

## CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 16

**Citations Affected:** IC 5-2-6.5-9; IC 9-13-2-177.3; IC 9-24; IC 9-29-9-2; IC 9-30-3-12; IC 20-19-2-8; IC 26-2-6-6; IC 33-39-1-8; IC 34-28-5.

**Synopsis:** Learner's permits and graduated licenses. Conference committee report for ESB 16. Raises, under certain circumstances, the minimum age for the issuance of a learner's permit and a probationary operator's license. Sets requirements for practice driving before an operator's license can be issued. Prohibits a driver under the age of 18 from operating a motor vehicle while using a telecommunications device except for making a 911 emergency call. Revises the period during which certain passengers may not accompany a probationary driver. Revises the hours when nighttime driving is prohibited by certain probationary drivers. Specifies the periods of validity of a learner's permit. Requires the state board of education and the criminal justice institute to adopt rules specifying that the classroom portion of driver's education may not be provided to a child less than 15 years and 180 days of age. Makes the holder of a probationary license ineligible for pretrial diversion or deferral with respect to certain alleged offenses and infractions involving motor vehicles. Establishes the interim study committee on driver education. Makes corresponding changes and conforming amendments. Removes outdated language. (The introduced version of this bill was prepared by the interim study committee on learner's permits and graduated driver's licenses.) **(This conference committee report does the following: (1) Deletes language requiring the bureau of motor vehicles to design and issue an Indiana Soldiers' and Sailors' Children's Home alumni association license plate. (2) Adds language allowing the spouse who is at least 21 years of age of an individual applying for an operator's license to be the supervising driver for purposes of the requirement of at least 50 hours of supervised driving before an operator's license may be issued. (3) Adds language providing that an individual who is at least 16 years and 180 days of age but less than 18 years of age who holds an unrevoked driver's license, excluding a learner's permit or the equivalent, in the state or a combination of states in which the individual formerly resided for at least 180 days may apply for an operator's license. (4) Adds language concerning conditions that must be met before an individual less than 18 years of age who has not taken driver education may receive an probationary operator's license. (5) Deletes language requiring an individual who held a driver's license in another state to have held the license for a year in that state before an operator's license may be issued in Indiana. (6)**

**Adds language providing that a newly licensed individual may operate a motor vehicle in which there are passengers when accompanied by a parent, guardian, or stepparent of the operator who is at least 21 years of age under certain circumstances. (7) Adds language providing that a newly licensed individual may operate a motor vehicle and transport the spouse or the child and the spouse of the individual without another accompanying individual present in the motor vehicle. (8) Makes technical corrections.)**

**Effective:** Upon passage; July 1, 2009.

Adopted

Rejected

## CONFERENCE COMMITTEE REPORT

**MR. SPEAKER:**

*Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill No. 16 respectfully reports that said two committees have conferred and agreed as follows to wit:*

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 motor vehicles.
- 4 Delete everything after the enacting clause and insert the following:
- 5 SECTION 1. IC 5-2-6.5-9, AS ADDED BY P.L.107-2008,
- 6 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2009]: Sec. 9. (a) To establish or operate a commercial driver
- 8 training school, the commercial driver training school must obtain a
- 9 commercial driver training school license from the institute in the
- 10 manner and form prescribed by the institute.
- 11 (b) Subject to subsections (c) and (d), the institute shall adopt rules
- 12 under IC 4-22-2 that state the requirements for obtaining a commercial
- 13 driver training school license, including the following:
- 14 (1) Location of the commercial driver training school.
- 15 (2) Equipment required.
- 16 (3) Courses of instruction.
- 17 (4) Instructors.
- 18 (5) Previous records of the commercial driver training school and
- 19 instructors.
- 20 (6) Financial statements.
- 21 (7) Schedule of fees and charges.

1 (8) Character and reputation of the operators and instructors.

2 (9) Insurance in the amount and with the provisions the institute  
3 considers necessary to adequately protect the interests of the  
4 public.

5 (10) Other matters the institute prescribes for the protection of the  
6 public.

7 (c) The rules adopted under subsection (b) must permit a licensed  
8 commercial driver training school to provide classroom training during  
9 which an instructor is present in a county outside the county where the  
10 commercial driver training school is located to the students of:

11 (1) a school corporation (as defined in IC 36-1-2-17);

12 (2) a nonpublic secondary school that voluntarily becomes  
13 accredited under IC 20-19-2-8;

14 (3) a nonpublic secondary school recognized under  
15 IC 20-19-2-10;

16 (4) a state educational institution; or

17 (5) a nonaccredited nonpublic school.

18 However, the rules must provide that a licensed commercial driver  
19 training school may provide classroom training in an entity listed in  
20 subdivisions (1) through (3) only if the governing body of the entity  
21 approves the delivery of the training to its students.

22 (d) Notwithstanding subsection (b)(3), the rules adopted under  
23 subsection (b) must provide that the classroom instruction and the  
24 practice driving instruction required for students of a commercial  
25 driver training school be the same as the rules adopted by the state  
26 board of education under IC 20-19-2-8(4) concerning the standards for  
27 driver education programs, including classroom instruction and  
28 practice driving.

