



January 29, 2010

HOUSE BILL No. 1313

DIGEST OF HB 1313 (Updated January 27, 2010 4:49 pm - DI 96)

Citations Affected: IC 9-24; IC 9-28; noncode.

Synopsis: BMV reciprocal agreements with foreign countries and driver's licenses. Authorizes the bureau of motor vehicles (BMV) to negotiate and enter into a reciprocal agreement with a foreign country to facilitate the exchange of operator's licenses. Requires the BMV to report annually to the general assembly regarding a reciprocal agreement. Provides that a nonresident of a certain age who holds an operator's or a chauffeur's license from the home state or country and has been lawfully admitted to the United States is not required to have an Indiana operator's or chauffeur's license to drive in the state. Deletes language concerning the ability of an individual who does not hold an operator's or a chauffeur's license to operate a motor vehicle when the home state or country does not require the licensing of individuals in order to operate a motor vehicle.

Effective: Upon passage; July 1, 2010.

Austin

January 13, 2010, read first time and referred to Committee on Roads and Transportation.
January 28, 2010, amended, reported — Do Pass.

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January 29, 2010

Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

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HOUSE BILL No. 1313

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-24-1-7, AS AMENDED BY P.L.150-2009,
2 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2010]: Sec. 7. (a) Sections 1 through 5 of this chapter do not
4 apply to the following individuals:
5 (1) An individual in the service of the armed forces of the United
6 States while operating an official motor vehicle in that service.
7 (2) An individual while operating:
8 (A) a road roller;
9 (B) road construction or maintenance machinery, except where
10 the road roller or machinery is required to be registered under
11 Indiana law;
12 (C) a ditch digging apparatus;
13 (D) a well drilling apparatus;
14 (E) a concrete mixer; or
15 (F) a farm tractor, a farm wagon (as defined in
16 IC 9-13-2-60(a)(2)), or an implement of agriculture designed
17 to be operated primarily in a farm field or on farm premises;

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1 that is being temporarily drawn, moved, or propelled on a public
 2 highway. However, to operate a farm wagon (as defined in
 3 IC 9-13-2-60(a)(2)) on a highway, an individual must be at least
 4 fifteen (15) years of age.

5 (3) A nonresident who:
 6 (A) is at least sixteen (16) years and one (1) month of age; ~~and~~
 7 (B) has in the nonresident's immediate possession a valid
 8 operator's license that was issued to the nonresident in the
 9 nonresident's home state or country; **and**
 10 **(C) is lawfully admitted into the United States;**
 11 while operating a motor vehicle in Indiana only as an operator.

12 (4) A nonresident who:
 13 (A) is at least eighteen (18) years of age; ~~and~~
 14 (B) has in the nonresident's immediate possession a valid
 15 chauffeur's license that was issued to the nonresident in the
 16 nonresident's home state or country; **and**
 17 **(C) is lawfully admitted into the United States;**
 18 while operating a motor vehicle upon a public highway, either as
 19 an operator or a chauffeur.

20 (5) A nonresident who:
 21 (A) is at least eighteen (18) years of age; and
 22 (B) has in the nonresident's immediate possession a valid
 23 license issued by the nonresident's home state for the operation
 24 of any motor vehicle upon a public highway when in use as a
 25 public passenger carrying vehicle;
 26 while operating a motor vehicle upon a public highway.

27 (6) ~~A nonresident whose home state or country does not require~~
 28 ~~the licensing of operators or chauffeurs and who has not been~~
 29 ~~licensed as an operator or a chauffeur in the nonresident's home~~
 30 ~~state or country as an operator if the nonresident is at least sixteen~~
 31 ~~(16) years and thirty (30) days of age and less than eighteen (18)~~
 32 ~~years of age or as a chauffeur if the nonresident is at least~~
 33 ~~eighteen (18) years of age; for not more than sixty (60) days in~~
 34 ~~any one (1) year if the following conditions exist:~~
 35 ~~(A) The unlicensed nonresident is the owner of the motor~~
 36 ~~vehicle or the authorized driver of the vehicle;~~
 37 ~~(B) The vehicle has been registered for the current year in the~~
 38 ~~state or country of which the owner is a resident;~~
 39 ~~(C) The motor vehicle at all times displays a registration plate~~
 40 ~~issued in the home state or country of the owner;~~
 41 ~~(D) The nonresident owner or driver has in the owner's or~~
 42 ~~driver's immediate possession a registration card evidencing~~

