



Reprinted
April 8, 2011

ENGROSSED
SENATE BILL No. 528

DIGEST OF SB 528 (Updated April 7, 2011 11:31 am - DI 103)

Citations Affected: IC 6-6; IC 9-17; IC 9-18; IC 9-24; IC 9-29; IC 9-30; IC 31-37.

Synopsis: Various motor vehicle issues. Reduces from 10% to 8.33% the prorated excise tax credit due to a boat owner upon the sale of the boat. (The 10% rate was based on a ten month registration cycle; the current cycle is twelve months.) Provides that employees at full or partial service branches of the bureau of motor vehicles (BMV) may inspect applications for certificates of title. Authorizes the BMV to issue distinctive permanent plates to the department of correction for vehicles used for official business by correctional police officers. Relocates a provision requiring a duplicate or replacement license plate to be displayed in the same manner as an original license plate. Requires an individual who holds a motorcycle operator's license to hold another driver's license with a motorcycle endorsement in order
(Continued next page)

Effective: January 1, 2012.

Merritt, Wyss
(HOUSE SPONSOR — SOLIDAY)

January 18, 2011, read first time and referred to Committee on Homeland Security, Transportation & Veterans Affairs.
February 10, 2011, amended, reported favorably — Do Pass.
February 14, 2011, read second time, amended, ordered engrossed.
February 15, 2011, engrossed. Read third time, passed. Yeas 50, nays 0.
HOUSE ACTION
March 28, 2011, read first time and referred to Committee on Roads and Transportation.
April 4, 2011, amended, reported — Do Pass.
April 7, 2011, read second time, amended, ordered engrossed.

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ES 528—LS 7408/DI 103+



to operate a motorcycle. Specifies that an amended driver's license or card is issued when information on the driver's license or card has changed. Specifies that a replacement driver's license or card is issued when the driver's license or card has been lost, stolen, or destroyed. Removes statutory inconsistencies concerning the ineligibility of a habitual traffic violator for a hardship license. Removes duplicative provision concerning the eligibility of certain individuals for restricted driving permits. Specifies that an individual is required to provide proof of future responsibility during the three years following the termination of the suspension of the individual's driving privileges. Removes incorrect cross references in section concerning the probationary status of certain habitual traffic violators. Repeals a provision requiring the BMV to issue a certificate for a duplicate license plate in the form of a sticker. Removes and repeals language concerning motorcycle operator's licenses and motorcycle learner's permits. Repeals the requirement that the holder of an identification card must contact the bureau of motor vehicles when the card is lost or stolen. Provides that a person is required to provide proof of future financial responsibility if a court recommends suspension of the person's driving privileges for a conviction for operating a vehicle while intoxicated. Provides that if a court recommends suspension of the driving privileges of a person who is arrested for or charged with operating a vehicle while intoxicated and there is not a conviction, the person is excluded from the requirement to provide proof of future financial responsibility.

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April 8, 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. 528

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 6-6-11-17 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 17. (a) Every
3 owner of a boat who sells the boat in a year in which the boat owner
4 has paid the excise tax is entitled to receive a credit equal to the
5 remainder of the tax paid for the boat reduced by ~~ten~~ **eight and**
6 **thirty-three hundredths** percent (~~10%~~) (**8.33%**) for each full or
7 partial calendar month that has elapsed in the tax payment year before
8 the date of the sale. The credit shall be applied to the owner's tax due
9 on any other boat of the owner in the same year or may be carried over
10 and used in the following year if the credit was not fully used in the
11 preceding year. The credit expires at the end of the year that follows the
12 year in which the credit originally accrued.

13 (b) A cash refund may not be made on a credit issued under
14 subsection (a) on the sale of a boat. A tax credit is transferable from
15 one (1) member of the same immediate family to another member of
16 the same family with no consideration involved or received as an
17 outright gift or inheritance.

ES 528—LS 7408/DI 103+



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1 SECTION 2. IC 9-17-2-12, AS AMENDED BY P.L.1-2009,
2 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2012]: Sec. 12. (a) As used in this section, "dealer"
4 refers to a dealer that has:

- 5 (1) been in business for not less than five (5) years; and
- 6 (2) sold not less than one hundred fifty (150) motor vehicles
7 during the preceding calendar year.

8 (b) This section does not apply to the following:

- 9 (1) A new motor vehicle or recreational vehicle sold by a dealer
10 licensed by the state.
- 11 (2) A motor vehicle or recreational vehicle transferred or assigned
12 on a certificate of title issued by the bureau.
- 13 (3) A motor vehicle that is registered under the International
14 Registration Plan.
- 15 (4) A motor vehicle that is titled in the name of a financial
16 institution, lending institution, or insurance company in Canada
17 and imported by a registered importer, if:

18 (A) the registered importer complies with section 12.5(a) of
19 this chapter; and

20 (B) section 12.5(d) of this chapter does not apply to the motor
21 vehicle.

22 (5) A motor vehicle that is titled in another state and is in the
23 lawful possession of a financial institution, a lending institution,
24 or an insurance company, if:

25 (A) the financial institution, lending institution, or insurance
26 company complies with section 12.5(b) of this chapter; and

27 (B) section 12.5(d) of this chapter does not apply to the motor
28 vehicle.

29 (c) An application for a certificate of title for a motor vehicle or
30 recreational vehicle may not be accepted by the bureau unless the
31 motor vehicle or recreational vehicle has been inspected by one (1) of
32 the following:

- 33 (1) An employee of a dealer designated by the secretary of state
34 to perform an inspection.
- 35 (2) A military policeman assigned to a military post in Indiana.
- 36 (3) A police officer.
- 37 (4) A designated employee of the bureau.
- 38 (5) **An employee of a qualified person operating under a**
39 **contract with the commission under IC 9-16-1-4 for operation**
40 **of a full service license branch.**
- 41 (6) **An employee of a qualified person operating under a**
42 **contract with the commission under IC 9-16-1-4.5 for**

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operation of a partial service license branch.

(d) A person described in subsection (c) inspecting a motor vehicle, semitrailer, or recreational vehicle shall do the following:

- (1) Make a record of inspection upon the application form prepared by the bureau.
- (2) Verify the facts set out in the application.

SECTION 3. IC 9-18-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 6. The bureau may issue distinctive permanent plates under this chapter to each of the following:

- (1) The state police department.
- (2) The department of natural resources.
- (3) County police departments.
- (4) City police departments.
- (5) The department of correction, for designated departmental vehicles used by correctional police officers appointed under IC 11-8-9-1.**

SECTION 4. IC 9-18-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 2. (a) Except as provided in subsections (b) and (e), if a license plate is:

- (1) lost;
- (2) mutilated; or
- (3) destroyed;

the person in whose name the license plate was issued may obtain from the bureau a duplicate or a replacement license plate by filing with the bureau an application on a form provided by the bureau duly sworn to as provided in IC 9-18-2.

(b) If a license plate is lost, the bureau may not issue a duplicate or replacement license plate until the person in whose name the plate was issued has first notified:

- (1) the Indiana law enforcement agency that has jurisdiction where the loss occurred; or
- (2) the law enforcement agency that has jurisdiction over the address listed on the registration;

that the original license plate has been lost.

(c) A law enforcement agency to whom a loss is reported shall complete and present to the person reporting the loss a form provided by the bureau indicating that the loss has been reported.

(d) The person must present the form described under subsection (c) to the bureau before a replacement license plate may be obtained.

(e) If a license plate for a commercial vehicle is lost, mutilated, or destroyed, the person in whose name the plate was issued shall notify:

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1 (1) the Indiana law enforcement agency that has jurisdiction
 2 where the loss occurred; and
 3 (2) the bureau;
 4 that the original license plate has been lost, mutilated, or destroyed. In
 5 order to receive a duplicate or a replacement license plate, the person
 6 in whose name the license plate was issued must complete and submit
 7 to the bureau an application and affidavit designed by the bureau.

8 (f) The bureau shall charge a fee for a duplicate or replacement
 9 license plate under subsections (b) and (e) as set forth in IC 9-29-5-17.

10 **(g) A duplicate or replacement license plate must be displayed**
 11 **in the same manner as the original license plate was displayed.**

12 SECTION 5. IC 9-24-1-1, AS AMENDED BY P.L.156-2006,
 13 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JANUARY 1, 2012]: Sec. 1. Except as provided in section 6 or 7 of
 15 this chapter, an individual must have a valid Indiana:

- 16 (1) operator's license;
- 17 (2) chauffeur's license;
- 18 (3) public passenger chauffeur's license;
- 19 (4) commercial driver's license;
- 20 (5) driver's license listed in subdivision (1), (2), (3) or (4) with a
 21 motorcycle ~~operator's license~~ or endorsement; or
- 22 (6) learner's permit;

23 issued to the individual by the bureau under this article to drive upon
 24 an Indiana highway the type of motor vehicle for which the license or
 25 permit was issued.

