

(2) possessing:

(A) a controlled substance (as defined in IC 35-48-1-9); or

(B) a prescription drug (as defined in IC 35-48-1-25);

for which the child does not have a prescription; or

(3) conspiring to commit an act described in subdivision (1) or (2).

(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, order the bureau of motor vehicles **commission** to invalidate the child's operator's license or permit for a period specified by the court of at least six (6) months but not more than one (1) year from the time the child would otherwise be eligible for a learner's permit.

SECTION 172. IC 31-37-19-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) This section applies if:

(1) a child has been previously determined to be a delinquent child under IC 31-37-1 (or IC 31-6-4-1(b)(1) before its repeal) due to the commission of a delinquent act described in section 13(a)(1), 13(a)(2), or 13(a)(3) of this chapter (or IC 31-6-4-15.9(d)(1), IC 31-6-4-15.9(d)(2), or IC 31-6-4-15.9(d)(3) before its repeal); or

(2) the delinquent act described in section 13(a)(1), 13(a)(2), or 13(a)(3) of this chapter (or IC 31-6-4-15.9(d)(1), IC 31-6-4-15.9(d)(2), or IC 31-6-4-15.9(d)(3) before its repeal) was committed:

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(A) on school property;
(B) within one thousand (1,000) feet of school property; or
(C) on a school bus.

(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, order the bureau of motor vehicles **commission** to invalidate the child's operator's license for a period specified by the court of at least six (6) months but not more than two (2) years from the time the child would otherwise be eligible for a learner's permit.

SECTION 173. IC 31-37-19-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be:

(1) dealing in:
(A) a controlled substance (as defined in IC 35-48-1-9); or
(B) a counterfeit substance (as defined in IC 35-48-1-10);
(2) possessing:
(A) a controlled substance (as defined in IC 35-48-1-9); or
(B) a prescription drug (as defined in IC 35-48-1-25);
for which the child does not have a prescription; or
(3) conspiring to commit an act described in subdivision (1) or (2).

(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, order the bureau of motor vehicles **commission** not to issue the child a learner's permit for a period specified by the court of at least six (6) months but not more than one (1) year from the time the child would otherwise be eligible for a learner's permit.

SECTION 174. IC 31-37-19-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) This section applies if:

(1) a child has been previously determined to be a delinquent child under IC 31-37-1 (or IC 31-6-4-1(b)(1) before its repeal) due to the commission of a delinquent act described in section 15(a)(1), 15(a)(2), or 15(a)(3) of this chapter (or IC 31-6-4-15.9(e)(1), IC 31-6-4-15.9(e)(2), or IC 31-6-4-15.9(e)(3) before its repeal); or
(2) the delinquent act described in section 15(a)(1), 15(a)(2), or 15(a)(3) of this chapter (or IC 31-6-4-15.9(e)(1), IC 31-6-4-15.9(e)(2), or IC 31-6-4-15.9(e)(3) before its repeal) was committed:

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(A) on school property;
(B) within one thousand (1,000) feet of school property; or
(C) on a school bus.

(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, order the bureau of motor vehicles **commission** not to issue the child a learner's permit for a period specified by the court of at least six (6) months but not more than two (2) years from the time the child would otherwise be eligible for a learner's permit.

SECTION 175. IC 31-37-19-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be criminal mischief or institutional criminal mischief under IC 35-43-1-2 that involves the use of graffiti.

(b) The juvenile court may, in addition to any other order or decree the court makes under this chapter, order the bureau of motor vehicles **commission** to:

(1) suspend the child's operator's license; or
(2) invalidate the child's learner's permit;

for one (1) year beginning the date of the order.

SECTION 176. IC 31-37-19-17.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17.2. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be a theft or criminal conversion described in IC 35-43-4-8 (fuel theft).

(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, order the bureau of motor vehicles **commission** to:

(1) suspend the child's operator's license; or
(2) invalidate the child's learner's permit;

under IC 9-25-6-21 in the same manner as the bureau of motor vehicles **commission** is required to suspend the driving privileges of a person convicted of fuel theft.

SECTION 177. IC 31-37-19-17.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17.3. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be an offense under IC 9-30-5.

(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, recommend the suspension of the child's driving privileges as provided in IC 9-30-5. If a court

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recommends suspension of a child's driving privileges under this section, the bureau of motor vehicles **commission** shall comply with the recommendation of suspension as provided in IC 9-30-6-12.

(c) If a court recommends suspension of a child's driving privileges under this section, the court may order the bureau of motor vehicles **commission** to reinstate the child's driving privileges as provided in IC 9-30-6-11.

(d) If a juvenile court orders the bureau of motor vehicles **commission** to reinstate a child's driving privileges under subsection (c), the bureau **of motor vehicles commission** shall comply with the order. Unless the order for reinstatement is issued as provided under IC 9-30-6-11(a)(2) because of a violation of the speedy trial provisions applicable to the juvenile court, the bureau **of motor vehicles commission** shall also do the following:

(1) Remove any record of the suspension from the ~~bureau's~~ **bureau of motor vehicles commission's** record keeping system.

(2) Reinstate the privileges without cost to the person.

(e) If:

(1) a juvenile court recommends suspension of a child's driving privileges under this section; and

(2) the child did not refuse to submit to a chemical test offered as provided under IC 9-30-6-2 during the investigation of the delinquent act that would be an offense under IC 9-30-5 if committed by an adult;

the juvenile court may stay the execution of the suspension of the child's driving privileges and grant the child probationary driving privileges for one hundred eighty (180) days.

(f) If a juvenile court orders a suspension under this section and the child did not refuse to submit to a chemical test offered under IC 9-30-6-2 during the investigation of the delinquent act that would have been an offense under IC 9-30-5 if committed by an adult, the juvenile court may grant the child probationary driving privileges for one hundred eighty (180) days in conformity with the procedures in IC 9-30-5-12. The standards and procedures in IC 9-30-5-11 and IC 9-30-5-13 apply to an action under this subsection.

(g) A child whose driving privileges are suspended under this section is entitled to credit for any days during which the license was suspended under IC 31-37-5-7, if the child did not refuse to submit to a chemical test offered as provided under IC 9-30-6-2 during the investigation of the delinquent act that would be an offense under IC 9-30-5 if committed by an adult.

