



April 5, 2011

**ENGROSSED
SENATE BILL No. 101**

DIGEST OF SB 101 (Updated March 31, 2011 4:37 pm - DI 96)

Citations Affected: IC 9-24; IC 9-26.

Synopsis: Operator's license and learner's permit issues. Authorizes the bureau of motor vehicles (bureau) to issue a learner's permit to a person at least 15 years and 90 days of age under certain conditions. (Current law authorizes the bureau to issue a learner's permit to a person at least 15 years and 180 days of age.) Provides that beginning July 1, 2011, an individual may receive an operator's license at 16 years and 90 days of age, if the individual has obtained an instructor's certification that the individual has satisfactorily completed an approved driver education course and has fulfilled certain other requirements. Makes technical corrections and removes outdated language.

Effective: Upon passage.

**Holdman, Charbonneau, Wyss,
Arnold, Leising**
(HOUSE SPONSORS — HINKLE, SOLIDAY)

January 5, 2011, read first time and referred to Committee on Homeland Security, Transportation & Veterans Affairs.
January 18, 2011, reported favorably — Do Pass.
January 20, 2011, ordered engrossed.
January 21, 2011, engrossed.
February 3, 2011, returned to second reading.
February 7, 2011, re-read second time, amended, ordered engrossed.
February 8, 2011, engrossed. Read third time, passed. Yeas 41, nays 8.
HOUSE ACTION
March 28, 2011, read first time and referred to Committee on Roads and Transportation.
April 4, 2011, amended, reported — Do Pass.

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ES 101—LS 6484/DI 96+



April 5, 2011

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 101

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 9-24-3-1, AS AMENDED BY P.L.101-2009,
- 2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 UPON PASSAGE]: Sec. 1. Except as otherwise provided in this article,
- 4 the bureau shall issue an operator's license to an individual who meets
- 5 the following conditions:
- 6 (1) Satisfies the age requirements set forth in section ~~2~~ or 2.5 or
- 7 2.7 of this chapter.
- 8 (2) Makes proper application to the bureau under IC 9-24-9 upon
- 9 a form prescribed by the bureau. ~~Effective July 1, 2010;~~ The form
- 10 must include a verification concerning the number of hours of
- 11 supervised driving practice that the individual has completed if
- 12 the individual is required under section 2.5 or 2.7 of this chapter
- 13 to complete a certain number of hours of supervised driving
- 14 practice in order to receive an operator's license.
- 15 (3) Satisfactorily passes the examination and tests required for
- 16 issuance of an operator's license under IC 9-24-10.
- 17 (4) Pays the fee prescribed by IC 9-29-9.

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ES 101—LS 6484/DI 96+



1 SECTION 2. IC 9-24-3-2.5, AS ADDED BY P.L.101-2009,
 2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 UPON PASSAGE]: Sec. 2.5. (a) This section applies beginning July 1,
 4 2010, **and expires June 30, 2011.**

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

8 (1) The individual meets the following conditions:

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

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

13 (C) Obtains an instructor's certification that the individual has
 14 satisfactorily completed an approved driver education course.

15 (D) Passes the required examination.

16 (E) Completes at least fifty (50) hours of supervised driving
 17 practice, of which at least ten (10) hours are nighttime driving,
 18 with:

19 (i) a licensed instructor or a licensed driver who is at least
 20 twenty-five (25) years of age; or

21 (ii) the spouse of the individual who is at least twenty-one
 22 (21) years of age.

23 (2) The individual meets the following conditions:

24 (A) Is at least sixteen (16) years and two hundred seventy
 25 (270) days of age.

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

28 (C) Passes the required examination.

29 (D) Completes at least fifty (50) hours of supervised driving
 30 practice, of which at least ten (10) hours are nighttime driving,
 31 with:

32 (i) a licensed instructor or a licensed driver who is at least
 33 twenty-five (25) years of age; or

34 (ii) the spouse of the individual who is at least twenty-one
 35 (21) years of age.

36 (3) The individual meets the following conditions:

37 (A) Is at least sixteen (16) years and one hundred eighty (180)
 38 days of age but less than eighteen (18) years of age.