26 SECTION 6. IC 9-24-1-5 IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JANUARY 1, 2012]: Sec. 5. **(a)** An individual must
 28 have a valid driver's license that may be any of the following to operate
 29 a motorcycle upon a public highway:

- 30 (1) An operator's, a chauffeur's, ~~or~~ a public passenger chauffeur's,
 31 **or a commercial driver's** license with a motorcycle
 32 endorsement.
- 33 ~~(2) A temporary motorcycle learner's permit subject to the~~
 34 ~~limitations imposed under IC 9-24-8.~~
- 35 ~~(3)~~ **(2)** A motorcycle learner's permit subject to the limitations
 36 imposed under IC 9-24-8.
- 37 ~~(4)~~ **(3)** A driver's license from any other jurisdiction that is valid
 38 for the operation of a motorcycle in that jurisdiction.

39 **(b) An individual who held a motorcycle operator's license on**
 40 **June 30, 2011, must hold an operator's, a chauffeur's, a public**
 41 **passenger chauffeur's, or a commercial driver's license with a**
 42 **motorcycle endorsement in order to operate the motorcycle after**

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1 **June 30, 2011.**

2 SECTION 7. IC 9-24-8-1 IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JANUARY 1, 2012]: Sec. 1. ~~(a)~~ The bureau shall
4 **determine reasonable standards for**, develop, and issue the
5 following:

- 6 ~~(1) A temporary motorcycle learner's permit.~~
7 ~~(2) (1) A motorcycle learner's permit.~~
8 ~~(3) (2) A motorcycle operator's license or a license endorsement.~~
9 ~~(b) The bureau shall determine reasonable standards for a~~
10 ~~motorcycle operator's license or a license endorsement for the operation~~
11 ~~of a motorcycle.~~

12 SECTION 8. IC 9-24-8-4, AS AMENDED BY P.L.156-2006,
13 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JANUARY 1, 2012]: Sec. 4. (a) Except as provided in subsections (c)
15 and (d), the bureau shall

- 16 ~~(1) issue a motorcycle operator's license; or~~
17 ~~(2) validate an operator's, a chauffeur's, or a public passenger~~
18 ~~chauffeur's license for motorcycle operation upon a highway by~~
19 ~~endorsement to a person who meets the conditions in subsection~~
20 ~~(b) or (g).~~

21 **(b) Except as provided in subsection (g)**, a person must meet at
22 least one (1) of the following conditions to obtain ~~a license or~~
23 ~~validation an endorsement~~ under subsection (a):

- 24 (1) Satisfactorily complete the written test ~~hold a motorcycle~~
25 ~~learner's permit for at least thirty (30) days; and:~~
26 (A) satisfactorily complete an approved operational skills test;
27 or
28 (B) satisfactorily complete a motorcycle operator safety
29 education course approved by the department of education as
30 set forth in IC 20-30-13-9.

31 (2) Hold a current motorcycle operator endorsement or
32 motorcycle operator's license from any other jurisdiction and
33 successfully complete the written test.

34 (c) The bureau may not issue a motorcycle ~~operator's license or~~
35 endorsement to an individual less than sixteen (16) years and ~~thirty~~
36 ~~(30) one hundred eighty (180)~~ days of age.

37 (d) If an applicant for a motorcycle license ~~or license~~ endorsement
38 is less than eighteen (18) years of age, the bureau may not issue a
39 license ~~or validate a license endorsement~~ described in subsection (a)
40 if the applicant is ineligible under IC 9-24-2-1.

41 (e) The bureau shall develop and implement both a written test and
42 an operational skills test that must be designed to determine whether

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1 an applicant for a motorcycle ~~operator's license or~~ endorsement is
 2 competent to operate a motorcycle upon a highway. The written test
 3 must be made available at license branch locations approved by the
 4 bureau. The operational skills test must be given at locations
 5 designated by the bureau. The bureau shall adopt rules ~~by July 1, 2007,~~
 6 under IC 4-22-2 to establish standards for persons administering
 7 operational skills tests and the provisions of the operational skills test.
 8 An individual applying for a motorcycle ~~operator's license or~~
 9 endorsement must pass the written exam before taking the operational
 10 skills test. If an applicant fails to satisfactorily complete either the
 11 written or operational tests, the applicant may reapply for and must be
 12 offered the examination upon the same terms and conditions as
 13 applicants may reapply for and be offered examinations for an
 14 operator's license. The bureau shall publish and make available at all
 15 locations where an individual may apply for an operator's license
 16 information concerning a motorcycle ~~operator licensing or~~
 17 endorsement.

18 (f) An individual who

19 ~~(1) has held a motorcycle learner's permit for at least thirty (30)~~
 20 ~~days or~~

21 ~~(2) holds a temporary motorcycle learner's permit, has~~
 22 ~~successfully completed an approved motorcycle driver education~~
 23 ~~and training course, and possesses a valid operator's, chauffeur's,~~
 24 ~~or public passenger chauffeur's license;~~

25 may apply for a motorcycle ~~operator's license or~~ endorsement not later
 26 than the expiration date of the ~~holder's~~ permit. However, not more than
 27 three (3) examinations may be allowed ~~a holder~~ during the period the
 28 permit is valid. ~~A holder of~~ **An individual who holds** a learner's permit
 29 ~~or a temporary learner's permit who and~~ does not pass the written and
 30 operating skills examination during the period for which the permit is
 31 valid must obtain a new learner's permit.

32 **(g) A person who held a valid Indiana motorcycle operator's**
 33 **license on June 30, 2011, may be issued a motorcycle operator's**
 34 **endorsement after June 30, 2011 on a valid Indiana operator's,**
 35 **chauffeur's, public passenger chauffeur's, or commercial driver's**
 36 **license after:**

37 **(1) making the appropriate application for endorsement; and**

38 **(2) paying the appropriate fee set forth in IC 9-29-9-7 or**
 39 **IC 9-29-9-8.**

40 SECTION 9. IC 9-24-11-5, AS AMENDED BY P.L.1-2010,
 41 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JANUARY 1, 2012]: Sec. 5. (a) Except as provided in subsection ~~(i)~~;

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1 (h), a permit or license issued under this chapter must contain the
2 following information:

- 3 (1) The full legal name of the permittee or licensee.
4 (2) The date of birth of the permittee or licensee.
5 (3) The address of the principal residence of the permittee or
6 licensee.
7 (4) The hair color and eye color of the permittee or licensee.
8 (5) The date of issue and expiration date of the permit or license.
9 (6) The gender of the permittee or licensee.
10 (7) The unique identifying number of the permit or license.
11 (8) The weight of the permittee or licensee.
12 (9) The height of the permittee or licensee.
13 (10) A reproduction of the signature of the permittee or licensee.
14 (11) If the permittee or licensee is less than eighteen (18) years of
15 age at the time of issuance, the dates on which the permittee or
16 licensee will become:
17 (A) eighteen (18) years of age; and
18 (B) twenty-one (21) years of age.
19 (12) If the permittee or licensee is at least eighteen (18) years of
20 age but less than twenty-one (21) years of age at the time of
21 issuance, the date on which the permittee or licensee will become
22 twenty-one (21) years of age.
23 (13) Except as provided in subsection (b), ~~or (c)~~; a digital
24 photograph of the permittee or licensee.

25 (b) ~~The following permits or licenses do not require a digital~~
26 ~~photograph:~~

- 27 ~~(1) Temporary motorcycle learner's permit issued under~~
28 ~~IC 9-24-8.~~
29 ~~(2) A motorcycle learner's permit issued under IC 9-24-8 does not~~
30 ~~require a digital photograph.~~

31 (c) The bureau may provide for the omission of a photograph or
32 computerized image from any ~~other~~ license or permit if there is good
33 cause for the omission. However, a license issued without a digital
34 photograph must include the language described in subsection (f).

35 (d) The information contained on the permit or license as required
36 by subsection (a)(11) or (a)(12) for a permittee or licensee who is less
37 than twenty-one (21) years of age at the time of issuance shall be
38 printed prominently on the permit or license.

39 (e) This subsection applies to a permit or license issued after
40 January 1, 2007. If the applicant for a permit or license submits
41 information to the bureau concerning the applicant's medical condition,
42 the bureau shall place an identifying symbol on the face of the permit

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1 or license to indicate that the applicant has a medical condition of note.
2 The bureau shall include information on the permit or license that
3 briefly describes the medical condition of the holder of the permit or
4 license. The information must be printed in a manner that alerts a
5 person reading the permit or license to the existence of the medical
6 condition. The permittee or licensee is responsible for the accuracy of
7 the information concerning the medical condition submitted under this
8 subsection. The bureau shall inform an applicant that submission of
9 information under this subsection is voluntary.

10 (f) Any license or permit issued by the state that does not require a
11 digital photograph must include a statement that indicates that the
12 license or permit may not be accepted by any federal agency for federal
13 identification or any other federal purpose.