29 **(e) The rules adopted under subsection (b) must provide,**  
30 **effective July 1, 2010, that the classroom training part of driver**  
31 **education instruction may not be provided to a child less than**  
32 **fifteen (15) years and one hundred eighty (180) days of age.**

33 SECTION 2. IC 9-13-2-177.3 IS ADDED TO THE INDIANA  
34 CODE AS A NEW SECTION TO READ AS FOLLOWS  
35 [EFFECTIVE JULY 1, 2009]: **Sec. 177.3. "Telecommunications**  
36 **device", for purposes of IC 9-24-11-3.3, has the meaning set forth**  
37 **in IC 9-24-11-0.5.**

38 SECTION 3. IC 9-24-3-1 IS AMENDED TO READ AS FOLLOWS  
39 [EFFECTIVE JULY 1, 2009]: Sec. 1. Except as otherwise provided in  
40 this article, the bureau shall issue an operator's license to an individual  
41 who meets the following conditions:

42 (1) Satisfies the age requirements ~~described~~ **set forth** in section  
43 **2 or 2.5** of this chapter.

44 (2) Makes proper application to the bureau under IC 9-24-9 upon  
45 a form prescribed by the bureau. **Effective July 1, 2010, the form**  
46 **must include a verification concerning the number of hours of**  
47 **supervised driving practice that the individual has completed**  
48 **if the individual is required under section 2.5 of this chapter**  
49 **to complete a certain number of hours of supervised driving**  
50 **practice in order to receive an operator's license.**

51 (3) Satisfactorily passes the examination and tests required for

1 issuance of an operator's license under IC 9-24-10.

2 (4) Pays the fee prescribed by IC 9-29-9.

3 SECTION 4. IC 9-24-3-2, AS AMENDED BY P.L.156-2006,  
4 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2009]: Sec. 2. (a) Except as provided in section 3 of this  
6 chapter, an individual must meet one (1) of the following conditions to  
7 receive an operator's license:

8 (1) The applicant meets the following conditions:

9 (A) Is at least sixteen (16) years and thirty (30) days of age.

10 (B) Has held a valid learner's permit at least sixty (60) days.

11 (C) Has obtained an instructor's certification that the applicant  
12 has satisfactorily completed an approved driver education  
13 course.

14 (D) Has passed the required examination.

15 (2) The applicant meets the following conditions:

16 (A) Is at least sixteen (16) years and one hundred eighty (180)  
17 days of age.

18 (B) Has held a valid learner's permit for at least sixty (60)  
19 days.

20 (C) Has passed the required examination.

21 (3) The applicant meets the following conditions:

22 (A) Is at least sixteen (16) years and one hundred eighty (180)  
23 days of age.

24 (B) Has, within the past three (3) years, held an Indiana  
25 operator's, chauffeur's, or public passenger chauffeur's license  
26 that has not been suspended or revoked.

27 (C) Passes the required examination.

28 (4) The applicant meets the following conditions:

29 (A) Is at least sixteen (16) years and one hundred eighty (180)  
30 days of age.

31 (B) Has previously been a nonresident of Indiana but who, at  
32 the time of application, qualifies as an Indiana resident.

33 (C) Has held for at least one (1) year an unrevoked operator's,  
34 chauffeur's, or public passenger chauffeur's license in the state,  
35 district, or county in which the applicant has been a resident.

36 (D) Passes the required examination.

37 **(b) This section expires June 30, 2010. The expiration of this**  
38 **section does not affect the validity of an operator's license issued**  
39 **under this section.**

40 SECTION 5. IC 9-24-3-2.5 IS ADDED TO THE INDIANA CODE  
41 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
42 1, 2009]: Sec. 2.5. (a) **This section applies beginning July 1, 2010.**

43 **(b) Except as provided in section 3 of this chapter, an individual**  
44 **must satisfy the requirements set forth in one (1) of the following**  
45 **subdivisions to receive an operator's license:**

46 **(1) The individual meets the following conditions:**

47 **(A) Is at least sixteen (16) years and one hundred eighty**  
48 **(180) days of age.**

49 **(B) Has held a valid learner's permit for at least one**  
50 **hundred eighty (180) days.**