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

41 (C) Holds an unrevoked driver's license, excluding a learner's
 42 permit or the equivalent, in the state or a combination of states

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- 1 in which the individual formerly resided for at least one
- 2 hundred eighty (180) days.
- 3 (D) Passes the required examination.
- 4 (4) The individual meets the following conditions:
- 5 (A) Is at least eighteen (18) years of age.
- 6 (B) Has previously been a nonresident of Indiana but, at the
- 7 time of application, qualifies as an Indiana resident.
- 8 (C) Has held an unrevoked operator's, chauffeur's, commercial
- 9 driver's, or public passenger chauffeur's license from the state
- 10 of prior residence.
- 11 (D) Passes the required examination.

12 SECTION 3. IC 9-24-3-2.7 IS ADDED TO THE INDIANA CODE
 13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 14 UPON PASSAGE]: **Sec. 2.7. (a) This section applies beginning July**
 15 **1, 2011.**

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

- 19 (1) **The individual meets the following conditions:**
- 20 (A) **Is at least sixteen (16) years and ninety (90) days of age.**
- 21 (B) **Has held a valid learner's permit for at least one**
- 22 **hundred eighty (180) days.**
- 23 (C) **Obtains an instructor's certification that the individual**
- 24 **has satisfactorily completed an approved driver education**
- 25 **course.**
- 26 (D) **Passes the required examination.**
- 27 (E) **Completes at least fifty (50) hours of supervised driving**
- 28 **practice, of which at least ten (10) hours are nighttime**
- 29 **driving, with:**
 - 30 (i) **a licensed instructor or a licensed driver who is at**
 - 31 **least twenty-five (25) years of age; or**
 - 32 (ii) **the spouse of the individual who is at least twenty-one**
 - 33 **(21) years of age.**
- 34 (2) **The individual meets the following conditions:**
- 35 (A) **Is at least sixteen (16) years and two hundred seventy**
- 36 **(270) days of age.**
- 37 (B) **Has held a valid learner's permit for at least one**
- 38 **hundred eighty (180) days.**
- 39 (C) **Passes the required examination.**
- 40 (D) **Completes at least fifty (50) hours of supervised**
- 41 **driving practice, of which at least ten (10) hours are**
- 42 **nighttime driving, with:**

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- 1 (i) a licensed instructor or a licensed driver who is at
- 2 least twenty-five (25) years of age; or
- 3 (ii) the spouse of the individual who is at least twenty-one
- 4 (21) years of age.
- 5 (3) The individual meets the following conditions:
- 6 (A) Is at least sixteen (16) years and one hundred eighty
- 7 (180) days of age but less than eighteen (18) years of age.
- 8 (B) Has previously been a nonresident of Indiana, but, at
- 9 the time of application, qualifies as an Indiana resident.
- 10 (C) Holds an unrevoked driver's license, excluding a
- 11 learner's permit or the equivalent, in the state or a
- 12 combination of states in which the individual formerly
- 13 resided for at least one hundred eighty (180) days.
- 14 (D) Passes the required examination.
- 15 (4) The individual meets the following conditions:
- 16 (A) Is at least eighteen (18) years of age.
- 17 (B) Has previously been a nonresident of Indiana but, at
- 18 the time of application, qualifies as an Indiana resident.
- 19 (C) Has held an unrevoked operator's, chauffeur's,
- 20 commercial driver's, or public passenger chauffeur's
- 21 license from the state of prior residence.
- 22 (D) Passes the required examination.

23 SECTION 4. IC 9-24-7-1.1 IS ADDED TO THE INDIANA CODE
 24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 25 UPON PASSAGE]: **Sec. 1.1. The bureau shall issue a learner's**
 26 **permit to an individual who meets the following conditions:**

- 27 (1) Is at least fifteen (15) years and ninety (90) days of age.
- 28 (2) If less than eighteen (18) years of age, is not ineligible
- 29 under IC 9-24-2-1.
- 30 (3) Is enrolled in an approved driver education course.