14 (g) A license or permit issued by the state to an individual who:
15 (1) has a valid, unexpired nonimmigrant visa or has nonimmigrant
16 visa status for entry in the United States;
17 (2) has a pending application for asylum in the United States;
18 (3) has a pending or approved application for temporary protected
19 status in the United States;
20 (4) has approved deferred action status; or
21 (5) has a pending application for adjustment of status to that of an
22 alien lawfully admitted for permanent residence in the United
23 States or conditional permanent residence status in the United
24 States;

25 must be clearly identified as a temporary license or permit. A
26 temporary license or permit issued under this subsection may not be
27 renewed without the presentation of valid documentary evidence
28 proving that the licensee's or ~~permittee's~~ **permittee's** temporary status
29 has been extended.

30 (h) The bureau may adopt rules under IC 4-22-2 to carry out this
31 section.

32 (i) For purposes of subsection (a), an individual certified as a
33 program participant in the address confidentiality program under
34 IC 5-26.5 is not required to provide the address of the individual's
35 principal residence, but may provide an address designated by the
36 office of the attorney general under IC 5-26.5 as the address of the
37 individual's principal residence.

38 SECTION 10. IC 9-24-12-4, AS AMENDED BY P.L.162-2009,
39 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JANUARY 1, 2012]: Sec. 4. (a) Except as provided in subsections (b)
41 and (c), the application for renewal of:

42 (1) an operator's license;

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- 1 ~~(2)~~ a motorcycle operator's license;
 2 ~~(3)~~ (2) a chauffeur's license;
 3 ~~(4)~~ (3) a public passenger chauffeur's license; or
 4 ~~(5)~~ (4) an identification card;

5 under this article may be filed not more than twelve (12) months before
 6 the expiration date of the license or identification card held by the
 7 applicant.

8 (b) When the applicant complies with IC 9-24-9-2.5(5) through
 9 IC 9-24-9-2.5(10), an application for renewal of a driver's license in
 10 subsection (a)(1), (a)(2), **or** (a)(3) ~~or (a)(4)~~ may be filed not more than
 11 one (1) month before the expiration date of the license held by the
 12 applicant.

13 (c) When the applicant complies with IC 9-24-16-3.5(1)(E) through
 14 IC 9-24-16-3.5(1)(J), an application for renewal of an identification
 15 card in subsection (a)(5) may be filed not more than one (1) month
 16 before the expiration date of the identification card held by the
 17 applicant.

18 SECTION 11. IC 9-24-12-5, AS AMENDED BY P.L.87-2010,
 19 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JANUARY 1, 2012]: Sec. 5. (a) Except as provided in subsection (b),
 21 an individual applying for renewal of an operator's, ~~a motorcycle~~
 22 ~~operator's~~, a chauffeur's, or a public passenger chauffeur's license must
 23 apply in person at a license branch and do the following:

- 24 (1) Pass an eyesight examination.
 25 (2) Pass a written examination if:
 26 (A) the applicant has at least six (6) active points on the
 27 applicant's driving record maintained by the bureau; or
 28 (B) the applicant holds a valid operator's license, has not
 29 reached the applicant's twenty-first birthday, and has active
 30 points on the applicant's driving record maintained by the
 31 bureau.

32 (b) The bureau may adopt rules under IC 4-22-2 concerning the
 33 ability of a holder of an operator's, ~~a motorcycle operator's~~, a
 34 chauffeur's, or a public passenger chauffeur's license to renew the
 35 license by mail or by electronic service. If rules are adopted under this
 36 subsection, the rules must provide that an individual's renewal of a
 37 license by mail or by electronic service is subject to the following
 38 conditions:

- 39 (1) A valid computerized image of the individual must exist
 40 within the records of the bureau.
 41 (2) The previous renewal of the individual's operator's, ~~motorcycle~~
 42 ~~operator's~~, chauffeur's, or public passenger chauffeur's license

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1 must not have been by mail or by electronic service.
 2 (3) The application for or previous renewal of the individual's
 3 license must have included a test of the individual's eyesight
 4 approved by the bureau.
 5 (4) If the individual were applying for the license renewal in
 6 person at a license branch, the individual would not be required
 7 under subsection (a)(2) to submit to a written examination.
 8 (5) The individual must be a citizen of the United States, as
 9 shown in the records of the bureau.
 10 (6) There must not have been any change in the:
 11 (A) address; or
 12 (B) name;
 13 of the individual since the issuance or previous renewal of the
 14 individual's operator's, ~~motorcycle operator's~~, chauffeur's, or
 15 public passenger chauffeur's license.
 16 (7) The operator's, ~~motorcycle operator's~~, chauffeur's, or public
 17 passenger chauffeur's license of the individual must not be:
 18 (A) suspended; or
 19 (B) expired **more than one hundred eighty (180) days**;
 20 at the time of the application for renewal.
 21 (8) The individual must be less than seventy (70) years of age at
 22 the time of the application for renewal.
 23 (c) An individual applying for the renewal of an operator's, a
 24 ~~motorcycle operator's~~, a chauffeur's, or a public passenger chauffeur's
 25 license must apply in person at a license branch under subsection (a)
 26 if the individual is not entitled to apply by mail or by electronic service
 27 under rules adopted under subsection (b).
 28 SECTION 12. IC 9-24-12-7, AS AMENDED BY P.L.184-2007,
 29 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JANUARY 1, 2012]: Sec. 7. (a) ~~Except as provided in subsection (b)~~
 31 ~~and section 10 of this chapter, a motorcycle operator's license issued~~
 32 ~~before January 1, 2006, expires at midnight of the birthday of the~~
 33 ~~holder that occurs four (4) years following the date of issuance.~~
 34 (b) ~~Except as provided in sections 10, 11, and 12 of this chapter, a~~
 35 ~~motorcycle operator's license issued after December 31, 1996, to an~~
 36 ~~applicant who is at least seventy-five (75) years of age expires at~~
 37 ~~midnight of the birthday of the holder that occurs three (3) years~~
 38 ~~following the date of issuance.~~
 39 (c) ~~After December 31, 2005, except as provided in subsection (b)~~
 40 ~~and sections 10, 11, and 12 of this chapter, a motorcycle operator's~~
 41 ~~license issued under this article expires at midnight of the birthday of~~
 42 ~~the holder that occurs six (6) years following the date of issuance.~~

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1 ~~(d)~~ A motorcycle operator endorsement remains in effect for the
2 same term as the license being endorsed and is subject to renewal at
3 and after the expiration of the license in accordance with this chapter.

4 SECTION 13. IC 9-24-12-10, AS AMENDED BY P.L.41-2006,
5 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JANUARY 1, 2012]: Sec. 10. Except as provided in section 11 of this
7 chapter, after June 30, 2005:

8 (1) an operator's; **or**

9 (2) a chauffeur's; **or**

10 ~~(3) a motorcycle operator's;~~

11 license issued to or renewed by a driver who is at least eighty-five (85)
12 years of age expires at midnight of the birthday of the holder that
13 occurs two (2) years following the date of issuance.

14 SECTION 14. IC 9-24-12-11, AS ADDED BY P.L.41-2006,
15 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JANUARY 1, 2012]: Sec. 11. (a) This section applies to a driver's
17 license issued under:

18 (1) IC 9-24-3;

19 (2) IC 9-24-4; **or**

20 (3) IC 9-24-5. **or**

21 ~~(4) IC 9-24-8.~~

22 (b) If the birthday of a holder on which the holder's driver's license
23 issued under a chapter referred to in subsection (a) would otherwise
24 expire falls on:

25 (1) Sunday;

26 (2) a legal holiday (as set forth in IC 1-1-9-1); or

27 (3) a weekday when all license branches, full service providers,
28 and partial services providers in the county of residence of the
29 holder are closed;

30 the driver's license of the holder does not expire until midnight of the
31 first day after the birthday on which a license branch, full service
32 provider, or partial services provider is open for business in the county
33 of residence of the holder.

34 SECTION 15. IC 9-24-12-12, AS AMENDED BY P.L.162-2009,
35 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JANUARY 1, 2012]: Sec. 12. (a) This section applies to a driver's
37 license issued under:

38 (1) IC 9-24-3;

39 (2) IC 9-24-4; **and**

40 (3) IC 9-24-5. **and**

41 ~~(4) IC 9-24-8.~~

42 (b) A driver's license listed in subsection (a) that is issued after

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1 December 31, 2007, to an applicant who complies with
2 IC 9-24-9-2.5(5) through IC 9-24-9-2.5(10) expires:

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

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

9 (A) At midnight of the date the authorization of the holder to
10 be a legal permanent resident or conditional resident alien of
11 the United States expires.

12 (B) At midnight of the birthday of the holder that occurs six
13 (6) years after the date of issuance.

14 SECTION 16. IC 9-24-13-4, AS AMENDED BY P.L.184-2007,
15 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JANUARY 1, 2012]: Sec. 4. If:

17 (1) an individual holding a license or permit issued under this
18 article changes the address shown on the license or permit
19 application; or

20 (2) the name of a licensee or permittee is changed by marriage or
21 otherwise;

22 the licensee or permittee shall make application for a ~~duplicate an~~
23 **amended** driver's license or permit under IC 9-24-9 containing the
24 correct information within thirty (30) days of the change.