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1 ownership and registration in the owner's or driver's home
2 state or country or is able at any required time or place to do
3 the following:

4 (i) Prove lawful possession or the right to operate the motor
5 vehicle:

6 (ii) Establish the nonresident's proper identity:

7 ~~(7)~~ (6) An individual who is legally licensed to operate a motor
8 vehicle in the state of the individual's residence and who is
9 employed in Indiana, subject to the restrictions imposed by the
10 state of the individual's residence.

11 ~~(8)~~ (7) A new resident of Indiana who possesses an unexpired
12 driver's license issued by the resident's former state of residence,
13 for a period of sixty (60) days after becoming a resident of
14 Indiana.

15 ~~(9)~~ (8) An individual who is an engineer, a conductor, a
16 brakeman, or another member of the crew of a locomotive or a
17 train that is being operated upon rails, including the operation of
18 the locomotive or the train on a crossing over a street or a
19 highway. An individual described in this subdivision is not
20 required to display a license to a law enforcement officer in
21 connection with the operation of a locomotive or a train in
22 Indiana.

23 (b) An ordinance adopted under IC 9-21-1-3((a)(14) or
24 IC 9-21-1-3.3(a) must require that an individual who operates a golf
25 cart in the city or town hold a driver's license.

26 SECTION 2. IC 9-28-5.1 IS ADDED TO THE INDIANA CODE
27 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2010]:

29 **Chapter 5.1. International Reciprocity**

30 **Sec. 1. To facilitate the exchange of driver's licenses, the bureau**
31 **shall negotiate and enter into a reciprocal agreement with a foreign**
32 **country.**

33 **Sec. 2. A reciprocal agreement entered into under section 1 of**
34 **this chapter must authorize the bureau to enter into a written**
35 **agreement with a foreign country to waive one (1) or more of the**
36 **examination requirements under IC 9-24 for obtaining an**
37 **operator's license from this state.**

38 **Sec. 3. A written reciprocity agreement entered into under**
39 **section 2 of this chapter must require an applicant from the foreign**
40 **country for an operator's license to possess:**

41 (1) a valid operator's license or the equivalent from the
42 foreign country; or

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(2) an International Driving Permit.

Sec. 4. The bureau shall report annually in an electronic format under IC 5-14-6 regarding reciprocal agreements entered into under this chapter to the general assembly before February 1 of each year.

Sec. 5. The bureau shall adopt rules under IC 4-22-2 to carry out this chapter.

SECTION 3. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 9-28-5.1-5, as added by this act, the bureau of motor vehicles shall carry out the duties imposed upon the bureau of motor vehicles under IC 9-28-5.1-5, as added by this act, under interim written guidelines approved by the commissioner of motor vehicles.

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

(1) The date rules are adopted under IC 9-28-5.1-5, as added by this act.

(2) December 31, 2011.

SECTION 4. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1313, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-24-1-7, AS AMENDED BY P.L.150-2009, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 7. (a) Sections 1 through 5 of this chapter do not apply to the following individuals:

- (1) An individual in the service of the armed forces of the United States while operating an official motor vehicle in that service.
- (2) An individual while operating:
 - (A) a road roller;
 - (B) road construction or maintenance machinery, except where the road roller or machinery is required to be registered under Indiana law;
 - (C) a ditch digging apparatus;
 - (D) a well drilling apparatus;
 - (E) a concrete mixer; or
 - (F) a farm tractor, a farm wagon (as defined in IC 9-13-2-60(a)(2)), or an implement of agriculture designed to be operated primarily in a farm field or on farm premises; that is being temporarily drawn, moved, or propelled on a public highway. However, to operate a farm wagon (as defined in IC 9-13-2-60(a)(2)) on a highway, an individual must be at least fifteen (15) years of age.
- (3) A nonresident who:
 - (A) is at least sixteen (16) years and one (1) month of age; ~~and~~
 - (B) has in the nonresident's immediate possession a valid operator's license that was issued to the nonresident in the nonresident's home state or country; ~~and~~
 - (C) is lawfully admitted into the United States;**
 while operating a motor vehicle in Indiana only as an operator.
- (4) A nonresident who:
 - (A) is at least eighteen (18) years of age; ~~and~~
 - (B) has in the nonresident's immediate possession a valid chauffeur's license that was issued to the nonresident in the nonresident's home state or country; ~~and~~
 - (C) is lawfully admitted into the United States;**
 while operating a motor vehicle upon a public highway, either as

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an operator or a chauffeur.