51 **(C) Obtains an instructor's certification that the individual**

- 1           **has satisfactorily completed an approved driver education**  
 2           **course.**  
 3           **(D) Passes the required examination.**  
 4           **(E) Completes at least fifty (50) hours of supervised driving**  
 5           **practice, of which at least ten (10) hours are nighttime**  
 6           **driving, with:**  
 7               **(i) a licensed instructor or a licensed driver who is at**  
 8               **least twenty-five (25) years of age; or**  
 9               **(ii) the spouse of the individual who is at least twenty-one**  
 10              **(21) years of age.**  
 11           **(2) The individual meets the following conditions:**  
 12               **(A) Is at least sixteen (16) years and two hundred seventy**  
 13               **(270) days of age.**  
 14               **(B) Has held a valid learner's permit for at least one**  
 15               **hundred eighty (180) days.**  
 16               **(C) Passes the required examination.**  
 17               **(D) Completes at least fifty (50) hours of supervised**  
 18               **driving practice, of which at least ten (10) hours are**  
 19               **nighttime driving, with:**  
 20                   **(i) a licensed instructor or a licensed driver who is at**  
 21                   **least twenty-five (25) years of age; or**  
 22                   **(ii) the spouse of the individual who is at least twenty-one**  
 23                   **(21) years of age.**  
 24           **(3) The individual meets the following conditions:**  
 25               **(A) Is at least sixteen (16) years and one hundred eighty**  
 26               **(180) days of age but less than eighteen (18) years of age.**  
 27               **(B) Has previously been a nonresident of Indiana, but, at**  
 28               **the time of application, qualifies as an Indiana resident.**  
 29               **(C) Holds an unrevoked driver's license, excluding a**  
 30               **learner's permit or the equivalent, in the state or a**  
 31               **combination of states in which the individual formerly**  
 32               **resided for at least one hundred eighty (180) days.**  
 33               **(D) Passes the required examination.**  
 34           **(4) The individual meets the following conditions:**  
 35               **(A) Is at least eighteen (18) years of age.**  
 36               **(B) Has previously been a nonresident of Indiana but, at**  
 37               **the time of application, qualifies as an Indiana resident.**  
 38               **(C) Has held an unrevoked operator's, chauffeur's,**  
 39               **commercial driver's, or public passenger chauffeur's**  
 40               **license from the state of prior residence.**  
 41               **(D) Passes the required examination.**  
 42           **SECTION 6. IC 9-24-7-1 IS AMENDED TO READ AS FOLLOWS**  
 43           **[EFFECTIVE JULY 1, 2009]: Sec. 1. (a) This subsection expires**  
 44           **June 30, 2010. The bureau shall issue a learner's permit to an**  
 45           **individual who meets the following conditions:**  
 46               **(1) Is at least fifteen (15) years of age.**  
 47               **(2) If less than eighteen (18) years of age, is not ineligible under**  
 48               **IC 9-24-2-1.**  
 49               **(3) Is enrolled in an approved driver education course.**  
 50           **(b) This subsection applies beginning July 1, 2010. The bureau**  
 51           **shall issue a learner's permit to an individual who meets the**

1 following conditions:

2 (1) Is at least fifteen (15) years and one hundred eighty (180)  
3 days of age.

4 (2) If less than eighteen (18) years of age, is not ineligible  
5 under IC 9-24-2-1.

6 (3) Is enrolled in an approved driver education course.

7 SECTION 7. IC 9-24-11-0.5 IS ADDED TO THE INDIANA CODE  
8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
9 1, 2009]: **Sec. 0.5. As used in this chapter, "telecommunications  
10 device" means an electronic or digital telecommunications device.**

11 SECTION 8. IC 9-24-11-3, AS AMENDED BY P.L.184-2007,  
12 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 UPON PASSAGE]: **Sec. 3. (a) This section applies to a probationary  
14 operator's license issued before July 1, 2009.**

15 ~~(a)~~ (b) A license issued to an individual less than eighteen (18)  
16 years of age is a probationary license.

17 ~~(b)~~ (c) An individual holds a probationary license subject to the  
18 following conditions:

19 (1) Except as provided in IC 31-37-3, the individual may not  
20 operate a motor vehicle during the curfew hours specified in  
21 IC 31-37-3-2.

22 (2) During the ninety (90) days following the issuance of the  
23 probationary license, the individual may not operate a motor  
24 vehicle in which there are passengers unless another individual  
25 who:

26 (A) is at least twenty-one (21) years of age and

27 ~~(B)~~ holds a valid operator's license issued under this article; **or**

28 **(B) is the parent, guardian, or stepparent of the operator  
29 who is at least twenty-one (21) years of age;**

30 is present in the front seat of the motor vehicle.

31 (3) The individual may operate a motor vehicle only if the  
32 individual and each occupant of the motor vehicle has a safety  
33 belt properly fastened about the occupant's body at all times when  
34 the motor vehicle is in motion.

35 ~~(c)~~ (d) An individual who holds a probationary license issued under  
36 this section may receive an operator's license, a chauffeur's license, a  
37 public passenger chauffeur's license, or a commercial driver's license  
38 when the individual is at least eighteen (18) years of age.

39 ~~(d)~~ (e) Except as provided in subsection ~~(c)~~; (f), a probationary  
40 license issued under this section:

41 (1) expires at midnight of the twenty-first birthday of the holder;  
42 and

43 (2) may not be renewed.

44 ~~(e)~~ (f) A probationary license issued under this section to an  
45 individual who complies with IC 9-24-9-2.5(5) through  
46 IC 9-24-9-2.5(9) expires:

47 (1) at midnight one (1) year after issuance if there is no expiration  
48 date on the authorization granted to the individual to remain in the  
49 United States; or

50 (2) if there is an expiration date on the authorization granted to  
51 the individual to remain in the United States, the earlier of the

1 following:

2 (A) At midnight of the date the authorization to remain in the  
3 United States expires.

4 (B) At midnight of the twenty-first birthday of the holder.

5 SECTION 9. IC 9-24-11-3.3 IS ADDED TO THE INDIANA CODE  
6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
7 1, 2009]: **Sec. 3.3. (a) This section applies to a probationary  
8 operator's license issued after June 30, 2009.**

9 **(b) A license issued to an individual less than eighteen (18) years  
10 of age is a probationary license. An individual holds a probationary  
11 license subject to the following conditions:**

12 (1) Except as provided in subdivision (3), the individual may  
13 not operate a motor vehicle from 10 p.m. until 5 a.m. of the  
14 following morning during the first one hundred eighty (180)  
15 days after issuance of the probationary license.