25 SECTION 17. IC 9-24-14-3.5, AS ADDED BY P.L.87-2010,
26 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JANUARY 1, 2012]: Sec. 3.5. (a) The bureau may adopt rules under
28 IC 4-22-2 concerning the ability of an individual to apply for a
29 replacement of an operator's, a ~~motorcycle operator's~~, a chauffeur's, or
30 a public passenger chauffeur's license or a learner's permit to the holder
31 of the license or learner's permit by electronic service. If rules are
32 adopted under this subsection, the rules must provide that issuance of
33 a replacement license or learner's permit by electronic service is subject
34 to the following conditions:

35 (1) A valid computerized image or digital photograph of the
36 individual must exist within the records of the bureau.

37 (2) The individual must be a citizen of the United States, as
38 shown in the records of the bureau.

39 (b) An individual applying for a replacement of an operator's, a
40 ~~motorcycle operator's~~, a chauffeur's, or a public passenger chauffeur's
41 license or a learner's permit must apply in person at a license branch if
42 the individual is not entitled to apply by mail or by electronic service

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under rules adopted under subsection (a).

SECTION 18. IC 9-24-15-6, AS AMENDED BY P.L.28-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 6. (a) The court shall, after hearing the evidence upon a petition filed under this chapter and without any requests, make, sign, and file special finding of facts in writing. Except as provided in section 6.5 of this chapter, the court may do either of the following:

- (1) Refuse to grant the petition.
- (2) Make a final determination in the nature of a recommendation to the bureau that the petitioner be granted a restricted driving permit.

The judge of the court shall sign the recommendation and have the recommendation entered in the order book by the clerk of the court, with a copy sent to the bureau.

~~(b) If the court recommends that a person who is a habitual traffic violator under IC 9-30-10 be granted a restricted driving permit, the court shall require the person to submit to reasonable monitoring requirements.~~

SECTION 19. IC 9-24-15-6.5, AS AMENDED BY P.L.28-2010, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 6.5. (a) The court shall grant a petition for a restricted driving permit filed under this chapter if all of the following conditions exist:

- (1) The person was not convicted of one (1) or more of the following:
 - (A) A Class D felony under IC 9-30-5-4 before July 1, 1996, or a Class D felony or a Class C felony under IC 9-30-5-4 after June 30, 1996.
 - (B) A Class C felony under IC 9-30-5-5 before July 1, 1996, or a Class C felony or a Class B felony under IC 9-30-5-5 after June 30, 1996.
- (2) The person's driving privileges were suspended under IC 9-30-6-9(c) or IC 35-48-4-15.
- (3) The driving that was the basis of the suspension was not in connection with the person's work.
- (4) The person does not have a previous conviction for operating while intoxicated.
- (5) The person is participating in a rehabilitation program certified by either the division of mental health and addiction or the Indiana judicial center as a condition of the person's probation.

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1 (b) The person filing the petition for a restricted driving permit shall
2 include in the petition the information specified in subsection (a) in
3 addition to the information required by sections 3 through 4 of this
4 chapter.

5 (c) Whenever the court grants a person restricted driving privileges
6 under this chapter, that part of the court's order granting probationary
7 driving privileges shall not take effect until the person's driving
8 privileges have been suspended for at least thirty (30) days under
9 IC 9-30-6-9. In a county that provides for the installation of an ignition
10 interlock device under IC 9-30-8, installation of an ignition interlock
11 device is required as a condition of probationary driving privileges for
12 the entire duration of the probationary driving privileges.

13 (d) If a court requires installation of a certified ignition interlock
14 device under subsection (c), the court shall order the bureau to record
15 this requirement in the person's operating record in accordance with
16 IC 9-14-3-7. When the person is no longer required to operate only a
17 motor vehicle equipped with an ignition interlock device, the court
18 shall notify the bureau that the ignition interlock use requirement has
19 expired and order the bureau to update its records accordingly.

20 (e) If the court recommends that a person who is a habitual traffic
21 violator under ~~IC 9-30-10~~ be granted a restricted driving permit, the
22 court shall require the person to submit to reasonable monitoring
23 requirements.

24 SECTION 20. IC 9-24-15-6.7, AS AMENDED BY P.L.28-2010,
25 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JANUARY 1, 2012]: Sec. 6.7. (a) If a petitioner whose driving license
27 or permit is suspended under IC 9-25-6-19, IC 9-25-6-20, or
28 IC 9-25-6-21 proves to the satisfaction of the court that public
29 transportation is unavailable for travel by the petitioner:

- 30 (1) to and from the petitioner's regular place of employment;
- 31 (2) in the course of the petitioner's regular employment;
- 32 (3) to and from the petitioner's place of worship; or
- 33 (4) to participate in parenting time with the petitioner's children

34 consistent with a court order granting parenting time;
35 the court may grant a petition for a restricted driving permit filed under
36 this chapter.

37 (b) A restricted driving permit issued by the bureau under this
38 section must specify that the restricted driving permit is valid only for
39 purposes of driving under the conditions described in subsection (a).

40 (c) A restricted driving permit issued by the bureau under this
41 section shall be:

- 42 (1) issued in the same manner; and

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1 (2) subject to all requirements;
2 as other permits under this chapter. ~~If the court recommends that a~~
3 ~~person who is a habitual traffic violator under IC 9-30-10 be granted a~~
4 ~~restricted driving permit, the court shall require the person to submit to~~
5 ~~reasonable monitoring requirements.~~

6 SECTION 21. IC 9-24-15-9, AS AMENDED BY P.L.2-2005,
7 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JANUARY 1, 2012]: Sec. 9. ~~(a) Except as provided in subsection (b)~~
9 ~~and section 6.5 of this chapter, an individual may not receive a~~
10 ~~restricted driving permit if the individual's driving privileges are~~
11 ~~suspended under IC 9-30-5 through IC 9-30-9 or IC 9-30-13-3.~~

12 ~~(b) If the individual's driving privileges are suspended under~~
13 ~~IC 9-30-6-9(c) and the individual does not have a previous conviction~~
14 ~~for operating while intoxicated, the individual may receive a restricted~~
15 ~~driving permit if the individual otherwise qualifies for the permit.~~

16 SECTION 22. IC 9-24-16-4.5, AS ADDED BY P.L.87-2010,
17 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JANUARY 1, 2012]: Sec. 4.5. (a) The bureau may adopt rules under
19 IC 4-22-2 concerning the ability of an individual to renew an
20 identification card under section 5 of this chapter, ~~or~~ apply for a
21 ~~duplicate replacement~~ identification card under section ~~6, 8 or 9~~ of
22 this chapter, **or apply for a replacement identification card under**
23 **section 6 of this chapter** by electronic service. If rules are adopted
24 under this subsection, the rules must provide that an individual's
25 renewal, **amendment**, or ~~duplication~~ **replacement** of an identification
26 card by electronic service is subject to the following conditions:

27 (1) A valid computerized image or digital photograph of the
28 individual must exist within the records of the bureau.

29 (2) The individual must be a citizen of the United States, as
30 shown in the records of the bureau.

31 **(3) There must not have been any change in the:**
32 **(A) address; or**
33 **(B) name;**
34 **of the individual since the issuance or previous renewal of the**
35 **identification card of the individual.**

36 **(4) The identification card of the individual must not be**
37 **expired more than one hundred eighty (180) days at the time**
38 **of the application for renewal.**

39 (b) An individual applying for:
40 (1) the renewal of an identification card; or
41 (2) a ~~duplicate replacement~~ identification card;
42 must apply in person at a license branch if the individual is not entitled

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1 to apply by mail or by electronic service under rules adopted under
2 subsection (a).

3 SECTION 23. IC 9-24-16-6 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 6. (a) The bureau
5 shall issue: ~~a duplicate~~

6 (1) **an amended** identification card if ~~any of the following~~
7 ~~conditions exist:~~

8 ~~(1) any information contained on the card becomes invalid or~~
9 ~~obsolete; or~~

10 (2) **a replacement identification card** if the card is lost, stolen,
11 damaged, or destroyed.

12 SECTION 24. IC 9-24-16-7 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 7. If information
14 on an identification card becomes invalid or obsolete, the holder shall,
15 within thirty (30) days, apply for ~~a duplicate~~ **an amended** card
16 containing correct information.

17 SECTION 25. IC 9-24-16-9 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 9. If an
19 identification card is destroyed or damaged, the holder ~~shall, within ten~~
20 ~~(10) days from the time the card was destroyed or damaged;~~ **may** apply
21 for a ~~duplicate~~ **replacement** card.

22 SECTION 26. IC 9-24-16-10, AS AMENDED BY P.L.109-2005,
23 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JANUARY 1, 2012]: Sec. 10. (a) The bureau may adopt rules under
25 IC 4-22-2 and prescribe all forms necessary to implement this chapter.
26 However, the bureau may not impose a fee for the issuance of:

- 27 (1) an original;
- 28 (2) a renewal of an; or
- 29 (3) ~~a duplicate;~~ **replacement;**

30 identification card to an individual described in subsection (b).
31 (b) An identification card must be issued without the payment of a
32 fee or charge to an individual who:

- 33 (1) does not have a valid Indiana driver's license; and
- 34 (2) will be at least eighteen (18) years of age at the next general,
35 municipal, or special election.