(5) A nonresident who:

(A) is at least eighteen (18) years of age; and

(B) has in the nonresident's immediate possession a valid license issued by the nonresident's home state for the operation of any motor vehicle upon a public highway when in use as a public passenger carrying vehicle;

while operating a motor vehicle upon a public highway.

(6) A nonresident whose home state or country does not require the licensing of operators or chauffeurs and who has not been licensed as an operator or a chauffeur in the nonresident's home state or country as an operator if the nonresident is at least sixteen (16) years and thirty (30) days of age and less than eighteen (18) years of age or as a chauffeur if the nonresident is at least eighteen (18) years of age; for not more than sixty (60) days in any one (1) year if the following conditions exist:

(A) The unlicensed nonresident is the owner of the motor vehicle or the authorized driver of the vehicle:

(B) The vehicle has been registered for the current year in the state or country of which the owner is a resident:

(C) The motor vehicle at all times displays a registration plate issued in the home state or country of the owner:

(D) The nonresident owner or driver has in the owner's or driver's immediate possession a registration card evidencing ownership and registration in the owner's or driver's home state or country or is able at any required time or place to do the following:

(i) Prove lawful possession or the right to operate the motor vehicle:

(ii) Establish the nonresident's proper identity:

(7) (6) An individual who is legally licensed to operate a motor vehicle in the state of the individual's residence and who is employed in Indiana, subject to the restrictions imposed by the state of the individual's residence.

(8) (7) A new resident of Indiana who possesses an unexpired driver's license issued by the resident's former state of residence, for a period of sixty (60) days after becoming a resident of Indiana.

(9) (8) An individual who is an engineer, a conductor, a brakeman, or another member of the crew of a locomotive or a train that is being operated upon rails, including the operation of the locomotive or the train on a crossing over a street or a

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highway. An individual described in this subdivision is not required to display a license to a law enforcement officer in connection with the operation of a locomotive or a train in Indiana.

(b) An ordinance adopted under IC 9-21-1-3((a)(14) or IC 9-21-1-3.3(a) must require that an individual who operates a golf cart in the city or town hold a driver's license."

Page 1, line 5, after "licenses" insert ",".

Page 1, line 5, delete "or permits,".

Page 1, line 6, delete "may" and insert "**shall**".

Page 1, line 6, after "into" insert "**a**".

Page 1, line 6, delete "agreements or" and insert "**agreement**".

Page 1, line 7, delete "arrangements".

Page 1, line 7, delete "county if:" and insert "**country**".

Page 1, delete lines 8 through 15.

Page 1, line 17, delete "allow an individual who" and insert "**enter into a written agreement with a foreign country to waive one (1) or more of the examination requirements under IC 9-24 for obtaining an operator's license from this state.**

Sec. 3. A written reciprocity agreement entered into under section 2 of this chapter must require an applicant from the foreign country for an operator's license to possess:

(1) a valid operator's license or the equivalent from the foreign country; or

(2) an International Driving Permit."

Page 2, delete lines 1 through 9.

Page 2, line 14, delete "may" and insert "**shall**".

Page 2, after line 15, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 9-28-5.1-5, as added by this act, the bureau of motor vehicles shall carry out the duties imposed upon the bureau of motor vehicles under IC 9-28-5.1-5, as added by this act, under interim written guidelines approved by the commissioner of motor vehicles.

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

(1) The date rules are adopted under IC 9-28-5.1-5, as added by this act.

(2) December 31, 2011.

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SECTION 4. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1313 as introduced.)

AUSTIN, Chair

Committee Vote: yeas 11, nays 1.

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