31 SECTION 5. IC 9-24-7-2 IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE UPON PASSAGE]: **Sec. 2. The bureau shall validate a**
 33 **learner's permit issued under section † 1.1 of this chapter (or section**
 34 **1 of this chapter before its repeal) upon certification by the instructor**
 35 **of an approved driver education course that the holder has satisfactorily**
 36 **completed the course.**

37 SECTION 6. IC 9-26-1-1.5, AS ADDED BY P.L.126-2008,
 38 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 UPON PASSAGE]: **Sec. 1.5. (a) If:**

- 40 (1) the driver of a vehicle is physically incapable of determining
- 41 the need for or rendering assistance to any injured or entrapped
- 42 person as required under section 1(2)(C) of this chapter;

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1 (2) there is another occupant in the vehicle at the time of the
2 accident who is:

3 (A) at least:

4 (i) fifteen (15) years of age and holds a learner's permit
5 issued under IC 9-24-7-1 **before its repeal or IC 9-24-7-1.1**
6 or a driver's license issued under IC 9-24-11; or

7 (ii) eighteen (18) years of age; and

8 (B) capable of determining the need for and rendering
9 reasonable assistance to injured or entrapped persons as
10 provided in section 1(2)(C) of this chapter; and

11 (3) the other occupant in the vehicle knows that the driver of the
12 vehicle is physically incapable of determining the need for or
13 rendering assistance to any injured or entrapped person;

14 the vehicle occupant referred to in subdivisions (2) and (3) shall
15 immediately determine the need for and render reasonable assistance
16 to each person injured or entrapped in the accident as provided in
17 section 1(2)(C) of this chapter.

18 (b) If:

19 (1) the driver of a vehicle is physically incapable of giving
20 immediate notice of an accident as required under section 1(3) of
21 this chapter;

22 (2) there is another occupant in the vehicle at the time of the
23 accident who is:

24 (A) at least:

25 (i) fifteen (15) years of age and holds a learner's permit
26 issued under IC 9-24-7-1 **before its repeal or IC 9-24-7-1.1**
27 or a driver's license issued under IC 9-24-11; or

28 (ii) eighteen (18) years of age; and

29 (B) capable of giving notice as provided in section 1(3) of this
30 chapter; and

31 (3) the other occupant in the vehicle knows that the driver of the
32 vehicle is physically incapable of giving immediate notice of an
33 accident;

34 the vehicle occupant referred to in subdivisions (2) and (3) shall
35 immediately give notice of the accident by the quickest means of
36 communication as provided in section 1(3) of this chapter.

37 (c) If there is more than one (1) vehicle occupant to whom
38 subsection (a) applies, it is a defense to a prosecution of one (1) vehicle
39 occupant under subsection (a) that the defendant reasonably believed
40 that another occupant of the vehicle determined the need for and
41 rendered reasonable assistance as required under subsection (a).

42 (d) If there is more than one (1) vehicle occupant to whom

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1 subsection (b) applies, it is a defense to a prosecution of one (1) vehicle
2 occupant under subsection (b) that the defendant reasonably believed
3 that another occupant of the vehicle gave the notice required under
4 subsection (b).

5 SECTION 7. IC 9-24-7-1 IS REPEALED [EFFECTIVE UPON
6 PASSAGE].

7 SECTION 8. **An emergency is declared for this act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill No. 101, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 101 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 9, Nays 1.

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SENATE MOTION

Madam President: I move that Engrossed Senate Bill 101, which is eligible for third reading, be returned to second reading for purposes of amendment.

HOLDMAN

SENATE MOTION

Madam President: I move that Senate Bill 101 be amended to read as follows:

Page 1, delete lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 9.

Renumber all SECTIONS consecutively.

(Reference is to SB 101 as printed January 19, 2011.)

HOLDMAN

SENATE MOTION

Madam President: I move that Senate Bill 101 be amended to read as follows:

Page 3, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 2. IC 9-24-3-3 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The bureau may waive up to six (6) months of the age and experience requirements for an individual making an application for the individual's initial operator's license due to hardship conditions.

~~(b)~~ The bureau shall adopt rules under IC 4-22-2 to state the conditions under which the age requirement may be waived. ~~under subsection (a):~~

(b) An individual who held a learner's permit prior to July 1, 2010, may receive an operator's license after meeting the following conditions:

- (1) Is at least sixteen (16) years and thirty (30) days of age.**
- (2) Has obtained an instructor's certification that the applicant has satisfactorily completed an approved driver education course.**
- (3) Passes the required examination."**

Renumber all SECTIONS consecutively.

(Reference is to SB 101 as printed January 19, 2011.)