36 SECTION 27. IC 9-24-16-12, AS AMENDED BY P.L.106-2006,
37 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JANUARY 1, 2012]: Sec. 12. (a) A person who:

- 39 (1) knowingly permits the use of an identification card issued
40 under this chapter by a person other than the person to whom the
41 card was issued;
- 42 (2) knowingly displays or represents as the person's own

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1 identification card issued under this chapter an identification card
 2 that was not issued to the person displaying the card;
 3 (3) does not surrender, upon demand of the proper official, an
 4 identification card issued under this chapter that has become
 5 invalid or expired; or
 6 (4) knowingly sells, offers to sell, buys, possesses, or offers a false
 7 identification card that could reasonably be mistaken for a valid
 8 identification card required by this chapter to be issued by the
 9 bureau but that has not been issued by the bureau;
 10 commits a Class B misdemeanor.

11 (b) A person who:
 12 (1) knowingly or intentionally uses false information in an
 13 application:
 14 (A) for an identification card issued under this chapter; or
 15 (B) for a renewal, **amendment**, or ~~duplicate~~ **replacement** of
 16 an identification card issued under this chapter; or
 17 (2) knowingly or intentionally makes a false statement or
 18 otherwise commits fraud in an application for an identification
 19 card issued under this chapter;
 20 commits application fraud, a Class D felony.

21 SECTION 28. IC 9-24-18-2, AS AMENDED BY P.L.106-2006,
 22 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JANUARY 1, 2012]: Sec. 2. (a) A person may not do any of the
 24 following:

- 25 (1) Display, cause or permit to be displayed, or have in possession
- 26 a license or permit issued under this article knowing that the
- 27 license or permit is fictitious or has been canceled, revoked,
- 28 suspended, or altered.
- 29 (2) Lend to a person or knowingly permit the use by a person not
- 30 entitled to use a license or permit a license or permit issued under
- 31 this article.
- 32 (3) Display or represent as the person's license or permit issued
- 33 under this article a license or permit not issued to the person.
- 34 (4) Fail or refuse to surrender, upon demand of the proper official,
- 35 a license or permit issued under this article that has been
- 36 suspended, canceled, or revoked as provided by law.
- 37 (5) Knowingly sell, offer to sell, buy, possess, or offer as genuine,
- 38 a license or permit required by this article to be issued by the
- 39 bureau that has not been issued by the bureau under this article or
- 40 by the appropriate authority of any other state.

41 A person who knowingly or intentionally violates this subsection
 42 commits a Class C misdemeanor.

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- 1 (b) A person who:
- 2 (1) knowingly or intentionally uses a false or fictitious name or
- 3 gives a false or fictitious address in an application:
- 4 (A) for a license or permit issued under this article; or
- 5 (B) for a renewal, **amendment**, or ~~duplicate~~ **replacement** of
- 6 a license or permit issued under this article; or
- 7 (2) knowingly or intentionally makes a false statement or conceals
- 8 a material fact or otherwise commits a fraud in an application for
- 9 a license or permit issued under this article;
- 10 commits application fraud, a Class D felony.

11 SECTION 29. IC 9-29-1-2, AS AMENDED BY P.L.63-2007,
 12 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JANUARY 1, 2012]: Sec. 2. (a) Money from the increases in fees
 14 levied by the 1969 regular session of the general assembly in IC 9-18-2,
 15 IC 9-18-5, IC 9-18-6, IC 9-18-7, IC 9-18-9, IC 9-18-10, IC 9-18-16,
 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,
 17 IC 9-24-11, IC 9-24-12, IC 9-24-13, IC 9-24-14, and IC 9-29-9-15
 18 (IC 9-1-4 before its repeal on July 1, 1991) shall be deposited daily
 19 with the treasurer of state and credited to the highway, road, and street
 20 fund established under IC 8-14-2-2.1.

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

- 27 IC 9-29-4-3
- 28 IC 9-29-5
- 29 IC 9-29-9-1
- 30 IC 9-29-9-2
- 31 IC 9-29-9-3
- 32 IC 9-29-9-4
- 33 IC 9-29-9-5
- 34 ~~IC 9-29-9-6~~
- 35 IC 9-29-9-7
- 36 IC 9-29-9-8
- 37 IC 9-29-9-9
- 38 ~~IC 9-29-9-10~~
- 39 IC 9-29-9-11
- 40 IC 9-29-9-13
- 41 IC 9-29-9-14
- 42 IC 9-29-15-1

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- 1 IC 9-29-15-2
- 2 IC 9-29-15-3
- 3 IC 9-29-15-4

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

6 (c) The bureau's authority to adopt rules under subsection (b) is
 7 subject to the condition that a fee increase must be uniform throughout
 8 all license branches and at all partial service locations in Indiana.

9 (d) If a fee imposed by a statute listed in subsection (b) is
 10 eliminated, the amount of the fee increase set forth in a rule adopted
 11 under this section before July 1, 2007, with respect to the fee must be:

- 12 (1) collected by the bureau notwithstanding the elimination of the
- 13 underlying fee;
- 14 (2) collected in addition to all other fees collected at the time of
- 15 the underlying transaction; and
- 16 (3) deposited in the crossroads 2000 fund established under
- 17 IC 8-14-10-9.

18 SECTION 30. IC 9-29-3-10, AS AMENDED BY P.L.1-2007,
 19 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JANUARY 1, 2012]: Sec. 10. (a) Fifty cents (\$0.50) of each service
 21 charge collected under this section shall be deposited in the state motor
 22 vehicle technology fund established by IC 9-29-16-1.

23 (b) The service charge for a ~~temporary motorcycle learner's permit,~~
 24 motorcycle learner's permit or motorcycle endorsement of an operator's
 25 license issued to or renewed for an individual who is at least
 26 seventy-five (75) years of age is one dollar and fifty cents (\$1.50). The
 27 service charge for a motorcycle endorsement of an operator's license
 28 issued to or renewed for an individual less than seventy-five (75) years
 29 of age is two dollars and twenty-five cents (\$2.25).

30 SECTION 31. IC 9-29-9-2.5, AS ADDED BY P.L.184-2007,
 31 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JANUARY 1, 2012]: Sec. 2.5. The bureau may adopt rules under
 33 IC 4-22-2 to impose a service charge for the issuance of a ~~duplicate an~~
 34 **amended** operator's license or permit issued under IC 9-24-13-4.

35 SECTION 32. IC 9-29-9-3 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 3. The fee for a
 37 three (3) year operator's license issued under IC 9-24-3 ~~or a motorcycle~~
 38 ~~operator's license issued under IC 9-24-8~~ is three dollars (\$3).

39 SECTION 33. IC 9-29-9-7, AS AMENDED BY P.L.1-2007,
 40 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JANUARY 1, 2012]: Sec. 7. The fee for validation of a motorcycle
 42 operator endorsement under IC 9-24-8-4 and ~~IC 9-24-12-7(c)~~

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1 **IC 9-24-12-7** of an operator's license issued to an individual who is:
 2 (1) at least seventy-five (75) years of age is three dollars (\$3); and
 3 (2) less than seventy-five (75) years of age is four dollars and fifty
 4 cents (\$4.50).

5 SECTION 34. IC 9-29-9-8, AS AMENDED BY P.L.1-2007,
 6 SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JANUARY 1, 2012]: Sec. 8. The fee for validation of a motorcycle
 8 operator endorsement under IC 9-24-8-4 and ~~IC 9-24-12-7(c)~~

9 **IC 9-24-12-7** of a chauffeur's license issued to an individual who is:
 10 (1) at least seventy-five (75) years of age is three dollars (\$3); and
 11 (2) less than seventy-five (75) years of age is four dollars and fifty
 12 cents (\$4.50).

13 SECTION 35. IC 9-29-9-15, AS AMENDED BY P.L.1-2007,
 14 SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JANUARY 1, 2012]: Sec. 15. The fees for the issuance, ~~the~~ renewal,
 16 **amendment**, or a ~~duplicate~~ **replacement** of an identification card
 17 under IC 9-24-16 are as follows:

18 (1) For an individual at least sixty-five (65) years of age or an
 19 individual with a physical disability and not entitled to obtain a
 20 driver's license, three dollars and fifty cents (\$3.50).

21 (2) For any other individual, six dollars (\$6).

22 SECTION 36. IC 9-30-6-12 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 12. (a) If a court
 24 recommends suspension of the driving privileges under this chapter,
 25 IC 9-30-5, or IC 9-30-9:

26 (1) the bureau shall comply with the recommendation of
 27 suspension, and the driving privileges of the person remain
 28 suspended for the period set by the court; and

29 (2) the person shall surrender to the court all licenses, permits, or
 30 receipts issued to the person, and the court shall immediately
 31 forward the licenses, permits, or receipts to the bureau with the
 32 abstract of conviction or judgment.

33 (b) **Except as provided in subsection (c)**, during the three (3) years
 34 following the termination of the suspension the person's driving
 35 privileges remain suspended until the person provides proof of **future**
 36 financial responsibility in force under IC 9-25.