(h) A period of suspension of driving privileges imposed under this

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section must be consecutive to any period of suspension imposed under IC 31-37-5-7. However, if the juvenile court finds in the sentencing order that it is in the best interest of society, the juvenile court may terminate all or any part of the remaining suspension under IC 31-37-5-7.

(i) The bureau of motor vehicles **commission** may adopt rules under IC 4-22-2 to carry out this section.

SECTION 178. IC 31-37-19-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. If the court orders invalidation or denial of issuance of a driver's license or permit as described in IC 31-37-5-7 or section 4, 13, 14, 15, 16, 17, or 17.3 of this chapter (or IC 31-6-4-15.9(c), IC 31-6-4-15.9(d), IC 31-6-4-15.9(e), or IC 31-6-4-15.9(f) before the repeal of IC 31-6-4-15.9):

(1) the bureau of motor vehicles **commission** shall comply with the order for invalidation or denial of issuance; and

(2) the child shall surrender to the court all driver's licenses or permits of the child and the court shall immediately forward the licenses or permits to the bureau of motor vehicles **commission.**

If a juvenile court recommends suspension of driving privileges under section 17.3 of this chapter, IC 9-30-6-12(b), IC 9-30-6-12(c), and IC 9-30-6-12(d) apply to the child's driving privileges.

SECTION 179. IC 31-40-2-1.7, AS ADDED BY P.L.2-2005, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1.7. (a) A person may pay a monthly probation user's fee under section 1 or 1.5 of this chapter before the date the payment is required to be made without obtaining the prior approval of a court or a probation department. However, if a delinquent child is discharged from probation before the date the delinquent child was scheduled to be released from probation, any monthly probation user's fee paid in advance for the delinquent child may not be refunded.

(b) A probation department may petition a court to:

(1) impose a probation user's fee on a person; or

(2) increase a person's probation user's fee;

under section 1 or 1.5 of this chapter if the financial ability of the person to pay a probation user's fee changes while the person is on probation.

(c) An order to pay a probation user's fee under section 1 or 1.5 of this chapter:

(1) is a judgment lien that:

(A) attaches to the property of the person subject to the order;

(B) may be perfected;

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(C) may be enforced to satisfy any payment that is delinquent under section 1 or 1.5 of this chapter; and

(D) expires;

in the same manner as a judgment lien created in a civil proceeding;

(2) is not discharged by the completion of the person's probationary period or other sentence imposed on the person; and

(3) is not discharged by the liquidation of a person's estate by a receiver under IC 32-30-5.

(d) A delinquent child placed on probation for more than one (1) delinquent act:

(1) may be required to pay more than one (1) initial probation user's fee; and

(2) may not be required to pay more than one (1) monthly probation user's fee per month;

to either the probation department or the clerk of the court.

(e) If a court orders a person to pay a probation user's fee under section 1 or 1.5 of this chapter, the court may garnish the wages, salary, and other income earned by the person to enforce the order.

(f) If:

(1) a person is delinquent in paying the person's probation user's fees required under section 1 or 1.5 of this chapter; and

(2) the person's driver's license or permit has been suspended or revoked or the person has never been issued a driver's license or permit;

the court may order the bureau of motor vehicles **commission** to not issue a driver's license or permit to the person until the person has paid the person's delinquent probation user's fees.

SECTION 180. IC 32-34-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. To sell a watercraft and recover charges under section 2 of this chapter, a marina operator must do all of the following:

(1) Perform a search of watercraft titles for the name and address of the owner of the watercraft and the name and address of any person holding a lien or security interest on the watercraft. The search required by this subdivision must be conducted in the following order:

(A) First, in the records of the state of registration as indicated on the exterior of the watercraft.

(B) Second, in the United States Coast Guard registration records maintained by the National Vessel Documentation Center.

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(C) Third, in the records of the bureau of motor vehicles **commission.**

(2) After receiving the results of the search required by subdivision (1), give notice by certified mail, return receipt requested, or in person, to the last known address of the owner of the watercraft, to any lien holder with a perfected security interest in the watercraft, and to all other persons known to claim an interest in the watercraft. The notice must include an itemized statement of the charges, a description of the watercraft, a demand for payment within a specified time not less than ten (10) days after receipt of the notice, and a conspicuous statement that unless the charges are paid within that time, the watercraft will be advertised for sale and sold by auction at a specified time and place.

(3) Advertise that the watercraft will be sold at public auction in conformity with the provisions of IC 26-1-7-210 and IC 26-1-2-328. The advertisement of sale must be published once a week for two (2) consecutive weeks in a newspaper of general circulation in the county where the watercraft has been left without permission. The advertisement must include a description of the watercraft, the name of the person on whose account the watercraft is being held, and the time and place of the sale. The sale must take place at least fifteen (15) days after the first publication. If there is no newspaper of general circulation where the sale is to be held, the advertisement must be posted at least ten (10) days before the sale in not less than six (6) conspicuous places in the neighborhood of the proposed sale.

(4) Conduct an auction sale, not less than thirty (30) days after the return receipt is received by the marina operator, on the marina property where the watercraft was left without permission.

(5) Provide a reasonable time before the sale for prospective purchasers to examine the watercraft.

(6) Sell the watercraft to the highest bidder.

(7) Immediately after the auction sale, execute an affidavit of sale in triplicate on a form prescribed by the bureau of motor vehicles **commission** stating:

(A) that the requirements of this section have been met;

(B) the length of time that the watercraft was left on the marina property without permission;

(C) the expenses incurred by the marina operator, including the expenses of the sale;

(D) the name and address of the purchaser of the watercraft at

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the auction sale; and

(E) the amount of the winning bid.

SECTION 181. IC 32-34-10-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. After the purchaser:

(1) presents the bureau of motor vehicles **commission** with the affidavit of sale;

(2) completes an application for title; and

(3) pays any applicable fee;

the bureau **of motor vehicles commission** shall issue to the purchaser a certificate of title to the watercraft.