16 (2) Except as provided in subdivision (3), after one hundred  
17 eighty (180) days after issuance of the probationary license,  
18 and until the individual becomes eighteen (18) years of age, an  
19 individual may not operate a motor vehicle:

20 (A) between 1 a.m. and 5 a.m. on a Saturday or Sunday;

21 (B) after 11 p.m. on Sunday, Monday, Tuesday,  
22 Wednesday, or Thursday; or

23 (C) before 5 a.m. on Monday, Tuesday, Wednesday,  
24 Thursday, or Friday.

25 (3) The individual may operate a motor vehicle during the  
26 periods described in subdivisions (1) and (2) if the individual  
27 operates the motor vehicle while:

28 (A) participating in, going to, or returning from:

29 (i) lawful employment;

30 (ii) a school sanctioned activity; or

31 (iii) a religious event; or

32 (B) accompanied by a licensed driver at least twenty-five  
33 (25) years of age.

34 (4) The individual may not operate a motor vehicle while  
35 using a telecommunications device until the individual  
36 becomes eighteen (18) years of age unless the  
37 telecommunications device is being used to make a 911  
38 emergency call.

39 (5) Except as provided in subdivision (6), during the one  
40 hundred eighty (180) days after the issuance of the  
41 probationary license, the individual may not operate a motor  
42 vehicle in which there are passengers until the individual  
43 becomes eighteen (18) years of age unless another individual:

44 (A) who:

45 (i) is at least twenty-five (25) years of age; and

46 (ii) holds a valid operator's, chauffeur's, public  
47 passenger chauffeur's, or commercial driver's license  
48 issued under this article;

49 (B) who is a certified driver education instructor; or

50 (C) who is the parent, guardian, or stepparent of the  
51 operator who is at least twenty-one (21) years of age;

- 1 is present in the front seat of the motor vehicle.
- 2 **(6) The individual may operate a motor vehicle and transport:**
- 3 **(A) a child of the individual;**
- 4 **(B) a sibling of the individual;**
- 5 **(C) a child and a sibling of the individual;**
- 6 **(D) the spouse of the individual; or**
- 7 **(E) a child and the spouse of the individual;**
- 8 **without another accompanying individual present in the**
- 9 **motor vehicle.**
- 10 **(7) The individual may operate a motor vehicle only if the**
- 11 **individual and each occupant of the motor vehicle:**
- 12 **(A) are properly restrained by a properly fastened safety**
- 13 **belt; or**
- 14 **(B) if the occupant is a child, the child must be properly**
- 15 **fastened and restrained in a child restraint system**
- 16 **according to the manufacturer's instructions under**
- 17 **IC 9-19-11;**
- 18 **properly fastened about the occupant's body at all times when**
- 19 **the motor vehicle is in motion.**
- 20 **(c) An individual who holds a probationary license issued under**
- 21 **this section may receive an operator's license, a chauffeur's license,**
- 22 **a public passenger chauffeur's license, or a commercial driver's**
- 23 **license when the individual is at least eighteen (18) years of age.**
- 24 **(d) Except as provided in IC 9-24-12-1(e), a probationary license**
- 25 **issued under this section:**
- 26 **(1) expires at midnight of the date thirty (30) days after the**
- 27 **twenty-first birthday of the holder; and**
- 28 **(2) may not be renewed.**
- 29 SECTION 10. IC 9-24-12-0.5 IS ADDED TO THE INDIANA
- 30 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 31 [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. This section applies**
- 32 **beginning January 1, 2010. A learner's permit issued under this**
- 33 **article expires two (2) years after the date of issuance.**
- 34 SECTION 11. IC 9-24-12-1, AS AMENDED BY P.L.184-2007,
- 35 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 36 JULY 1, 2009]: Sec. 1. (a) Except as provided in ~~subsection~~
- 37 **subsections** (b) and (d) and section 10 of this chapter, an operator's
- 38 license issued under this article before January 1, 2006, expires at
- 39 midnight of the birthday of the holder that occurs four (4) years
- 40 following the date of issuance.
- 41 (b) Except as provided in sections 10, 11, and 12 of this chapter, an
- 42 operator's license issued to an applicant who is at least seventy-five
- 43 (75) years of age expires at midnight of the birthday of the holder that
- 44 occurs three (3) years following the date of issuance.
- 45 (c) Except as provided in subsections (b) and (d) and sections 10,
- 46 11, and 12 of this chapter, ~~after December 31, 2005~~, an operator's
- 47 license issued under this article expires at midnight of the birthday of
- 48 the holder that occurs six (6) years following the date of issuance.
- 49 (d) A probationary operator's license issued under IC 9-24-11-3 **or**
- 50 **IC 9-24-11-3.3** expires at midnight of the twenty-first birthday of the
- 51 holder.

1 (e) A probationary license issued under IC 9-24-11-3.3 to an  
 2 individual who complies with IC 9-24-9-2.5(5) through  
 3 IC 9-24-9-2.5(9) expires:

4 (1) at midnight one (1) year after issuance if there is no  
 5 expiration date on the authorization granted to the individual  
 6 to remain in the United States; or

7 (2) if there is an expiration date on the authorization granted  
 8 to the individual to remain in the United States, the earlier of  
 9 the following:

10 (A) At midnight of the date the authorization to remain in  
 11 the United States expires.

