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# SENATE BILL No. 398

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-24-12.

**Synopsis:** Annual driving tests for persons at least 85 years of age. Provides that an operator's, a chauffeur's, a motorcycle operator's, or a public passenger chauffeur's license issued to or renewed by a driver who is at least 85 years of age expires at midnight on the birthday of the holder that occurs one (1) year following the date of issuance. Requires an individual who is at least 85 years of age applying for renewal of an operator's, a motorcycle operator's, a chauffeur's, or a public passenger chauffeur's license to apply in person at a license branch and pass an actual demonstration of the individual's ability to exercise ordinary and reasonable control in the operation of a motor vehicle under the type of license for which the individual is applying for renewal.

**Effective:** July 1, 2011.

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January 11, 2011, read first time and referred to Committee on Homeland Security, Transportation & Veterans Affairs.

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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.

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## SENATE BILL No. 398



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

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

1 SECTION 1. IC 9-24-12-5, AS AMENDED BY P.L.87-2010,  
2 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2011]: Sec. 5. (a) Except as provided in ~~subsection~~  
4 **subsections (b) and (d)**, an individual applying for renewal of an  
5 operator's, a motorcycle operator's, a chauffeur's, or a public passenger  
6 chauffeur's license must apply in person at a license branch and do the  
7 following:

- 8 (1) Pass an eyesight examination.
- 9 (2) Pass a written examination if:
  - 10 (A) the applicant has at least six (6) active points on the
  - 11 applicant's driving record maintained by the bureau; or
  - 12 (B) the applicant holds a valid operator's license, has not
  - 13 reached the applicant's twenty-first birthday, and has active
  - 14 points on the applicant's driving record maintained by the
  - 15 bureau.

16 (b) The bureau may adopt rules under IC 4-22-2 concerning the  
17 ability of a holder of an operator's, a motorcycle operator's, a



1 chauffeur's, or a public passenger chauffeur's license to renew the  
 2 license by mail or by electronic service. If rules are adopted under this  
 3 subsection, the rules must provide that an individual's renewal of a  
 4 license by mail or by electronic service is subject to the following  
 5 conditions:

6 (1) A valid computerized image of the individual must exist  
 7 within the records of the bureau.

8 (2) The previous renewal of the individual's operator's, motorcycle  
 9 operator's, chauffeur's, or public passenger chauffeur's license  
 10 must not have been by mail or by electronic service.

11 (3) The application for or previous renewal of the individual's  
 12 license must have included a test of the individual's eyesight  
 13 approved by the bureau.

14 (4) If the individual were applying for the license renewal in  
 15 person at a license branch, the individual would not be required  
 16 under subsection (a)(2) to submit to a written examination.

17 (5) The individual must be a citizen of the United States, as  
 18 shown in the records of the bureau.

19 (6) There must not have been any change in the:

20 (A) address; or

21 (B) name;

22 of the individual since the issuance or previous renewal of the  
 23 individual's operator's, motorcycle operator's, chauffeur's, or  
 24 public passenger chauffeur's license.

25 (7) The operator's, motorcycle operator's, chauffeur's, or public  
 26 passenger chauffeur's license of the individual must not be:

27 (A) suspended; or

28 (B) expired;

29 at the time of the application for renewal.

30 (8) The individual must be less than seventy (70) years of age at  
 31 the time of the application for renewal.

32 (c) An individual applying for the renewal of an operator's, a  
 33 motorcycle operator's, a chauffeur's, or a public passenger chauffeur's  
 34 license must apply in person at a license branch under subsection (a)  
 35 if the individual is not entitled to apply by mail or by electronic service  
 36 under rules adopted under subsection (b).

37 **(d) An individual who is at least eighty-five (85) years of age**  
 38 **applying for renewal of an operator's, a motorcycle operator's, a**  
 39 **chauffeur's, or a public passenger chauffeur's license must apply**  
 40 **in person at a license branch and do the following:**

41 **(1) Pass an eyesight examination.**

42 **(2) Pass a written examination if the individual has at least six**

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1           **(6) active points on the applicant's driving record maintained**  
 2           **by the bureau.**  
 3           **(3) Pass an actual demonstration of the individual's ability to**  
 4           **exercise ordinary and reasonable control in the operation of**  
 5           **a motor vehicle under the type of license for which the**  
 6           **individual is applying for renewal.**  
 7           SECTION 2. IC 9-24-12-10, AS AMENDED BY P.L.41-2006,  
 8           SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9           JULY 1, 2011]: Sec. 10. **(a) This subsection expires July 1, 2013.**  
 10          Except as provided in section 11 of this chapter, after June 30, 2005:  
 11           (1) an operator's;  
 12           (2) a chauffeur's; or  
 13           (3) a motorcycle operator's;  
 14          license issued to or renewed by a driver who is at least eighty-five (85)  
 15          years of age expires at midnight of the birthday of the holder that  
 16          occurs two (2) years following the date of issuance.  
 17          **(b) Except as provided in section 11 of this chapter, after June**  
 18          **30, 2011:**  
 19           **(1) an operator's;**  
 20           **(2) a chauffeur's;**  
 21           **(3) a motorcycle operator's; or**  
 22           **(4) a public passenger chauffeur's;**  
 23          license issued to or renewed by a driver who is at least eighty-five  
 24          (85) years of age expires at midnight on the birthday of the holder  
 25          that occurs one (1) year following the date of issuance. The driver  
 26          is subject to the requirements of section 5(d) of this chapter.

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