SECTION 182. IC 33-33-45-45 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 45. (a) The clerk of the Lake circuit court and the jury commissioners appointed by the Lake circuit court shall serve as jury commissioners for the court. The issuing and servicing of process shall be governed by the procedure specified in IC 33-28-4-3 for the circuit court. The selection of jurors may be made either:

(1) as specified for the circuit court in IC 33-28-4-3; or

(2) from a list of persons in the county who are at least eighteen (18) years of age and who hold a valid license issued by the bureau of motor vehicles **commission** under IC 9-24.

(b) Jurors need not serve in any particular order in which they are drawn by the jury commissioners.

(c) Any judge of the court may order the selection and summoning of other jurors for the court whenever necessary. Jurors summoned under this subsection shall serve the entire court and before any judge of the court where their service may be required.

(d) The contractor operating a license branch under IC 9-16 for Lake County shall, not later than January 1 of each year, provide to the jury commissioners of the Lake superior courts a list of all persons at least eighteen (18) years of age who hold a valid license issued by the bureau of motor vehicles **commission.**

SECTION 183. IC 33-33-82-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 21. (a) The clerk of the Vanderburgh circuit court and the jury commissioners appointed by the Vanderburgh circuit court shall serve as jury commissioners for the superior court. The issuing and servicing of process shall be governed by the procedure specified in IC 33-28-4-3 for the circuit court. The selection of jurors may be made either:

(1) as specified for the circuit court in IC 33-28-4-3; or

(2) from a list of persons in the county who are at least eighteen (18) years of age and who hold a valid license issued by the

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bureau of motor vehicles **commission** under IC 9-24.

(b) The jurors do not have to serve in any particular order in which they are drawn by the jury commissioners.

(c) Any judge of the court may order the selection and summoning of other jurors for the court whenever necessary. The jurors summoned under this subsection shall serve the entire court and before any judge of the court where their service may be required.

(d) The contractor operating a license branch under IC 9-16 for Vanderburgh County shall, not later than January 1 of each year, provide to the jury commissioners of the Vanderburgh superior courts a list of all persons at least eighteen (18) years of age who hold a valid license issued by the bureau of motor vehicles **commission.**

SECTION 184. IC 33-37-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) The clerk shall collect an alcohol and drug countermeasures fee of two hundred dollars ($200) in each action in which:

(1) a person is found to have:

(A) committed an offense under IC 9-30-5;

(B) violated a statute defining an infraction under IC 9-30-5; or

(C) been adjudicated a delinquent for an act that would be an offense under IC 9-30-5, if committed by an adult; and

(2) the person's driving privileges are suspended by the court or the bureau of motor vehicles **commission** as a result of the finding.

(b) The clerk shall collect an alcohol and drug countermeasures fee of two hundred dollars ($200) in each action in which:

(1) a person is charged with an offense under IC 9-30-5; and

(2) by a plea agreement or an agreement of the parties that is approved by the court:

(A) judgment is entered for an offense under:

(i) IC 9-21-8-50;

(ii) IC 9-21-8-52;

(iii) IC 7.1-5-1-3; or

(iv) IC 7.1-5-1-6; and

(B) the defendant agrees to pay the alcohol and drug counter measures fee.

SECTION 185. IC 34-6-2-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. "Certified copy of a certificate of title", for purposes of IC 34-40-4, means a document that is:

(1) a copy of a certificate of title for a motor vehicle, by whatever

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name designated, that is issued by the bureau of motor vehicles **commission** or a governmental entity in another state;

(2) prepared from a record of the governmental entity issuing the certificate of title; and

(3) certified by the officer having legal custody of the record described in subdivision (2) or the officer's deputy.

SECTION 186. IC 34-13-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. This chapter applies to a claim or suit in tort against any of the following:

(1) A member of the bureau of motor vehicles commission established under IC 9-15-1-1.

(2) An employee of the bureau of motor vehicles commission, ~~who is employed at a license branch under IC 9-16,~~ except for an employee employed at a license branch operated under a contract with the commission under IC 9-16.

SECTION 187. IC 34-24-1-1, AS AMENDED BY P.L.151-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) The following may be seized:

(1) All vehicles (as defined by IC 35-41-1), if they are used or are intended for use by the person or persons in possession of them to transport or in any manner to facilitate the transportation of the following:

(A) A controlled substance for the purpose of committing, attempting to commit, or conspiring to commit any of the following:

(i) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).

(ii) Dealing in methamphetamine (IC 35-48-4-1.1).

(iii) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(iv) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

(v) Dealing in a schedule V controlled substance (IC 35-48-4-4).

(vi) Dealing in a counterfeit substance (IC 35-48-4-5).

(vii) Possession of cocaine or a narcotic drug (IC 35-48-4-6).

(viii) Possession of methamphetamine (IC 35-48-4-6.1).

(ix) Dealing in paraphernalia (IC 35-48-4-8.5).

(x) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10).

(B) Any stolen (IC 35-43-4-2) or converted property (IC 35-43-4-3) if the retail or repurchase value of that property

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is one hundred dollars ($100) or more.

(C) Any hazardous waste in violation of IC 13-30-6-6.

(D) A bomb (as defined in IC 35-41-1-4.3) or weapon of mass destruction (as defined in IC 35-41-1-29.4) used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism (as defined by IC 35-41-1-26.5).

(2) All money, negotiable instruments, securities, weapons, communications devices, or any property used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism or commonly used as consideration for a violation of IC 35-48-4 (other than items subject to forfeiture under IC 16-42-20-5 or IC 16-6-8.5-5.1 before its repeal):

(A) furnished or intended to be furnished by any person in exchange for an act that is in violation of a criminal statute;

(B) used to facilitate any violation of a criminal statute; or

(C) traceable as proceeds of the violation of a criminal statute.

(3) Any portion of real or personal property purchased with money that is traceable as a proceed of a violation of a criminal statute.

(4) A vehicle that is used by a person to:

(A) commit, attempt to commit, or conspire to commit;

(B) facilitate the commission of; or

(C) escape from the commission of;

murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense under IC 35-47 as part of or in furtherance of an act of terrorism.

(5) Real property owned by a person who uses it to commit any of the following as a Class A felony, a Class B felony, or a Class C felony:

(A) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).

(B) Dealing in methamphetamine (IC 35-48-4-1.1).

(C) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(D) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

(E) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10).

(6) Equipment and recordings used by a person to commit fraud under IC 35-43-5-4(10).