12 (B) At midnight of the twenty-first birthday of the holder.

13 SECTION 12. IC 9-29-9-2, AS AMENDED BY P.L.156-2006,  
 14 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2009]: Sec. 2. (a) The fee for an operator's license issued  
 16 under IC 9-24-3 or renewed under IC 9-24-12 to an individual who is:

17 (1) less than seventy-five (75) years of age is nine dollars (\$9);  
 18 and

19 (2) at least seventy-five (75) years of age is six dollars (\$6).

20 (b) ~~After June 30, 2006,~~ The fee for a probationary license issued  
 21 under ~~IC 9-24-11-3(d)~~ **IC 9-24-11-3 or IC 9-24-11-3.3** is six dollars  
 22 (\$6).

23 SECTION 13. IC 9-30-3-12 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) If during any  
 25 twelve (12) month period a person has committed moving traffic  
 26 violations for which the person has:

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

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

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

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

35 (b) This subsection applies to an individual who holds a  
 36 probationary license under IC 9-24-11-3 **or IC 9-24-11-3.3** or is less  
 37 than eighteen (18) years of age. An individual is required to attend and  
 38 satisfactorily complete a defensive driving school program if either of  
 39 the following occurs at least twice or if both of the following have  
 40 occurred **when the individual was less than eighteen (18) years of**  
 41 **age:**

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

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

48 The individual shall pay all applicable fees required by the bureau.

49 (c) The bureau may suspend the driving license of any person who:

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

51 (2) fails to satisfactorily complete a defensive driving school

1 program;  
2 as required by this section.

3 (d) Notwithstanding IC 33-37-4-2, any court may suspend one-half  
4 (1/2) of each applicable court cost for which a person is liable due to  
5 a traffic violation if the person enrolls in and completes a defensive  
6 driving school or a similar school conducted by an agency of the state  
7 or local government.

8 SECTION 14. IC 20-19-2-8, AS AMENDED BY P.L.146-2008,  
9 SECTION 450, IS AMENDED TO READ AS FOLLOWS  
10 [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) In addition to any other  
11 powers and duties prescribed by law, the state board shall adopt rules  
12 under IC 4-22-2 concerning, but not limited to, the following matters:

13 (1) The designation and employment of the employees and  
14 consultants necessary for the department. The state board shall fix  
15 the compensation of employees of the department, subject to the  
16 approval of the budget committee and the governor under  
17 IC 4-12-2.

18 (2) The establishment and maintenance of standards and  
19 guidelines for media centers, libraries, instructional materials  
20 centers, or any other area or system of areas in a school where a  
21 full range of information sources, associated equipment, and  
22 services from professional media staff are accessible to the school  
23 community. With regard to library automation systems, the state  
24 board may only adopt rules that meet the standards established by  
25 the state library board for library automation systems under  
26 IC 4-23-7.1-11(b).

27 (3) The establishment and maintenance of standards for student  
28 personnel and guidance services.

29 (4) The establishment and maintenance of minimum standards for  
30 driver education programs (including classroom instruction and  
31 practice driving) and equipment. Classroom instruction standards  
32 established under this subdivision must include instruction about:

33 (A) railroad-highway grade crossing safety; and

34 (B) the procedure for participation in the human organ donor  
35 program;

36 **and must provide, effective July 1, 2010, that the classroom**  
37 **instruction may not be provided to a child less than fifteen**  
38 **(15) years and one hundred eighty (180) days of age.**

39 (5) The inspection of all public schools in Indiana to determine  
40 the condition of the schools. The state board shall establish  
41 standards governing the accreditation of public schools.

42 Observance of:

43 (A) IC 20-31-4;

44 (B) IC 20-28-5-2;

45 (C) IC 20-28-6-3 through IC 20-28-6-7;

46 (D) IC 20-28-9-7 and IC 20-28-9-8;

47 (E) IC 20-28-11; and

48 (F) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-6, and  
49 IC 20-32-8;

50 is a prerequisite to the accreditation of a school. Local public  
51 school officials shall make the reports required of them and

1 otherwise cooperate with the state board regarding required  
 2 inspections. Nonpublic schools may also request the inspection  
 3 for classification purposes. Compliance with the building and site  
 4 guidelines adopted by the state board is not a prerequisite of  
 5 accreditation.

6 (6) Subject to section 9 of this chapter, the adoption and approval  
 7 of textbooks under IC 20-20-5.

8 (7) The distribution of funds and revenues appropriated for the  
 9 support of schools in the state.

10 (8) The state board may not establish an accreditation system for  
 11 nonpublic schools that is less stringent than the accreditation  
 12 system for public schools.

13 (9) A separate system for recognizing nonpublic schools under  
 14 IC 20-19-2-10. Recognition of nonpublic schools under this  
 15 subdivision constitutes the system of regulatory standards that  
 16 apply to nonpublic schools that seek to qualify for the system of  
 17 recognition.

18 (10) The establishment and enforcement of standards and  
 19 guidelines concerning the safety of students participating in  
 20 cheerleading activities.

21 (b) Before final adoption of any rule, the state board shall make a  
 22 finding on the estimated fiscal impact that the rule will have on school  
 23 corporations.

