January 19, 2011

SENATE BILL No. 101

DIGEST OF SB 101 (Updated January 18, 2011 11:37 am - DI 71)

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

Synopsis: Driver education issues. Authorizes the bureau of motor vehicles (bureau) to issue a learner's permit to a person at least 15 years of age under certain conditions. (Current law authorizes the bureau to issue a learner's permit to a person at least 15 years and 180 days of age.) Provides that, effective July 1, 2011, an individual who has not passed an approved driver education course must: (1) be at least 17 years and 180 days of age; and (2) have held a valid learner's permit for at least 180 days in order to receive an operator's license.

Effective: Upon passage.

Holdman, Wyss

January 5, 2011, read first time and referred to Committee on Homeland Security, Transportation & Veterans Affairs.
January 18, 2011, reported favorably — Do Pass.

C o p y

January 19, 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.

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SENATE BILL No. 101

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

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

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

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

(1) The individual meets the following conditions:

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

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

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

(D) Passes the required examination.

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

with:
(i) a licensed instructor or a licensed driver who is at least twenty-five (25) years of age; or
(ii) the spouse of the individual who is at least twenty-one (21) years of age.

(2) The individual meets the following conditions:
(A) Is at least sixteen (16) years and two hundred seventy (270) days of age.
(B) Has held a valid learner's permit for at least one hundred eighty (180) days.
(C) Passes the required examination.
(D) Completes at least fifty (50) hours of supervised driving practice, of which at least ten (10) hours are nighttime driving, with:
(i) a licensed instructor or a licensed driver who is at least twenty-five (25) years of age; or
(ii) the spouse of the individual who is at least twenty-one (21) years of age.

This subdivision expires June 30, 2011.

(3) Effective July 1, 2011, the individual meets the following conditions:
(A) Is at least seventeen (17) years and one hundred eighty (180) days of age.
(B) Has held a valid learner's permit for at least one hundred eighty (180) days.
(C) Passes the required examination.
(D) Completes at least fifty (50) hours of supervised driving practice, of which at least ten (10) hours are nighttime driving, with:
(i) a licensed instructor or a licensed driver who is at least twenty-five (25) years of age; or
(ii) the spouse of the individual who is at least twenty-one (21) years of age.

~~(3)~~ **(4)** The individual meets the following conditions:
(A) Is at least sixteen (16) years and one hundred eighty (180) days of age but less than eighteen (18) years of age.
(B) Has previously been a nonresident of Indiana, but, at the time of application, qualifies as an Indiana resident.
(C) Holds an unrevoked driver's license, excluding a learner's permit or the equivalent, in the state or a combination of states in which the individual formerly resided for at least one hundred eighty (180) days.

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(D) Passes the required examination.

~~(4)~~ **(5)** The individual meets the following conditions:

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

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

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

(D) Passes the required examination.

SECTION 2. IC 9-24-7-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.1. The bureau shall issue a learner's permit to an individual who meets the following conditions:**

(1) Is at least fifteen (15) years of age.

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

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

SECTION 3. IC 9-24-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The bureau shall validate a learner's permit issued under section ~~1~~ **1.1** of this chapter **(or section 1 of this chapter before its repeal)** upon certification by the instructor of an approved driver education course that the holder has satisfactorily completed the course.

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

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

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

(A) at least:

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

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

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

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

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

(b) If:

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

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

(A) at least:

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

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

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

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

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

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

(d) If there is more than one (1) vehicle occupant to whom subsection (b) applies, it is a defense to a prosecution of one (1) vehicle occupant under subsection (b) that the defendant reasonably believed that another occupant of the vehicle gave the notice required under subsection (b).

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

SECTION 6. **An emergency is declared for this act.**

C o p y

COMMITTEE REPORT

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

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

WYSS, Chairperson

Committee Vote: Yeas 9, Nays 1.

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