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(7) Recordings sold, rented, transported, or possessed by a person in violation of IC 24-4-10.

(8) Property (as defined by IC 35-41-1-23) or an enterprise (as defined by IC 35-45-6-1) that is the object of a corrupt business influence violation (IC 35-45-6-2).

(9) Unlawful telecommunications devices (as defined in IC 35-45-13-6) and plans, instructions, or publications used to commit an offense under IC 35-45-13.

(10) Any equipment used or intended for use in preparing, photographing, recording, videotaping, digitizing, printing, copying, or disseminating matter in violation of IC 35-42-4-4.

(11) Destructive devices used, possessed, transported, or sold in violation of IC 35-47.5.

(12) Tobacco products that are sold in violation of IC 24-3-5, tobacco products that a person attempts to sell in violation of IC 24-3-5, and other personal property owned and used by a person to facilitate a violation of IC 24-3-5.

(13) Property used by a person to commit counterfeiting or forgery in violation of IC 35-43-5-2.

(14) After December 31, 2005, if a person is convicted of an offense specified in IC 25-26-14-26(b) or IC 35-43-10, the following real or personal property:

(A) Property used or intended to be used to commit, facilitate, or promote the commission of the offense.

(B) Property constituting, derived from, or traceable to the gross proceeds that the person obtained directly or indirectly as a result of the offense.

(15) Except as provided in subsection (e), a motor vehicle used by a person who operates the motor vehicle:

(A) while intoxicated, in violation of IC 9-30-5-1 through IC 9-30-5-5, if in the previous five (5) years the person has two (2) or more prior unrelated convictions:

(i) for operating a motor vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or

(ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction; or

(B) on a highway while the person's driver's license is suspended in violation of IC 9-24-19-2 through IC 9-24-19-4, if in the previous five (5) years the person has two (2) or more prior unrelated convictions:

(i) for operating a motor vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or

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(ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction.

If a court orders the seizure of a motor vehicle under this subdivision, the court shall transmit an order to the bureau of motor vehicles **commission** recommending that the bureau **of motor vehicles commission** not permit a motor vehicle to be registered in the name of the person whose motor vehicle was seized until the person possesses a current driving license (as defined in IC 9-13-2-41).

(b) A vehicle used by any person as a common or contract carrier in the transaction of business as a common or contract carrier is not subject to seizure under this section, unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a).

(c) Equipment under subsection (a)(10) may not be seized unless it can be proven by a preponderance of the evidence that the owner of the equipment knowingly permitted the equipment to be used to engage in conduct that subjects it to seizure under subsection (a)(10).

(d) Money, negotiable instruments, securities, weapons, communications devices, or any property commonly used as consideration for a violation of IC 35-48-4 found near or on a person who is committing, attempting to commit, or conspiring to commit any of the following offenses shall be admitted into evidence in an action under this chapter as prima facie evidence that the money, negotiable instrument, security, or other thing of value is property that has been used or was to have been used to facilitate the violation of a criminal statute or is the proceeds of the violation of a criminal statute:

(1) IC 35-48-4-1 (dealing in or manufacturing cocaine or a narcotic drug).

(2) IC 35-48-4-1.1 (dealing in methamphetamine).

(3) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled substance).

(4) IC 35-48-4-3 (dealing in a schedule IV controlled substance).

(5) IC 35-48-4-4 (dealing in a schedule V controlled substance) as a Class B felony.

(6) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a Class A felony, Class B felony, or Class C felony.

(7) IC 35-48-4-6.1 (possession of methamphetamine) as a Class A felony, Class B felony, or Class C felony.

(8) IC 35-48-4-10 (dealing in marijuana, hash oil, or hashish) as a Class C felony.

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(e) A motor vehicle operated by a person who is not:
(1) an owner of the motor vehicle; or
(2) the spouse of the person who owns the motor vehicle;
is not subject to seizure under subsection (a)(15) unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a)(15).

SECTION 188. IC 34-24-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The prosecuting attorney for the county in which the seizure occurs may, within ninety (90) days after receiving written notice from the owner demanding return of the seized property or within one hundred eighty (180) days after the property is seized, whichever occurs first, cause an action for reimbursement of law enforcement costs and forfeiture to be brought by filing a complaint in the circuit, superior, or county court in the jurisdiction where the seizure occurred. The action must be brought:
(1) in the name of the state or the state and the unit that employed the law enforcement officers who made the seizure if the state was not the employer; and
(2) within the period that a prosecution may be commenced under IC 35-41-4-2 for the offense that is the basis for the seizure.

(b) If the property seized was a vehicle or real property, the prosecuting attorney shall serve, under the Indiana Rules of Trial Procedure, a copy of the complaint upon each person whose right, title, or interest is of record in the bureau of motor vehicles **commission,** in the county recorder's office, or other office authorized to receive or record vehicle or real property ownership interests.

(c) The owner of the seized property, or any person whose right, title, or interest is of record may, within twenty (20) days after service of the complaint under the Indiana Rules of Trial Procedure, file an answer to the complaint and may appear at the hearing on the action.

(d) If, at the end of the time allotted for an answer, there is no answer on file, the court, upon motion, shall enter judgment in favor of the state and the unit (if appropriate) for reimbursement of law enforcement costs and shall order the property disposed of in accordance with section 4 of this chapter.

SECTION 189. IC 34-24-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) At the hearing, the prosecuting attorney must show by a preponderance of the evidence that the property was within the definition of property subject to seizure under section 1 of this chapter. If the property seized was a vehicle, the prosecuting attorney must also show by a preponderance of the

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evidence that a person who has an ownership interest of record in the bureau of motor vehicles **commission** knew or had reason to know that the vehicle was being used in the commission of the offense.

(b) If the prosecuting attorney fails to meet the burden of proof, the court shall order the property released to the owner.

(c) If the court enters judgment in favor of the state, or the state and a unit (if appropriate), the court, subject to section 5 of this chapter, shall order delivery to the law enforcement agency that seized the property. The court's order may permit the agency to use the property for a period not to exceed three (3) years. However, the order must require that, after the period specified by the court, the law enforcement agency shall deliver the property to the county sheriff for public sale.