24 SECTION 15. IC 26-2-6-6 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) A person who  
 26 knowingly violates this chapter commits a Class C infraction. Each  
 27 violation of this chapter constitutes a separate infraction.

28 (b) In addition to any other available legal remedy, a person who  
 29 violates the terms of an injunction issued under section 5 of this  
 30 chapter commits a Class A infraction. Each violation of the terms of an  
 31 injunction issued under section 5 of this chapter constitutes a separate  
 32 infraction. Whenever the court determines that the terms of an  
 33 injunction issued under section 5 of this chapter have been violated, the  
 34 court shall award reasonable costs to the state.

35 (c) Notwithstanding ~~IC 34-28-5-1(a)~~, **IC 34-28-5-1(b)**, the  
 36 prosecuting attorney or the attorney general in the name of the state  
 37 may bring an action to petition for the recovery of the penalties  
 38 outlined in this section.

39 SECTION 16. IC 33-39-1-8, AS AMENDED BY P.L.234-2007,  
 40 SECTION 168, IS AMENDED TO READ AS FOLLOWS  
 41 [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) After June 30, 2005, this  
 42 section does not apply to a person who:

- 43 (1) holds a commercial driver's license; and
- 44 (2) has been charged with an offense involving the operation of  
 45 a motor vehicle in accordance with the federal Motor Carrier  
 46 Safety Improvement Act of 1999 (MCSIA) (Public Law  
 47 106-159.113 Stat. 1748).

48 (b) This section does not apply to a person arrested for or charged  
 49 with:

- 50 (1) an offense under IC 9-30-5-1 through IC 9-30-5-5; or
- 51 (2) if a person was arrested or charged with an offense under

1 IC 9-30-5-1 through IC 9-30-5-5, an offense involving:

2 (A) intoxication; or

3 (B) the operation of a motor vehicle;

4 if the offense involving intoxication or the operation of a motor vehicle  
5 was part of the same episode of criminal conduct as the offense under  
6 IC 9-30-5-1 through IC 9-30-5-5.

7 **(c) This section does not apply to a person:**

8 **(1) who is arrested for or charged with an offense under:**

9 **(A) IC 7.1-5-7-7(a), if the alleged offense occurred while  
10 the person was operating a motor vehicle;**

11 **(B) IC 9-30-4-8(a), if the alleged offense occurred while the  
12 person was operating a motor vehicle;**

13 **(C) IC 35-42-2-2(c)(1);**

14 **(D) IC 35-42-2-4(b)(1); or**

15 **(E) IC 35-43-1-2(a), if the alleged offense occurred while  
16 the person was operating a motor vehicle; and**

17 **(2) who held a probationary license (as defined in  
18 IC 9-24-11-3(b) or IC 9-24-11-3.3(b)) and was less than  
19 eighteen (18) years of age at the time of the alleged offense.**

20 ~~(d)~~ **(d)** A prosecuting attorney may withhold prosecution against an  
21 accused person if:

22 (1) the person is charged with a misdemeanor;

23 (2) the person agrees to conditions of a pretrial diversion program  
24 offered by the prosecuting attorney;

25 (3) the terms of the agreement are recorded in an instrument  
26 signed by the person and the prosecuting attorney and filed in the  
27 court in which the charge is pending; and

28 (4) the prosecuting attorney electronically transmits information  
29 required by the prosecuting attorneys council concerning the  
30 withheld prosecution to the prosecuting attorneys council, in a  
31 manner and format designated by the prosecuting attorneys  
32 council.

33 ~~(d)~~ **(e)** An agreement under subsection ~~(d)~~ **(d)** may include  
34 conditions that the person:

35 (1) pay to the clerk of the court an initial user's fee and monthly  
36 user's fees in the amounts specified in IC 33-37-4-1;

37 (2) work faithfully at a suitable employment or faithfully pursue  
38 a course of study or career and technical education that will equip  
39 the person for suitable employment;

40 (3) undergo available medical treatment or counseling and remain  
41 in a specified facility required for that purpose;

42 (4) support the person's dependents and meet other family  
43 responsibilities;

44 (5) make restitution or reparation to the victim of the crime for the  
45 damage or injury that was sustained;

46 (6) refrain from harassing, intimidating, threatening, or having  
47 any direct or indirect contact with the victim or a witness;

48 (7) report to the prosecuting attorney at reasonable times;

49 (8) answer all reasonable inquiries by the prosecuting attorney  
50 and promptly notify the prosecuting attorney of any change in  
51 address or employment; and

1 (9) participate in dispute resolution either under IC 34-57-3 or a  
2 program established by the prosecuting attorney.

3 ~~(e)~~ (f) An agreement under subsection ~~(c)~~(2) (d)(2) may include  
4 other provisions reasonably related to the defendant's rehabilitation, if  
5 approved by the court.

6 ~~(f)~~ (g) The prosecuting attorney shall notify the victim when  
7 prosecution is withheld under this section.

8 ~~(g)~~ (h) All money collected by the clerk as user's fees under this  
9 section shall be deposited in the appropriate user fee fund under  
10 IC 33-37-8.

11 ~~(h)~~ (i) If a court withholds prosecution under this section and the  
12 terms of the agreement contain conditions described in subsection  
13 ~~(d)~~(6): (e)(6):

- 14 (1) the clerk of the court shall comply with IC 5-2-9; and
- 15 (2) the prosecuting attorney shall file a confidential form
- 16 prescribed or approved by the division of state court
- 17 administration with the clerk.