ZAKAS

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Bill 101, 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, line 1, delete "SECTION 1. IC 9-24-3-3 IS AMENDED TO READ AS FOLLOWS" and insert the following:

"SECTION 1. IC 9-24-3-1, AS AMENDED BY P.L.101-2009, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. Except as otherwise provided in this article, the bureau shall issue an operator's license to an individual who meets the following conditions:

- (1) Satisfies the age requirements set forth in section ~~2~~ **or 2.5 or 2.7** of this chapter.
- (2) Makes proper application to the bureau under IC 9-24-9 upon a form prescribed by the bureau. ~~Effective July 1, 2010;~~ The form must include a verification concerning the number of hours of supervised driving practice that the individual has completed if the individual is required under section 2.5 **or 2.7** of this chapter to complete a certain number of hours of supervised driving



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practice in order to receive an operator's license.

(3) Satisfactorily passes the examination and tests required for issuance of an operator's license under IC 9-24-10.

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

SECTION 2. IC 9-24-3-2.5, AS ADDED BY P.L.101-2009, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) This section applies beginning July 1, 2010, **and expires June 30, 2011.**

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

(1) The individual meets the following conditions:

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

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

(C) Obtains an instructor's certification that the individual has satisfactorily completed an approved driver education course.

(D) Passes the required examination.

(E) Completes at least fifty (50) hours of supervised driving practice, of which at least ten (10) hours are nighttime driving, with:

(i) a licensed instructor or a licensed driver who is at least twenty-five (25) years of age; or

(ii) the spouse of the individual who is at least twenty-one (21) years of age.

(2) The individual meets the following conditions:

(A) Is at least sixteen (16) years and two hundred seventy (270) days of age.

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

(C) Passes the required examination.

(D) Completes at least fifty (50) hours of supervised driving practice, of which at least ten (10) hours are nighttime driving, with:

(i) a licensed instructor or a licensed driver who is at least twenty-five (25) years of age; or

(ii) the spouse of the individual who is at least twenty-one (21) years of age.

(3) The individual meets the following conditions:

(A) Is at least sixteen (16) years and one hundred eighty (180) days of age but less than eighteen (18) years of age.

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

(C) 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 one hundred eighty (180) days.

(D) Passes the required examination.

(4) The individual meets the following conditions:

(A) Is at least eighteen (18) years of age.

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

(C) Has held an unrevoked operator's, chauffeur's, commercial driver's, or public passenger chauffeur's license from the state of prior residence.

(D) Passes the required examination.

SECTION 3. IC 9-24-3-2.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.7. (a) This section applies beginning July 1, 2011.**

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

(1) The individual meets the following conditions:

(A) Is at least sixteen (16) years and ninety (90) days of age.

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

(C) Obtains an instructor's certification that the individual has satisfactorily completed an approved driver education course.

(D) Passes the required examination.

(E) Completes at least fifty (50) hours of supervised driving practice, of which at least ten (10) hours are nighttime driving, with:

(i) a licensed instructor or a licensed driver who is at least twenty-five (25) years of age; or

(ii) the spouse of the individual who is at least twenty-one (21) years of age.

(2) The individual meets the following conditions:

(A) Is at least sixteen (16) years and two hundred seventy (270) days of age.

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

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- (C) Passes the required examination.
- (D) Completes at least fifty (50) hours of supervised driving practice, of which at least ten (10) hours are nighttime driving, with:
 - (i) a licensed instructor or a licensed driver who is at least twenty-five (25) years of age; or
 - (ii) the spouse of the individual who is at least twenty-one (21) years of age.
- (3) The individual meets the following conditions:
 - (A) Is at least sixteen (16) years and one hundred eighty (180) days of age but less than eighteen (18) years of age.
 - (B) Has previously been a nonresident of Indiana, but, at the time of application, qualifies as an Indiana resident.
 - (C) 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 one hundred eighty (180) days.
 - (D) Passes the required examination.
- (4) The individual meets the following conditions:
 - (A) Is at least eighteen (18) years of age.
 - (B) Has previously been a nonresident of Indiana but, at the time of application, qualifies as an Indiana resident.
 - (C) Has held an unrevoked operator's, chauffeur's, commercial driver's, or public passenger chauffeur's license from the state of prior residence.
 - (D) Passes the required examination."

Page 1, delete lines 2 through 16.
 Page 2, line 4, after "years" insert "**and ninety (90) days**".
 Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 101 as reprinted February 8, 2011.)

SOLIDAY, Chair

Committee Vote: yeas 10, nays 0.

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