Reprinted
February 15, 2011

SENATE BILL No. 528

DIGEST OF SB 528 (Updated February 14, 2011 4:55 pm - DI 103)

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

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 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

(Continued next page)

Effective: January 1, 2012.

Merritt

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.

C o p y

Digest Continued

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. Repeals language concerning motorcycle operator's licenses and temporary 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.

C o p y

Reprinted
February 15, 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.

C o p y

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:

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

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

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

(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

C o p y

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:

C o p y

(1) the Indiana law enforcement agency that has jurisdiction where the loss occurred; and

(2) the bureau;

that the original license plate has been lost, mutilated, or destroyed. In order to receive a duplicate or a replacement license plate, the person in whose name the license plate was issued must complete and submit to the bureau an application and affidavit designed by the bureau.

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

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

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

(1) operator's license;

(2) chauffeur's license;

(3) public passenger chauffeur's license;

(4) commercial driver's license;

(5) driver's license listed in subdivision (1), (2), (3) or (4) with a motorcycle ~~operator's license or~~ endorsement; or

(6) learner's permit;

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

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

(1) An operator's, a chauffeur's, ~~or~~ a public passenger chauffeur's, **or a commercial driver's** license with a motorcycle endorsement.

~~(2) A temporary motorcycle learner's permit subject to the limitations imposed under IC 9-24-8.~~

~~(3)~~ **(2)** A motorcycle learner's permit subject to the limitations imposed under IC 9-24-8.

~~(4)~~ **(3)** A driver's license from any other jurisdiction that is valid for the operation of a motorcycle in that jurisdiction.

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

C o p y

June 30, 2011.

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

~~(1) A temporary motorcycle learner's permit.~~

~~(2)~~ **(1)** A motorcycle learner's permit.

~~(3)~~ **(2)** A motorcycle ~~operator's license or a~~ license endorsement.

~~(b) The bureau shall determine reasonable standards for a motorcycle operator's license or a license endorsement for the operation of a motorcycle.~~

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

~~(1) issue a motorcycle operator's license; or~~

~~(2)~~ validate an operator's, a chauffeur's, or a public passenger chauffeur's license for motorcycle operation upon a highway by endorsement to a person who meets the conditions in subsection (b) **or (g).**

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

(1) Satisfactorily complete the written test, hold a motorcycle learner's permit for at least thirty (30) days, and:

(A) satisfactorily complete an approved operational skills test; or

(B) satisfactorily complete a motorcycle operator safety education course approved by the department of education as set forth in IC 20-30-13-9.

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

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

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

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

C o p y

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

(f) An individual who

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

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

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

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

(1) making the appropriate application for endorsement; and

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

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

C o p y

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

(1) The full legal name of the permittee or licensee.

(2) The date of birth of the permittee or licensee.

(3) The address of the principal residence of the permittee or licensee.

(4) The hair color and eye color of the permittee or licensee.

(5) The date of issue and expiration date of the permit or license.

(6) The gender of the permittee or licensee.

(7) The unique identifying number of the permit or license.

(8) The weight of the permittee or licensee.

(9) The height of the permittee or licensee.

(10) A reproduction of the signature of the permittee or licensee.

(11) If the permittee or licensee is less than eighteen (18) years of age at the time of issuance, the dates on which the permittee or licensee will become:

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

(B) twenty-one (21) years of age.

(12) If the permittee or licensee is at least eighteen (18) years of age but less than twenty-one (21) years of age at the time of issuance, the date on which the permittee or licensee will become twenty-one (21) years of age.

(13) Except as provided in subsection (b), ~~or (c),~~ a digital photograph of the permittee or licensee.

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

~~(1) Temporary motorcycle learner's permit issued under IC 9-24-8.~~

~~(2)~~ **A** motorcycle learner's permit issued under IC 9-24-8 **does not require a digital photograph.**

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

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

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

C o p y

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

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

(g) A license or permit issued by the state to an individual who:

(1) has a valid, unexpired nonimmigrant visa or has nonimmigrant visa status for entry in the United States;

(2) has a pending application for asylum in the United States;

(3) has a pending or approved application for temporary protected status in the United States;

(4) has approved deferred action status; or

(5) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent residence status in the United States;

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

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

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

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

(1) an operator's license;

C o p y

~~(2) a motorcycle operator's license;~~
~~(3)~~ **(2)** a chauffeur's license;
~~(4)~~ **(3)** a public passenger chauffeur's license; or
~~(5)~~ **(4)** an identification card;
under this article may be filed not more than twelve (12) months before the expiration date of the license or identification card held by the applicant.

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

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

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

(1) Pass an eyesight examination.

(2) Pass a written examination if:

(A) the applicant has at least six (6) active points on the applicant's driving record maintained by the bureau; or

(B) the applicant holds a valid operator's license, has not reached the applicant's twenty-first birthday, and has active points on the applicant's driving record maintained by the bureau.

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

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

(2) The previous renewal of the individual's operator's, ~~motorcycle operator's,~~ chauffeur's, or public passenger chauffeur's license

C o p y

must not have been by mail or by electronic service.

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

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

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

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

(A) address; or

(B) name;

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

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

(A) suspended; or

(B) expired **more than one hundred eighty (180) days;**

at the time of the application for renewal.