(d) If the court enters judgment in favor of the state, or the state and a unit (if appropriate), the court shall, subject to section 5 of this chapter:

(1) determine the amount of law enforcement costs; and

(2) order that:

(A) the property, if it is not money or real property, be sold under section 6 of this chapter, by the sheriff of the county in which the property was seized, and if the property is a vehicle, this sale must occur after any period of use specified in subsection (c);

(B) the property, if it is real property, be sold in the same manner as real property is sold on execution under IC 34-55-6;

(C) the proceeds of the sale or the money be:

(i) deposited in the general fund of the state, or the unit that employed the law enforcement officers that seized the property; or

(ii) deposited in the general fund of a unit if the property was seized by a local law enforcement agency of the unit for an offense, an attempted offense, or a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism; and

(D) any excess in value of the proceeds or the money over the law enforcement costs be forfeited and transferred to the treasurer of state for deposit in the common school fund.

(e) If property that is seized under this chapter (or IC 34-4-30.1-4 before its repeal) is transferred:

(1) after its seizure, but before an action is filed under section 3 of this chapter (or IC 34-4-30.1-3 before its repeal); or

(2) when an action filed under section 3 of this chapter (or

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IC 34-4-30.1-3 before its repeal) is pending;
the person to whom the property is transferred must establish an ownership interest of record as a bona fide purchaser for value. A person is a bona fide purchaser for value under this section if the person, at the time of the transfer, did not have reasonable cause to believe that the property was subject to forfeiture under this chapter.

(f) If the property seized was an unlawful telecommunications device (as defined in IC 35-45-13-6) or plans, instructions, or publications used to commit an offense under IC 35-45-13, the court may order the sheriff of the county in which the person was convicted of an offense under IC 35-45-13 to destroy as contraband or to otherwise lawfully dispose of the property.

SECTION 190. IC 34-24-2-4, AS AMENDED BY P.L.222-2005, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) Property subject to forfeiture under this chapter shall be seized by a law enforcement officer upon court order. Seizure may be made without a court order only if:

(1) the seizure is incident to a lawful arrest or search or to an inspection under an administrative inspection warrant; or

(2) the property subject to seizure has been the subject of a prior judgment in favor of the state in a forfeiture proceeding under this chapter (or IC 34-4-30.5 before its repeal).

(b) When property is seized under subsection (a), pending forfeiture and final disposition, the law enforcement officer making the seizure may:

(1) place the property under seal;

(2) remove the property to a place designated by the court; or

(3) require another agency authorized by law to take custody of the property and remove it to an appropriate location.

(c) Property seized under subsection (a) (or IC 34-4-30.5-4(a) before its repeal) is not subject to replevin, but is considered to be in the custody of the law enforcement officer making the seizure, subject only to order of the court. However, if a seizure of property is made in accordance with subsection (a), the prosecuting attorney or the inspector general shall bring an action for forfeiture under section 2 of this chapter within:

(1) thirty (30) days after receiving notice from any person claiming a right, title, or interest in the property; or

(2) one hundred eighty (180) days after the property is seized;

whichever occurs first.

(d) If an action under subsection (c) is not filed within thirty (30) days after receiving notice from any person claiming a right, title, or

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interest in the property, the claimant:

(1) is entitled to file a complaint seeking:

(A) replevin;

(B) foreclosure; or

(C) other appropriate remedy; and

(2) shall immediately obtain a hearing on the complaint as provided in subsection (f).

If an action is not filed within one hundred eighty (180) days after the date of the seizure, and the property has not been previously released to an innocent person under section 5 of this chapter (or IC 34-4-30.5-4.5 before its repeal), the law enforcement agency whose officer made the seizure shall return the property to its owner.

(e) If property is seized under subsection (a) (or IC 34-4-30.5-4(a) before its repeal) and the property is a vehicle or real property, the prosecuting attorney or the inspector general shall serve, within thirty (30) days after the date the property is seized and as provided by the Indiana Rules of Trial Procedure, notice of seizure upon each person whose right, title, or interest is of record in the bureau of motor vehicles **commission,** in the county recorder's office, or other office authorized to receive or record vehicle or real property ownership interests.

(f) The person whose right, title, or interest is of record may at any time file a complaint seeking:

(1) replevin;

(2) foreclosure; or

(3) another appropriate remedy;

to which the state may answer in forfeiture within the appropriate statutory period. The court shall promptly set the matter for a hearing, and in the case of replevin or foreclosure, the court shall set the hearing as provided by the applicable statutory provisions.

SECTION 191. IC 34-28-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. If a defendant fails to satisfy a judgment entered against the defendant for the violation of a traffic ordinance or for a traffic infraction by a date fixed by the court, the court may suspend the defendant's drivers license. When a court suspends a person's drivers license under this section, the court shall forward notice of the suspension to the bureau of motor vehicles **commission.**

SECTION 192. IC 34-30-2-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 28. IC 9-17-2-6 (Concerning bureau of motor vehicles **commission** and license branches for invalid odometer readings on motor vehicle titles).

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SECTION 193. IC 34-30-2-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 31. IC 9-24-16-11 (Concerning the commissioner, employees, and agents of the bureau of motor vehicles **commission** for the validity of the information contained on nondriver identification cards).

SECTION 194. IC 35-33-8-3.3, AS ADDED BY P.L.173-2006, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3.3. (a) This section does not apply to a defendant charged in a city or town court.

(b) If a defendant who has a prior unrelated conviction for any offense is charged with a new offense and placed under the supervision of a probation officer or pretrial services agency, the court may order the defendant to pay the pretrial services fee prescribed under subsection (e) if:

(1) the defendant has the financial ability to pay the fee; and

(2) the court finds by clear and convincing evidence that supervision by a probation officer or pretrial services agency is necessary to ensure the:

(A) defendant's appearance in court; or

(B) physical safety of the community or of another person.

(c) If a clerk of a court collects a pretrial services fee, the clerk may retain not more than three percent (3%) of the fee to defray the administrative costs of collecting the fee. The clerk shall deposit amounts retained under this subsection in the clerk's record perpetuation fund established under IC 33-37-5-2.

(d) If a clerk of a court collects a pretrial services fee from a defendant, upon request of the county auditor, the clerk shall transfer not more than three percent (3%) of the fee to the county auditor for deposit in the county general fund.