37 (c) **If a court recommends suspension of a person's driving**
 38 **privileges for a conviction under IC 9-30-5, during the three (3)**
 39 **years following the termination of the suspension the person's**
 40 **driving privileges remain suspended until the person provides**
 41 **proof of future financial responsibility in force under IC 9-25.**
 42 **However, if a court recommends suspension of the driving**

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1 **privileges of a person who is arrested for or charged with an**
2 **offense committed under IC 9-30-5, the person is not required to**
3 **provide proof of financial responsibility under IC 9-25 unless the**
4 **person is convicted under IC 9-30-5.**

5 ~~(c)~~ **(d)** If at any time during the three (3) years following the
6 termination of the suspension imposed under subsection (a) a person
7 who has provided proof of **future** financial responsibility under
8 IC 9-25 fails to maintain the proof, the bureau shall suspend the
9 person's driving privileges until the person again provides proof of
10 **future** financial responsibility under IC 9-25.

11 ~~(d)~~ **(e)** An agency action under this section is not subject to
12 IC 4-21.5.

13 SECTION 37. IC 9-30-10-9, AS AMENDED BY P.L.28-2010,
14 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JANUARY 1, 2012]: Sec. 9. (a) After June 30, 2005, this section does
16 not apply to a person who:

- 17 (1) holds a commercial driver's license; and
- 18 (2) has been charged with an offense involving the operation of
19 a motor vehicle in accordance with the federal Motor Carrier
20 Safety Improvement Act of 1999 (MCSIA) (Public Law
21 106-159.113 Stat. 1748).

- 22 (b) If a court finds that a person:
 - 23 (1) is a habitual violator under section 4(c) of this chapter;
 - 24 (2) has not been previously placed on probation under this section
25 by a court;
 - 26 (3) operates a vehicle for commercial or business purposes, and
27 the person's mileage for commercial or business purposes:
 - 28 (A) is substantially in excess of the mileage of an average
29 driver; and
 - 30 (B) may have been a factor that contributed to the person's
31 poor driving record; and

- 32 (4) does not have:
 - 33 (A) a judgment for a violation enumerated in section 4(a) of
34 this chapter; or
 - 35 (B) at least three (3) judgments (singularly or in combination
36 and not arising out of the same incident) of the violations
37 enumerated in section 4(b) of this chapter;

38 the court may place the person on probation in accordance with
39 subsection (d).

- 40 (c) If a court finds that a person:
 - 41 (1) is a habitual violator under section 4(b) of this chapter;
 - 42 (2) has not been previously placed on probation under this section

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- 1 by a court;
- 2 (3) does not have a judgment for any violation listed in section
- 3 4(a) of this chapter;
- 4 (4) has had the person's driving privileges suspended under this
- 5 chapter for at least five (5) consecutive years; and
- 6 (5) has not violated the terms of the person's suspension by
- 7 operating a vehicle;
- 8 the court may place the person on probation in accordance with
- 9 subsection (d). However, if the person has any judgments for operation
- 10 of a vehicle before July 1, 2001, while intoxicated or with an alcohol
- 11 concentration equivalent to at least ten-hundredths (0.10) gram of
- 12 alcohol per one hundred (100) milliliters of the blood or two hundred
- 13 ten (210) liters of the breath, or for the operation of a vehicle after June
- 14 30, 2001, while intoxicated or with an alcohol concentration equivalent
- 15 to at least eight-hundredths (0.08) gram of alcohol per one hundred
- 16 (100) milliliters of the blood or two hundred ten (210) liters of the
- 17 breath, the court, before the court places a person on probation under
- 18 subsection (d), must find that the person has successfully fulfilled the
- 19 requirements of a rehabilitation program certified by one (1) or both of
- 20 the following:
- 21 (A) The division of mental health and addiction.
- 22 (B) The Indiana judicial center.
- 23 (d) Whenever a court places a habitual violator on probation, the
- 24 court:
- 25 (1) shall record each of the court's findings under this section in
- 26 writing;
- 27 (2) shall obtain the person's driver's license or permit and send the
- 28 license or permit to the bureau;
- 29 (3) shall direct the person to apply to the bureau for a restricted
- 30 driver's license;
- 31 (4) shall order the bureau to issue the person an appropriate
- 32 license;
- 33 (5) shall place the person on probation for a fixed period of not
- 34 less than three (3) years and not more than ten (10) years;
- 35 (6) shall attach restrictions to the person's driving privileges,
- 36 including restrictions limiting the person's driving to:
- 37 (A) commercial or business purposes or other employment
- 38 related driving;
- 39 (B) specific purposes in exceptional circumstances;
- 40 (C) rehabilitation programs; and
- 41 (D) specified hours during which the person may drive;
- 42 (7) shall require the person to submit to reasonable monitoring

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1 requirements;
 2 (8) shall order the person to file proof of financial responsibility
 3 for three (3) years following the date of being placed on
 4 probation; and
 5 (9) shall impose other appropriate conditions of probation, which
 6 must include one (1) or more of the following conditions if the
 7 person was determined to be a habitual violator under
 8 ~~IC 9-30-10-4(a)(4) through IC 9-30-10-4(a)(7)~~ or
 9 IC 9-30-10-4(b)(1) through IC 9-30-10-4(b)(4), and at least one
 10 (1) of the offenses occurred within five (5) years prior to the
 11 granting of the probationary or restricted license:
 12 (A) An order prohibiting the person from operating a motor
 13 vehicle or motorized bicycle with an alcohol concentration
 14 equivalent to at least two-hundredths (0.02) gram of alcohol
 15 per:
 16 (i) one hundred (100) milliliters of the person's blood; or
 17 (ii) two hundred ten (210) liters of the person's breath;
 18 or while under the influence of any other intoxicating
 19 substance.
 20 (B) An order that the person submit to a method to monitor the
 21 person's compliance with the prohibition against operating a
 22 motor vehicle or motorized bicycle with an alcohol
 23 concentration equivalent to at least two-hundredths (0.02)
 24 gram of alcohol per:
 25 (i) one hundred (100) milliliters of the person's blood; or
 26 (ii) two hundred ten (210) liters of the person's breath;
 27 or while intoxicated (as defined under IC 9-13-2-86).
 28 (C) The court shall determine the appropriate monitoring
 29 method, which may include one (1) or more of the following:
 30 (i) The person may operate only a motor vehicle equipped
 31 with an ignition interlock device.
 32 (ii) The person must submit to a chemical test if a law
 33 enforcement officer lawfully stops the person while
 34 operating a motor vehicle or motorized bicycle and the law
 35 enforcement officer requests that the person submit to a
 36 chemical test.
 37 (iii) The person must wear a device that detects and records
 38 the person's use of alcohol.
 39 (iv) The person must submit to any other reasonable
 40 monitoring requirement as determined by the court.
 41 (e) If a court finds that a person:
 42 (1) is a habitual violator under section 4(b) or 4(c) of this chapter;

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- 1 (2) does not have any judgments for violations under section 4(a)
 2 of this chapter;
 3 (3) does not have any judgments or convictions for violations
 4 under section 4(b) of this chapter, except for judgments or
 5 convictions under section 4(b)(5) of this chapter that resulted
 6 from driving on a suspended license that was suspended for:
 7 (A) the commission of infractions only; or
 8 (B) previously driving on a suspended license;
 9 (4) has not been previously placed on probation under this section
 10 by a court; and
 11 (5) has had the person's driving privileges suspended under this
 12 chapter for at least three (3) consecutive years and has not
 13 violated the terms of the person's suspension by operating a
 14 vehicle for at least three (3) consecutive years;

15 the court may place the person on probation under subsection (d).

16 SECTION 38. IC 9-30-10-13, AS AMENDED BY P.L.28-2010,
 17 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JANUARY 1, 2012]: Sec. 13. (a) The bureau may issue a license to
 19 operate a motor vehicle to a habitual violator whose driving privileges
 20 ~~are~~ were suspended under section 5(b) of this chapter if the following
 21 conditions exist:

- 22 (1) The time specified for the person's probation or the restriction
 23 or suspension of the person's license has elapsed.
 24 (2) The person has met all the requirements of all applicable
 25 statutes and rules relating to the licensing of motor vehicle
 26 operators.
 27 (3) The person files with the bureau and maintains for three (3)
 28 years after filing proof of financial responsibility in accordance
 29 with IC 9-25.
 30 (4) The bureau places a restriction on the person's driver's license
 31 and driving record that indicates the person is prohibited from
 32 operating a motor vehicle or motorized bicycle with an alcohol
 33 concentration equivalent to at least two-hundredths (0.02) gram
 34 of alcohol per:
 35 (A) one hundred (100) milliliters of the person's blood; or
 36 (B) two hundred ten (210) liters of the person's breath;
 37 or while intoxicated (as defined under IC 9-13-2-86) for three (3)
 38 years after the bureau issues the driver's license to the person.
 39 (5) The person signs a bureau form by which the person agrees
 40 that as a condition to obtaining the driver's license the person will
 41 submit to a chemical test at any time during the period three (3)
 42 years after the bureau issues the driver's license to the person if a

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1 law enforcement officer lawfully stops the person while operating
 2 a motor vehicle or motorized bicycle and the law enforcement
 3 officer requests that the person submit to a chemical test.