18 SECTION 17. IC 34-28-5-1, AS AMENDED BY P.L.200-2005,  
19 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 2009]: Sec. 1. (a) **As used in this section, "probationary  
21 license" refers to a license described in IC 9-24-11-3(b) or  
22 IC 9-24-11-3.3(b).**

23 ~~(a)~~ (b) An action to enforce a statute defining an infraction shall be  
24 brought in the name of the state of Indiana by the prosecuting attorney  
25 for the judicial circuit in which the infraction allegedly took place.  
26 However, if the infraction allegedly took place on a public highway (as  
27 defined in IC 9-25-2-4) that runs on and along a common boundary  
28 shared by two (2) or more judicial circuits, a prosecuting attorney for  
29 any judicial circuit sharing the common boundary may bring the action.

30 ~~(b)~~ (c) An action to enforce an ordinance shall be brought in the  
31 name of the municipal corporation. The municipal corporation need not  
32 prove that it or the ordinance is valid unless validity is controverted by  
33 affidavit.

34 ~~(c)~~ (d) Actions under this chapter (or IC 34-4-32 before its repeal):

- 35 (1) shall be conducted in accordance with the Indiana Rules of
- 36 Trial Procedure; and
- 37 (2) must be brought within two (2) years after the alleged conduct
- 38 or violation occurred.

39 ~~(d)~~ (e) The plaintiff in an action under this chapter must prove the  
40 commission of an infraction or ordinance violation by a preponderance  
41 of the evidence.

42 ~~(e)~~ (f) The complaint and summons described in IC 9-30-3-6 may  
43 be used for any infraction or ordinance violation.

44 ~~(f)~~ (g) **Subsection (h) does not apply to an individual holding a  
45 probationary license who is alleged to have committed an  
46 infraction under any of the following when the individual was less  
47 than eighteen (18) years of age at the time of the alleged offense:**

- 48 **IC 9-19**
- 49 **IC 9-21**
- 50 **IC 9-24**
- 51 **IC 9-25**

- 1           **IC 9-26**
- 2           **IC 9-30-5**
- 3           **IC 9-30-10**
- 4           **IC 9-30-15.**

5           **(h)** This subsection does not apply to an offense or violation under  
6 IC 9-24-6 involving the operation of a commercial motor vehicle. The  
7 prosecuting attorney or the attorney for a municipal corporation may  
8 establish a deferral program for deferring actions brought under this  
9 section. Actions may be deferred under this section if:

- 10           (1) the defendant in the action agrees to conditions of a deferral  
11 program offered by the prosecuting attorney or the attorney for a  
12 municipal corporation;
- 13           (2) the defendant in the action agrees to pay to the clerk of the  
14 court an initial user's fee and monthly user's fee set by the  
15 prosecuting attorney or the attorney for the municipal corporation  
16 in accordance with IC 33-37-4-2(e);
- 17           (3) the terms of the agreement are recorded in an instrument  
18 signed by the defendant and the prosecuting attorney or the  
19 attorney for the municipal corporation;
- 20           (4) the defendant in the action agrees to pay a fee of seventy  
21 dollars (\$70) to the clerk of court if the action involves a moving  
22 traffic offense (as defined in IC 9-13-2-110);
- 23           (5) the agreement is filed in the court in which the action is  
24 brought; and
- 25           (6) if the deferral program is offered by the prosecuting attorney,  
26 the prosecuting attorney electronically transmits information  
27 required by the prosecuting attorneys council concerning the  
28 withheld prosecution to the prosecuting attorneys council, in a  
29 manner and format designated by the prosecuting attorneys  
30 council.

31 When a defendant complies with the terms of an agreement filed under  
32 this subsection (or IC 34-4-32-1(f) before its repeal), the prosecuting  
33 attorney or the attorney for the municipal corporation shall request the  
34 court to dismiss the action. Upon receipt of a request to dismiss an  
35 action under this subsection, the court shall dismiss the action. An  
36 action dismissed under this subsection (or IC 34-4-32-1(f) before its  
37 repeal) may not be refiled.

38           ~~(g)~~ **(i)** If a judgment is entered against a defendant in an action to  
39 enforce an ordinance, the defendant may perform community  
40 restitution or service (as defined in IC 35-41-1-4.6) instead of paying  
41 a monetary judgment for the ordinance violation as described in section  
42 4(e) of this chapter if:

- 43           (1) the:
  - 44           (A) defendant; and
  - 45           (B) attorney for the municipal corporation;
- 46           agree to the defendant's performance of community restitution or  
47 service instead of the payment of a monetary judgment;
- 48           (2) the terms of the agreement described in subdivision (1):
  - 49           (A) include the amount of the judgment the municipal  
50 corporation requests that the defendant pay under section 4(e)  
51 of this chapter for the ordinance violation if the defendant fails

- 1 to perform the community restitution or service provided for  
 2 in the agreement as approved by the court; and  
 3 (B) are recorded in a written instrument signed by the  
 4 defendant and the attorney for the municipal corporation;  
 5 (3) the agreement is filed in the court where the judgment was  
 6 entered; and  
 7 (4) the court approves the agreement.