(e) The court may order a defendant who is supervised by a probation officer or pretrial services agency and charged with an offense to pay:

(1) an initial pretrial services fee of at least twenty-five dollars ($25) and not more than one hundred dollars ($100);

(2) a monthly pretrial services fee of at least fifteen dollars ($15) and not more than thirty dollars ($30) for each month the defendant remains on bail and under the supervision of a probation officer or pretrial services agency; and

(3) an administrative fee of one hundred dollars ($100);

to the probation department, pretrial services agency, or clerk of the court if the defendant meets the conditions set forth in subsection (b).

(f) The probation department, pretrial services agency, or clerk of

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the court shall collect the administrative fee under subsection (e)(3) before collecting any other fee under subsection (e). Except for the money described in subsections (c) and (d), all money collected by the probation department, pretrial services agency, or clerk of the court under this section shall be transferred to the county treasurer, who shall deposit fifty percent (50%) of the money into the county supplemental adult probation services fund and fifty percent (50%) of the money into the county supplemental public defender services fund (IC 33-40-3-1). The fiscal body of the county shall appropriate money from the county supplemental adult probation services fund:

(1) to the county, superior, or circuit court of the county that provides probation services or pretrial services to adults to supplement adult probation services or pretrial services; and

(2) to supplement the salary of:

(A) an employee of a pretrial services agency; or

(B) a probation officer in accordance with the schedule adopted by the county fiscal body under IC 36-2-16.5.

(g) The county supplemental adult probation services fund may be used only to supplement adult probation services or pretrial services and to supplement salaries for probation officers or employees of a pretrial services agency. A supplemental probation services fund may not be used to replace other probation services or pretrial services funding. Any money remaining in the fund at the end of a fiscal year does not revert to any other fund but continues in the county supplemental adult probation services fund.

(h) A defendant who is charged with more than one (1) offense and who is supervised by the probation department or pretrial services agency as a condition of bail may not be required to pay more than:

(1) one (1) initial pretrial services fee; and

(2) one (1) monthly pretrial services fee per month.

(i) A probation department or pretrial services agency may petition a court to:

(1) impose a pretrial services fee on a defendant; or

(2) increase a defendant's pretrial services fee;

if the financial ability of the defendant to pay a pretrial services fee changes while the defendant is on bail and supervised by a probation officer or pretrial services agency.

(j) An order to pay a pretrial services fee under this section:

(1) is a judgment lien that, upon the defendant's conviction:

(A) attaches to the property of the defendant;

(B) may be perfected;

(C) may be enforced to satisfy any payment that is delinquent

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under this section; and

(D) expires;

in the same manner as a judgment lien created in a civil proceeding;

(2) is not discharged by the disposition of charges against the defendant or by the completion of a sentence, if any, imposed on the defendant;

(3) is not discharged by the liquidation of a defendant's estate by a receiver under IC 32-30-5; and

(4) is immediately terminated if a defendant is acquitted or if charges against the defendant are dropped.

(k) If a court orders a defendant to pay a pretrial services fee, the court may, upon the defendant's conviction, enforce the order by garnishing the wages, salary, and other income earned by the defendant.

(l) If a defendant is delinquent in paying the defendant's pretrial services fee and has never been issued a driver's license or permit, upon the defendant's conviction, the court may order the bureau of motor vehicles **commission** to not issue a driver's license or permit to the defendant until the defendant has paid the defendant's delinquent pretrial services fee. If a defendant is delinquent in paying the defendant's pretrial services fee and the defendant's driver's license or permit has been suspended or revoked, the court may order the bureau of motor vehicles **commission** to not reinstate the defendant's driver's license or permit until the defendant has paid the defendant's delinquent pretrial services fee.

(m) In addition to other methods of payment allowed by law, a probation department or pretrial services agency may accept payment of a pretrial services fee by credit card (as defined in IC 14-11-1-7(a)). The liability for payment is not discharged until the probation department or pretrial services agency receives payment or credit from the institution responsible for making the payment or credit.

(n) The probation department or pretrial services agency may contract with a bank or credit card vendor for acceptance of a bank or credit card. However, if there is a vendor transaction charge or discount fee, whether billed to the probation department or pretrial services agency, or charged directly to the account of the probation department or pretrial services agency, the probation department or pretrial services agency may collect a credit card service fee from the person using the bank or credit card. The fee collected under this subsection is a permitted additional charge to the fee or fees the defendant may be required to pay under subsection (e).

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(o) The probation department or pretrial services agency shall forward a credit card service fee collected under subsection (n) to the county treasurer in accordance with subsection (f). These funds may be used without appropriation to pay the transaction charge or discount fee charged by the bank or credit card vendor.

SECTION 195. IC 35-37-4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) As used in this section, "certified copy of a certificate of title" means a document that is:

(1) a copy of a certificate of title for a motor vehicle, by whatever name designated, that is issued by the bureau of motor vehicles **commission** or a governmental entity in another state;

(2) prepared from a record of the governmental entity issuing the certificate of title; and

(3) certified by the officer having legal custody of the record described in subdivision (2) or the officer's deputy.

(b) In a criminal proceeding, a certified copy of a certificate of title is prima facie evidence of the ownership of a motor vehicle.

SECTION 196. IC 35-38-2-1.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1.7. (a) A person may pay a monthly probation user's fee under section 1 or 1.5 of this chapter before the date the payment is required to be made without obtaining the prior approval of a court or a probation department. However, if the person is discharged from probation before the date the person was scheduled to be released from probation, any monthly probation user's fee paid in advance by the person may not be refunded.

(b) A probation department may petition a court to:

(1) impose a probation user's fee on a person; or

(2) increase a person's probation user's fee;

under section 1 or 1.5 of this chapter if the financial ability of the person to pay a probation user's fee changes while the person is on probation.

(c) An order to pay a probation user's fee under section 1 or 1.5 of this chapter:

(1) is a judgment lien that:

(A) attaches to the property of the person subject to the order;

(B) may be perfected;

(C) may be enforced to satisfy any payment that is delinquent under section 1 or 1.5 of this chapter; and

(D) expires;

in the same manner as a judgment lien created in a civil proceeding;

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(2) is not discharged by the completion of the person's probationary period or other sentence imposed on the person; and

(3) is not discharged by the liquidation of a person's estate by a receiver under IC 32-30-5.