4 (b) The bureau may issue a license to operate a motor vehicle to a
 5 habitual violator whose driving privileges have been suspended for life
 6 if the following conditions exist:

7 (1) The bureau has received an order for rescission of suspension
 8 and reinstatement issued under section 15 of this chapter.

9 (2) The person to whom the license is to be issued has never been
 10 convicted of a violation described in section 4(a) or 17 of this
 11 chapter.

12 (3) The person has not been convicted of an offense under section
 13 16 of this chapter more than one (1) time.

14 (4) The person has met all the requirements of all applicable
 15 statutes and rules relating to the licensing of motor vehicle
 16 operators.

17 (5) The person files with the bureau, and maintains for three (3)
 18 years after filing proof of financial responsibility in accordance
 19 with IC 9-25.

20 (6) The bureau places a restriction on the person's driver's license
 21 and driving record that indicates the person is prohibited from
 22 operating a motor vehicle or motorized bicycle with an alcohol
 23 concentration equivalent to at least two-hundredths (0.02) gram
 24 of alcohol per:

25 (A) one hundred (100) milliliters of the person's blood; or

26 (B) two hundred ten (210) liters of the person's breath;

27 or while intoxicated (as defined under IC 9-13-2-86) for three (3)
 28 years after the bureau issues the driver's license to the person.

29 (7) The person signs a bureau form by which the person agrees
 30 that as a condition to obtaining the driver's license the person will
 31 submit to a chemical test at any time during the period three (3)
 32 years after the bureau issues the driver's license to the person if a
 33 law enforcement officer lawfully stops the person while operating
 34 a motor vehicle or motorized bicycle and the law enforcement
 35 officer requests that the person submit to a chemical test.

36 (c) A habitual violator is not eligible for relief under the hardship
 37 provisions of IC 9-24-15.

38 SECTION 39. IC 31-37-19-18 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 18. If the court
 40 orders invalidation or denial of issuance of a driver's license or permit
 41 as described in IC 31-37-5-7 or section 4, 13, 14, 15, 16, 17, or 17.3 of
 42 this chapter (or IC 31-6-4-15.9(c), IC 31-6-4-15.9(d),

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1 IC 31-6-4-15.9(e), or IC 31-6-4-15.9(f) before the repeal of
2 IC 31-6-4-15.9):

3 (1) the bureau of motor vehicles shall comply with the order for
4 invalidation or denial of issuance; and

5 (2) the child shall surrender to the court all driver's licenses or
6 permits of the child and the court shall immediately forward the
7 licenses or permits to the bureau of motor vehicles.

8 If a juvenile court recommends suspension of driving privileges under
9 section 17.3 of this chapter, IC 9-30-6-12(b), IC 9-30-6-12(c), ~~and~~
10 IC 9-30-6-12(d), **and IC 9-30-6-12(e)** apply to the child's driving
11 privileges.

12 SECTION 40. THE FOLLOWING ARE REPEALED [EFFECTIVE
13 JANUARY 1, 2012]: IC 9-18-6-3; IC 9-24-8-2; IC 9-24-14-3;
14 IC 9-24-16-8; IC 9-29-9-6; IC 9-29-9-10.

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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. 528, 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:

Replace the effective dates in SECTIONS 1 through 31 with "[EFFECTIVE JANUARY 1, 2012]".

Page 2, delete lines 1 through 10, begin a new paragraph and insert: "SECTION 2. IC 9-18-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 6. The bureau may issue distinctive permanent plates under this chapter to each of the following:

- (1) The state police department.
- (2) The department of natural resources.
- (3) County police departments.
- (4) City police departments.
- (5) The department of correction, for designated departmental vehicles used by correctional police officers appointed under IC 11-8-9-1."**

Page 11, between lines 35 and 36, begin a new paragraph and insert: "SECTION 16. IC 9-24-15-6, AS AMENDED BY P.L.28-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 6. ~~(a)~~ The court shall, after hearing the evidence upon a petition filed under this chapter and without any requests, make, sign, and file special finding of facts in writing. Except as provided in section 6.5 of this chapter, the court may do either of the following:

- (1) Refuse to grant the petition.
- (2) Make a final determination in the nature of a recommendation to the bureau that the petitioner be granted a restricted driving permit.

The judge of the court shall sign the recommendation and have the recommendation entered in the order book by the clerk of the court, with a copy sent to the bureau.

~~(b) If the court recommends that a person who is a habitual traffic violator under IC 9-30-10 be granted a restricted driving permit, the court shall require the person to submit to reasonable monitoring requirements.~~

SECTION 17. IC 9-24-15-6.5, AS AMENDED BY P.L.28-2010, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 6.5. (a) The court shall grant a petition for

ES 528—LS 7408/DI 103+

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a restricted driving permit filed under this chapter if all of the following conditions exist:

(1) The person was not convicted of one (1) or more of the following:

(A) A Class D felony under IC 9-30-5-4 before July 1, 1996, or a Class D felony or a Class C felony under IC 9-30-5-4 after June 30, 1996.

(B) A Class C felony under IC 9-30-5-5 before July 1, 1996, or a Class C felony or a Class B felony under IC 9-30-5-5 after June 30, 1996.

(2) The person's driving privileges were suspended under IC 9-30-6-9(c) or IC 35-48-4-15.

(3) The driving that was the basis of the suspension was not in connection with the person's work.

(4) The person does not have a previous conviction for operating while intoxicated.

(5) The person is participating in a rehabilitation program certified by either the division of mental health and addiction or the Indiana judicial center as a condition of the person's probation.

(b) The person filing the petition for a restricted driving permit shall include in the petition the information specified in subsection (a) in addition to the information required by sections 3 through 4 of this chapter.

(c) Whenever the court grants a person restricted driving privileges under this chapter, that part of the court's order granting probationary driving privileges shall not take effect until the person's driving privileges have been suspended for at least thirty (30) days under IC 9-30-6-9. In a county that provides for the installation of an ignition interlock device under IC 9-30-8, installation of an ignition interlock device is required as a condition of probationary driving privileges for the entire duration of the probationary driving privileges.

(d) If a court requires installation of a certified ignition interlock device under subsection (c), the court shall order the bureau to record this requirement in the person's operating record in accordance with IC 9-14-3-7. When the person is no longer required to operate only a motor vehicle equipped with an ignition interlock device, the court shall notify the bureau that the ignition interlock use requirement has expired and order the bureau to update its records accordingly.

(e) If the court recommends that a person who is a habitual traffic violator under IC 9-30-10 be granted a restricted driving permit, the court shall require the person to submit to reasonable monitoring

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requirements.

SECTION 18. IC 9-24-15-6.7, AS AMENDED BY P.L.28-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 6.7. (a) If a petitioner whose driving license or permit is suspended under IC 9-25-6-19, IC 9-25-6-20, or IC 9-25-6-21 proves to the satisfaction of the court that public transportation is unavailable for travel by the petitioner:

- (1) to and from the petitioner's regular place of employment;
- (2) in the course of the petitioner's regular employment;
- (3) to and from the petitioner's place of worship; or
- (4) to participate in parenting time with the petitioner's children consistent with a court order granting parenting time;

the court may grant a petition for a restricted driving permit filed under this chapter.

(b) A restricted driving permit issued by the bureau under this section must specify that the restricted driving permit is valid only for purposes of driving under the conditions described in subsection (a).

(c) A restricted driving permit issued by the bureau under this section shall be:

- (1) issued in the same manner; and
- (2) subject to all requirements;

as other permits under this chapter. ~~If the court recommends that a person who is a habitual traffic violator under IC 9-30-10 be granted a restricted driving permit, the court shall require the person to submit to reasonable monitoring requirements.~~

SECTION 19. IC 9-24-15-9, AS AMENDED BY P.L.2-2005, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 9. ~~(a)~~ Except as provided in ~~subsection (b)~~ and section 6.5 of this chapter, an individual may not receive a restricted driving permit if the individual's driving privileges are suspended under IC 9-30-5 through IC 9-30-9 or IC 9-30-13-3.

~~(b) If the individual's driving privileges are suspended under IC 9-30-6-9(c) and the individual does not have a previous conviction for operating while intoxicated, the individual may receive a restricted driving permit if the individual otherwise qualifies for the permit."~~

Page 16, between lines 40 and 41, begin a new paragraph and insert:
"SECTION 34. IC 9-30-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: 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 shall comply with the recommendation of suspension, and the driving privileges of the person remain

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suspended for the period set by the court; and

(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 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 **future** 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 **future** financial responsibility under IC 9-25 fails to maintain the proof, the bureau shall suspend the person's driving privileges until the person again provides proof of **future** financial responsibility under IC 9-25.

(d) An agency action under this section is not subject to IC 4-21.5.