8 If a defendant fails to comply with an agreement approved by a court  
 9 under this subsection, the court shall require the defendant to pay up to  
 10 the amount of the judgment requested in the action under section 4(e)  
 11 of this chapter as if the defendant had not entered into an agreement  
 12 under this subsection.

13 SECTION 18. IC 34-28-5-4, AS AMENDED BY P.L.200-2005,  
 14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2009]: Sec. 4. (a) A judgment of up to ten thousand dollars  
 16 (\$10,000) may be entered for a violation constituting a Class A  
 17 infraction.

18 (b) A judgment of up to one thousand dollars (\$1,000) may be  
 19 entered for a violation constituting a Class B infraction.

20 (c) A judgment of up to five hundred dollars (\$500) may be entered  
 21 for a violation constituting a Class C infraction.

22 (d) A judgment of up to twenty-five dollars (\$25) may be entered for  
 23 a violation constituting a Class D infraction.

24 (e) Subject to section ~~4(g)~~ **1(i)** of this chapter, a judgment:

- 25 (1) up to the amount requested in the complaint; and  
 26 (2) not exceeding any limitation under IC 36-1-3-8;  
 27 may be entered for an ordinance violation.

28 SECTION 19. [EFFECTIVE UPON PASSAGE] **(a)**  
 29 **Notwithstanding IC 5-2-6.5-9(e), as added by this act, the Indiana**  
 30 **criminal justice institute established by IC 5-2-6-3 shall, under**  
 31 **interim written guidelines approved by the executive director of**  
 32 **the Indiana criminal justice institute, provide that after June 30,**  
 33 **2010, the classroom training provided by licensed commercial**  
 34 **driver training schools may not be provided to a child less than**  
 35 **fifteen (15) years and one hundred eighty (180) days of age.**

36 **(b) This SECTION expires on the earlier of the following:**

- 37 **(1) The date rules are adopted under IC 5-2-6.5-9(e), as added**  
 38 **by this act.**  
 39 **(2) December 31, 2011.**

40 SECTION 20. [EFFECTIVE UPON PASSAGE] **(a)**  
 41 **Notwithstanding IC 20-19-2-8(a)(4), as amended by this act, the**  
 42 **Indiana state board of education shall, under interim written**  
 43 **guidelines approved by the state superintendent of public**  
 44 **instruction, provide that after June 30, 2010, the classroom**  
 45 **training provided by public schools and private schools under the**  
 46 **authority of the department of education may not be provided to**  
 47 **a child less than fifteen (15) years and one hundred eighty (180)**  
 48 **days of age.**

49 **(b) This SECTION expires on the earlier of the following:**

- 50 **(1) The date rules are adopted under IC 20-19-2-8(a)(4), as**  
 51 **amended by this act.**

- 1           **(2) December 31, 2011.**
- 2           SECTION 21. [EFFECTIVE UPON PASSAGE] (a) **As used in this**
- 3 **section, "committee" refers to the interim study committee on**
- 4 **driver education established by this SECTION.**
- 5           **(b) There is established the interim study committee on driver**
- 6 **education. The committee shall study:**
- 7           **(1) the administration of driver education by the bureau of**
- 8 **motor vehicles and the department of education;**
- 9           **(2) standards for an Internet component of driver instruction;**
- 10          **(3) standards for a classroom component of driver**
- 11 **instruction;**
- 12          **(4) penalties for instructional providers that fail to follow the**
- 13 **standards for instruction driving experience;**
- 14          **(5) statistics for moving violations accrued by individuals less**
- 15 **than eighteen (18) years of age who had:**
- 16           **(A) taken driver education with a classroom component of**
- 17 **driver instruction;**
- 18           **(B) taken an Internet component of driver instruction; and**
- 19           **(C) no formal driver education;**
- 20          **(6) the effectiveness of driver education courses on the**
- 21 **accident rates of young drivers; and**
- 22          **(7) the standards and curriculum content for an effective**
- 23 **driver education program.**
- 24          **(c) Not later than November 1 in the years 2009 through 2014,**
- 25 **the state police department shall make a written report to the:**
- 26           **(1) legislative council; and**
- 27           **(2) governor;**
- 28 **concerning motor vehicle accidents and fatalities resulting from**
- 29 **motor vehicle accidents in the preceding year involving operators**
- 30 **of a motor vehicle who were at least fifteen (15) years and one**
- 31 **hundred eighty (180) days of age and less than twenty (20) years of**
- 32 **age. The report to the legislative council must be in an electronic**
- 33 **format under IC 5-14-6.**
- 34          **(d) The committee shall operate under the policies governing**
- 35 **study committees adopted by the legislative council.**
- 36          **(e) The affirmative votes of a majority of the voting members**
- 37 **appointed to the committee are required for the committee to take**
- 38 **action on any measure, including final reports.**
- 39          **(f) This SECTION expires December 31, 2014.**
- 40          SECTION 22. **An emergency is declared for this act.**  
**(Reference is to ESB 16 as reprinted April 14, 2009.)**

**Conference Committee Report**  
on  
**Engrossed Senate Bill 16**

**S**igned by:

\_\_\_\_\_  
Senator Holdman  
Chairperson

\_\_\_\_\_  
Representative Welch

\_\_\_\_\_  
Senator Tallian

\_\_\_\_\_  
Representative Duncan

**Senate Conferees**

**House Conferees**