(d) If a court orders a person to pay a probation user's fee under section 1 or 1.5 of this chapter, the court may garnish the wages, salary, and other income earned by the person to enforce the order.

(e) If:

(1) a person is delinquent in paying the person's probation user's fees required under section 1 or 1.5 of this chapter; and

(2) the person's driver's license or permit has been suspended or revoked or the person has never been issued a driver's license or permit;

the court may order the bureau of motor vehicles **commission** to not issue a driver's license or permit to the person until the person has paid the person's delinquent probation user's fees.

SECTION 197. IC 35-43-1-2, AS AMENDED BY P.L.173-2006, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) A person who:

(1) recklessly, knowingly, or intentionally damages or defaces property of another person without the other person's consent; or

(2) knowingly or intentionally causes another to suffer pecuniary loss by deception or by an expression of intention to injure another person or to damage the property or to impair the rights of another person;

commits criminal mischief, a Class B misdemeanor. However, the offense is:

(A) a Class A misdemeanor if:

(i) the pecuniary loss is at least two hundred fifty dollars ($250) but less than two thousand five hundred dollars ($2,500);

(ii) the property damaged was a moving motor vehicle;

(iii) the property damaged contained data relating to a person required to register as a sex offender under IC 11-8-8 and the person is not a sex offender or was not required to register as a sex offender;

(iv) the property damaged was a locomotive, a railroad car, a train, or equipment of a railroad company being operated on a railroad right-of-way;

(v) the property damaged was a part of any railroad signal system, train control system, centralized dispatching system, or highway railroad grade crossing warning signal on a

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railroad right-of-way owned, leased, or operated by a railroad company;

(vi) the property damaged was any rail, switch, roadbed, viaduct, bridge, trestle, culvert, or embankment on a right-of-way owned, leased, or operated by a railroad company; or

(vii) the property damage or defacement was caused by paint or other markings; and

(B) a Class D felony if:

(i) the pecuniary loss is at least two thousand five hundred dollars ($2,500);

(ii) the damage causes a substantial interruption or impairment of utility service rendered to the public;

(iii) the damage is to a public record;

(iv) the property damaged contained data relating to a person required to register as a sex offender under IC 11-8-8 and the person is a sex offender or was required to register as a sex offender;

(v) the damage causes substantial interruption or impairment of work conducted in a scientific research facility;

(vi) the damage is to a law enforcement animal (as defined in IC 35-46-3-4.5); or

(vii) the damage causes substantial interruption or impairment of work conducted in a food processing facility.

(b) A person who recklessly, knowingly, or intentionally damages:

(1) a structure used for religious worship;

(2) a school or community center;

(3) the grounds:

(A) adjacent to; and

(B) owned or rented in common with;

a structure or facility identified in subdivision (1) or (2); or

(4) personal property contained in a structure or located at a facility identified in subdivision (1) or (2);

without the consent of the owner, possessor, or occupant of the property that is damaged, commits institutional criminal mischief, a Class A misdemeanor. However, the offense is a Class D felony if the pecuniary loss is at least two hundred fifty dollars ($250) but less than two thousand five hundred dollars ($2,500), and a Class C felony if the pecuniary loss is at least two thousand five hundred dollars ($2,500).

(c) If a person is convicted of an offense under this section that involves the use of graffiti, the court may, in addition to any other penalty, order that the person's operator's license be suspended or

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invalidated by the bureau of motor vehicles **commission** for not more than one (1) year.

(d) The court may rescind an order for suspension or invalidation under subsection (c) and allow the person to receive a license or permit before the period of suspension or invalidation ends if the court determines that:

(1) the person has removed or painted over the graffiti or has made other suitable restitution; and

(2) the person who owns the property damaged or defaced by the criminal mischief or institutional criminal mischief is satisfied with the removal, painting, or other restitution performed by the person.

SECTION 198. IC 35-43-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) A conviction for an offense under section 2 of this chapter or section 3 of this chapter that involves exerting unauthorized control over gasoline or motor vehicle fuel:

(1) by operation of a motor vehicle to leave the premises of an establishment at which gasoline or motor vehicle fuel is offered for sale after the gasoline or motor vehicle fuel has been dispensed into the fuel tank of the motor vehicle; and

(2) without payment or authorization of payment by a credit card, debit card, charge card, or similar method of payment;

shall result in the suspension of the driving privileges of the person.

(b) The court imposing **a** sentence for a violation under subsection (a) shall issue an order to the bureau of motor vehicles **commission:**

(1) stating that the person has been convicted of an offense under section 2 of this chapter or section 3 of this chapter involving the unauthorized taking of gasoline or motor vehicle fuel; and

(2) ordering the suspension of the person's driving privileges under IC 9-25-6-21.

The suspension of a person's driving privileges under this section is in addition to other penalties prescribed by IC 35-50-3-2 for a Class A misdemeanor or by IC 35-50-2-7 for a Class D felony.

SECTION 199. IC 35-48-4-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. (a) If a person is convicted of an offense under section 1, 2, 3, 4, 5, 6, 7, 10, or 11 of this chapter, or conspiracy to commit an offense under section 1, 2, 3, 4, 5, 6, 7, 10, or 11 of this chapter, and the court finds that a motor vehicle was used in the commission of the offense, the court shall, in addition to any other order the court enters, order that the person's:

(1) operator's license be suspended;

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(2) existing motor vehicle registrations be suspended; and

(3) ability to register motor vehicles be suspended;

by the bureau of motor vehicles **commission** for a period specified by the court of at least six (6) months but not more than two (2) years.

(b) If a person is convicted of an offense described in subsection (a) and the person does not hold an operator's license or a learner's permit, the court shall order that the person may not receive an operator's license or a learner's permit from the bureau of motor vehicles **commission** for a period of not less than six (6) months.

SECTION 200. IC 35-48-7-5, AS AMENDED BY P.L.204-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. As used in this chapter, "identification number" refers to the following:

(1) The unique number contained on any of the following:

(A) A valid driver's license of a recipient or a recipient's representative issued under Indiana law or the law of any other state.