SECTION 35. IC 9-30-10-9, AS AMENDED BY P.L.28-2010, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 9. (a) After June 30, 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

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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 (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;
- (3) shall direct the person to apply to the bureau for a restricted driver's license;
- (4) shall order the bureau 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;

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- (B) specific purposes in exceptional circumstances;
 - (C) rehabilitation programs; and
 - (D) specified hours during which the person may drive;
- (7) shall require the person to submit to reasonable monitoring requirements;
- (8) shall order the person to file proof of financial responsibility for three (3) years following the date of being placed on probation; and
- (9) shall impose other appropriate conditions of probation, which must include one (1) or more of the following conditions if the person was determined to be a habitual violator under ~~IC 9-30-10-4(a)(4)~~ through ~~IC 9-30-10-4(a)(7)~~ or IC 9-30-10-4(b)(1) through IC 9-30-10-4(b)(4), and at least one (1) of the offenses occurred within five (5) years prior to the granting of the probationary or restricted license:
- (A) An order prohibiting the person from operating a motor vehicle or motorized bicycle with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:
 - (i) one hundred (100) milliliters of the person's blood; or
 - (ii) two hundred ten (210) liters of the person's breath;
 or while under the influence of any other intoxicating substance.
 - (B) An order that the person submit to a method to monitor the person's compliance with the prohibition against operating a motor vehicle or motorized bicycle with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:
 - (i) one hundred (100) milliliters of the person's blood; or
 - (ii) two hundred ten (210) liters of the person's breath;
 or while intoxicated (as defined under IC 9-13-2-86).
 - (C) The court shall determine the appropriate monitoring method, which may include one (1) or more of the following:
 - (i) The person may operate only a motor vehicle equipped with an ignition interlock device.
 - (ii) The person must submit to a chemical test if a law enforcement officer lawfully stops the person while operating a motor vehicle or motorized bicycle and the law enforcement officer requests that the person submit to a chemical test.
 - (iii) The person must wear a device that detects and records the person's use of alcohol.

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- (iv) The person must submit to any other reasonable monitoring requirement as determined by the court.
- (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 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 36. IC 9-30-10-13, AS AMENDED BY P.L.28-2010, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 13. (a) The bureau may issue a license to operate a motor vehicle to a habitual violator whose driving privileges ~~are~~ were 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 operators.
- (3) The person files with the bureau and maintains for three (3) years after filing proof of financial responsibility in accordance with IC 9-25.
- (4) The bureau places a restriction on the person's driver's license and driving record that indicates the person is prohibited from operating a motor vehicle or motorized bicycle with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:
 - (A) one hundred (100) milliliters of the person's blood; or
 - (B) two hundred ten (210) liters of the person's breath;
 or while intoxicated (as defined under IC 9-13-2-86) for three (3) years after the bureau issues the driver's license to the person.

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(5) The person signs a bureau form by which the person agrees that as a condition to obtaining the driver's license the person will submit to a chemical test at any time during the period three (3) years after the bureau issues the driver's license to the person if a law enforcement officer lawfully stops the person while operating a motor vehicle or motorized bicycle and the law enforcement officer requests that the person submit to a chemical test.

(b) The bureau 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 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, and maintains for three (3) years after filing proof of financial responsibility in accordance with IC 9-25.

(6) The bureau places a restriction on the person's driver's license and driving record that indicates the person is prohibited from operating a motor vehicle or motorized bicycle with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath;

or while intoxicated (as defined under IC 9-13-2-86) for three (3) years after the bureau issues the driver's license to the person.

(7) The person signs a bureau form by which the person agrees that as a condition to obtaining the driver's license the person will submit to a chemical test at any time during the period three (3) years after the bureau issues the driver's license to the person if a law enforcement officer lawfully stops the person while operating a motor vehicle or motorized bicycle and the law enforcement officer requests that the person submit to a chemical test.

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(c) A habitual violator is not eligible for relief under the hardship provisions of IC 9-24-15."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 528 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 7, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 528 be amended to read as follows:

Page 1, after line 17, begin a new paragraph and insert:

"SECTION 2. IC 9-17-2-12, AS AMENDED BY P.L.1-2009, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 12. (a) As used in this section, "dealer" refers to a dealer that has:

- (1) been in business for not less than five (5) years; and
- (2) sold not less than one hundred fifty (150) motor vehicles during the preceding calendar year.

(b) This section does not apply to the following:

- (1) A new motor vehicle or recreational vehicle sold by a dealer licensed by the state.
- (2) A motor vehicle or recreational vehicle transferred or assigned on a certificate of title issued by the bureau.
- (3) A motor vehicle that is registered under the International Registration Plan.
- (4) A motor vehicle that is titled in the name of a financial institution, lending institution, or insurance company in Canada and imported by a registered importer, if:
 - (A) the registered importer complies with section 12.5(a) of this chapter; and
 - (B) section 12.5(d) of this chapter does not apply to the motor vehicle.
- (5) A motor vehicle that is titled in another state and is in the lawful possession of a financial institution, a lending institution, or an insurance company, if:
 - (A) the financial institution, lending institution, or insurance company complies with section 12.5(b) of this chapter; and

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(B) section 12.5(d) of this chapter does not apply to the motor vehicle.

(c) An application for a certificate of title for a motor vehicle or recreational vehicle may not be accepted by the bureau unless the motor vehicle or recreational vehicle has been inspected by one (1) of the following:

- (1) An employee of a dealer designated by the secretary of state to perform an inspection.
- (2) A military policeman assigned to a military post in Indiana.
- (3) A police officer.
- (4) A designated employee of the bureau.

(5) An employee of a qualified person operating under a contract with the commission under IC 9-16-1-4 for operation of a full service license branch.

(6) An employee of a qualified person operating under a contract with the commission under IC 9-16-1-4.5 for operation of a partial service license branch.

(d) A person described in subsection (c) inspecting a motor vehicle, semitrailer, or recreational vehicle shall do the following:

- (1) Make a record of inspection upon the application form prepared by the bureau.
- (2) Verify the facts set out in the application."

Renumber all SECTIONS consecutively.

(Reference is to SB 528 as printed February 11, 2011.)

MERRITT



COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Bill 528, 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 5, line 24, delete ",".

Page 5, line 24, strike "hold a motorcycle".

Page 5, line 25, strike "learner's permit for at least thirty (30) days,".

Page 6, line 18, strike "who".

Page 6, line 19, strike "has held a motorcycle learner's permit for at least thirty (30)".

Page 6, line 20, strike "days".

Page 20, delete lines 22 through 42, begin a new paragraph and

ES 528—LS 7408/DI 103+



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insert:

"SECTION 36. IC 9-30-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: 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 shall comply with the recommendation of suspension, and the driving privileges of the person remain suspended for the period set by the court; and

(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 with the abstract of conviction or judgment.

(b) **Except as provided in subsection (c)**, during the three (3) years following the termination of the suspension, the person's driving privileges remain suspended until the person provides proof of **future** financial responsibility in force under IC 9-25.

(c) If a court recommends suspension of a person's driving privileges under this chapter for a conviction under IC 9-30-5, the person is not required to provide proof of future financial responsibility under IC 9-25 until the termination of the suspension of the person's driving privileges under this chapter for a conviction under IC 9-30-5.

~~(c)~~ **(d)** 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 **future** financial responsibility under IC 9-25 fails to maintain the proof, the bureau shall suspend the person's driving privileges until the person again provides proof of **future** financial responsibility under IC 9-25.

~~(d)~~ **(e)** An agency action under this section is not subject to IC 4-21.5."

Page 21, delete line 1.

Page 25, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 39. IC 31-37-19-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: 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 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

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permits of the child and the court shall immediately forward the licenses or permits to the bureau of motor vehicles.

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), **and IC 9-30-6-12(e)** apply to the child's driving privileges."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 528 as reprinted February 15, 2011.)

SOLIDAY, Chair

Committee Vote: yeas 9, nays 0.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 528 be amended to read as follows:

Page 20, delete lines 22 through 42, begin a new paragraph and insert:

"SECTION 36. IC 9-30-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: 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 shall comply with the recommendation of suspension, and the driving privileges of the person remain suspended for the period set by the court; and
- (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 with the abstract of conviction or judgment.

(b) **Except as provided in subsection (c)**, during the three (3) years following the termination of the suspension the person's driving privileges remain suspended until the person provides proof of **future** financial responsibility in force under IC 9-25.

(c) **If a court recommends suspension of a person's driving privileges for a conviction under IC 9-30-5, during the three (3) years following the termination of the suspension the person's driving privileges remain suspended until the person provides proof of future financial responsibility in force under IC 9-25. However, if a court recommends suspension of the driving**

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privileges of a person who is arrested for or charged with an offense committed under IC 9-30-5, the person is not required to provide proof of financial responsibility under IC 9-25 unless the person is convicted under IC 9-30-5.

(c) (d) 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 **future** financial responsibility under IC 9-25 fails to maintain the proof, the bureau shall suspend the person's driving privileges until the person again provides proof of **future** financial responsibility under IC 9-25.

(d) (e) An agency action under this section is not subject to IC 4-21.5."

Page 21, delete lines 1 through 8.

Re-number all SECTIONS consecutively.

(Reference is to ESB 528 as printed April 5, 2011.)

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