(B) A recipient's or a recipient representative's valid military identification card.

(C) A valid identification card of a recipient or a recipient's representative issued by:

(i) the bureau of motor vehicles **commission** as described in IC 9-24-16-3; or

(ii) any other state and that is similar to the identification card issued by the bureau of motor vehicles **commission.**

(D) If the recipient is an animal:

(i) the valid driver's license issued under Indiana law or the law of any other state;

(ii) the valid military identification card; or

(iii) the valid identification card issued by the bureau of motor vehicles **commission** and described in IC 9-24-16-3 or a valid identification card of similar description that is issued by any other state;

of the animal's owner.

(2) The identification number or phrase designated by the central repository.

SECTION 201. IC 36-1-8-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) This section does not apply to a county treasurer governed by IC 36-2-10-23.

(b) As used in this section, "credit card" means a:

(1) credit card;

(2) debit card;

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(3) charge card; or
(4) stored value card.

(c) A payment to a political subdivision or a municipally owned utility for any purpose may be made by any of the following financial instruments that the fiscal body of the political subdivision or the board of the municipally owned utility authorizes for use:
(1) Cash.
(2) Check.
(3) Bank draft.
(4) Money order.
(5) Bank card or credit card.
(6) Electronic funds transfer.
(7) Any other financial instrument authorized by the fiscal body.

(d) If there is a charge to the political subdivision or municipally owned utility for the use of a financial instrument, the political subdivision or municipally owned utility may collect a sum equal to the amount of the charge from the person who uses the financial instrument.

(e) If authorized by the fiscal body of the political subdivision or the board of the municipally owned utility, the political subdivision or municipally owned utility may accept payments under this section with a bank card or credit card under the procedures set forth in this section. However, the procedure authorized for a particular type of payment must be uniformly applied to all payments of the same type.

(f) The political subdivision or municipally owned utility may contract with a bank card or credit card vendor for acceptance of bank cards or credit cards.

(g) The political subdivision or municipally owned utility may pay any applicable bank card or credit card service charge associated with the use of a bank card or credit card under this subsection.

(h) The authorization of the fiscal body of the political subdivision is not required by the bureau of motor vehicles ~~or the bureau of motor vehicles~~ commission to use electronic funds transfer or other financial instruments to transfer funds to the political subdivision.

SECTION 202. IC 36-2-10-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 23. (a) Notwithstanding any other law, payments to the treasurer for any purpose, including property tax payments, may be made by any of the following financial instruments that the treasurer authorizes for use:
(1) Cash.
(2) Check.
(3) Bank draft.

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(4) Money order.
(5) Bank card or credit card.
(6) Electronic funds transfer.
(7) Any other financial instrument authorized by the treasurer.

(b) If there is a charge to the treasurer for the use of a financial instrument other than a bank card or credit card, the treasurer shall collect a sum equal to the amount of the charge from the person who uses the financial instrument.

(c) A treasurer may contract with a bank card or credit card vendor for acceptance of bank or credit cards. However, if there is a vendor transaction charge or discount fee, whether billed to the treasurer or charged directly to the treasurer's account, the treasurer shall collect from the person using the card an official fee that may not exceed the highest transaction charge or discount fee charged to the treasurer by bank or credit card vendors during the most recent collection period. This fee may be collected regardless of retail merchant agreements between the bank and credit card vendors that may prohibit such a fee. The fee is a permitted additional charge under IC 24-4.5-3-202.

(d) Notwithstanding subsection (a), the authorization of the treasurer is not required for the bureau of motor vehicles ~~or the bureau of motor vehicles~~ commission to use electronic funds transfer or other financial instruments to transfer funds to the county treasurer.

SECTION 203. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2007]: IC 9-13-2-16; IC 9-14-1; IC 9-14-2.

SECTION 204. [EFFECTIVE JULY 1, 2007] **(a) As used in this SECTION, "commission" refers to the bureau of motor vehicles commission established by IC 9-15-1-1.**

(b) On July 1, 2007, the following occur:

(1) The powers, duties, and functions of the bureau of motor vehicles created by IC 9-14-1-1 (before its repeal by this act) are transferred to the commission.

(2) A reference in the Indiana Code or a rule to the bureau of motor vehicles shall be construed as a reference to the commission.

(3) The property and records of the bureau of motor vehicles are transferred to the bureau of motor vehicles commission.

(4) An individual who was an employee of the bureau of motor vehicles becomes an employee of the commission. The employee remains a member of the public employees' retirement fund (IC 5-10.3) and is entitled to have the employee's service before July 1, 2007, recognized for the purposes of all other applicable employee benefits.

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(c) This SECTION expires December 31, 2008.

SECTION 205. [EFFECTIVE JULY 1, 2007] **(a) As used in this SECTION, "commission" refers to the bureau of motor vehicles commission established by IC 9-15-1-1.**

(b) Rules adopted before July 1, 2007, by the bureau of motor vehicles created by IC 9-14-1-1 (before its repeal by this act) are considered after June 30, 2007, rules of the commission.

(c) This SECTION expires December 31, 2008.

SECTION 206. [EFFECTIVE JULY 1, 2007] **(a) The legislative services agency shall prepare legislation for introduction in the 2008 regular session of the general assembly to organize and correct statutes affected by the transfer of responsibilities to the bureau of motor vehicles commission by this act, including review of the following statutes to determine whether changes are necessary:**

(1) IC 9-13.
(2) IC 9-14.
(3) IC 9-15.
(4) IC 9-16.
(5) IC 9-17.
(6) IC 9-18.
(7) IC 9-19.
(8) IC 9-20.
(9) IC 9-21.
(10) IC 9-22.
(11) IC 9-23.
(12) IC 9-24.
(13) IC 9-25.
(14) IC 9-26.
(15) IC 9-27.
(16) IC 9-28.
(17) IC 9-29.
(18) IC 9-30.
(19) IC 9-31.
(20) Any other statute requiring an amendment to conform to this act.

(b) This SECTION expires June 30, 2008.

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COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Senate Bill No. 542, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 30, line 3, strike "However, if there is a vendor".

Page 30, strike lines 4 through 11.

and when so amended that said bill do pass.

(Reference is to SB 542 as introduced.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 9, Nays 0.

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