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

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

SECTION 12. IC 9-24-12-7, AS AMENDED BY P.L.184-2007, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 7. ~~(a) Except as provided in subsection (b) and section 10 of this chapter, a motorcycle operator's license issued before January 1, 2006, expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.~~

~~(b) Except as provided in sections 10, 11, and 12 of this chapter, a motorcycle operator's license issued after December 31, 1996, to an applicant who is at least seventy-five (75) years of age expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance.~~

~~(c) After December 31, 2005, except as provided in subsection (b) and sections 10, 11, and 12 of this chapter, a motorcycle operator's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.~~

Copy

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

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

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

(2) a chauffeur's; ~~or~~

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

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

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

(1) IC 9-24-3;

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

(3) IC 9-24-5. ~~or~~

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

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

(1) Sunday;

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

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

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

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

(1) IC 9-24-3;

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

(3) IC 9-24-5. ~~and~~

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

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

C o p y

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

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

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

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

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

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

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

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

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

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

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

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

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

C o p y

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.

C o p y

(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 requirements.~~

SECTION 20. 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

C o p y

(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 21. 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.~~

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

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

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

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

(A) address; or

(B) name;

of the individual since the issuance or previous renewal of the identification card of the individual.

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

(b) An individual applying for:

(1) the renewal of an identification card; or

(2) a ~~duplicate~~ **replacement** identification card;

must apply in person at a license branch if the individual is not entitled

Copy

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

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

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

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

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

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

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

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

(1) an original;

(2) a renewal of an; or

(3) a ~~duplicate,~~ **replacement;**

identification card to an individual described in subsection (b).

(b) An identification card must be issued without the payment of a fee or charge to an individual who:

(1) does not have a valid Indiana driver's license; and

(2) will be at least eighteen (18) years of age at the next general, municipal, or special election.

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

(1) knowingly permits the use of an identification card issued under this chapter by a person other than the person to whom the card was issued;

(2) knowingly displays or represents as the person's own

C o p y

identification card issued under this chapter an identification card that was not issued to the person displaying the card;

(3) does not surrender, upon demand of the proper official, an identification card issued under this chapter that has become invalid or expired; or

(4) knowingly sells, offers to sell, buys, possesses, or offers a false identification card that could reasonably be mistaken for a valid identification card required by this chapter to be issued by the bureau but that has not been issued by the bureau;

commits a Class B misdemeanor.

(b) A person who:

(1) knowingly or intentionally uses false information in an application:

(A) for an identification card issued under this chapter; or

(B) for a renewal, **amendment,** or ~~duplicate~~ **replacement** of an identification card issued under this chapter; or

(2) knowingly or intentionally makes a false statement or otherwise commits fraud in an application for an identification card issued under this chapter;

commits application fraud, a Class D felony.

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

(1) Display, cause or permit to be displayed, or have in possession a license or permit issued under this article knowing that the license or permit is fictitious or has been canceled, revoked, suspended, or altered.

(2) Lend to a person or knowingly permit the use by a person not entitled to use a license or permit a license or permit issued under this article.

(3) Display or represent as the person's license or permit issued under this article a license or permit not issued to the person.

(4) Fail or refuse to surrender, upon demand of the proper official, a license or permit issued under this article that has been suspended, canceled, or revoked as provided by law.

(5) Knowingly sell, offer to sell, buy, possess, or offer as genuine, a license or permit required by this article to be issued by the bureau that has not been issued by the bureau under this article or by the appropriate authority of any other state.

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

C o p y

(b) A person who:

(1) knowingly or intentionally uses a false or fictitious name or gives a false or fictitious address in an application:

(A) for a license or permit issued under this article; or

(B) for a renewal, **amendment,** or ~~duplicate~~ **replacement** of a license or permit issued under this article; or

(2) knowingly or intentionally makes a false statement or conceals a material fact or otherwise commits a fraud in an application for a license or permit issued under this article;

commits application fraud, a Class D felony.

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

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

IC 9-29-4-3
IC 9-29-5
IC 9-29-9-1
IC 9-29-9-2
IC 9-29-9-3
IC 9-29-9-4
IC 9-29-9-5
~~IC 9-29-9-6~~
IC 9-29-9-7
IC 9-29-9-8
IC 9-29-9-9
~~IC 9-29-9-10~~
IC 9-29-9-11
IC 9-29-9-13
IC 9-29-9-14
IC 9-29-15-1

C o p y

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

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

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

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

(1) collected by the bureau notwithstanding the elimination of the underlying fee;

(2) collected in addition to all other fees collected at the time of the underlying transaction; and

(3) deposited in the crossroads 2000 fund established under IC 8-14-10-9.

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

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

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

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

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

C o p y

IC 9-24-12-7 of an operator's license issued to an individual who is:

(1) at least seventy-five (75) years of age is three dollars ($3); and

(2) less than seventy-five (75) years of age is four dollars and fifty cents ($4.50).

SECTION 34. IC 9-29-9-8, AS AMENDED BY P.L.1-2007, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 8. The fee for validation of a motorcycle operator endorsement under IC 9-24-8-4 and ~~IC 9-24-12-7(c)~~ **IC 9-24-12-7** of a chauffeur's license issued to an individual who is:

(1) at least seventy-five (75) years of age is three dollars ($3); and

(2) less than seventy-five (75) years of age is four dollars and fifty cents ($4.50).

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

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

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

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) 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.

C o p y

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

SECTION 37. 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 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

Copy

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;

(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:

C o p y

(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.

(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

C o p y

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 38. 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.

(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.

C o p y

(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.

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

SECTION 39. THE FOLLOWING ARE REPEALED [EFFECTIVE JANUARY 1, 2012]: IC 9-18-6-3; IC 9-24-8-2; IC 9-24-14-3; IC 9-24-16-8; IC 9-29-9-6; IC 9-29-9-10.

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. 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

C o p y

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~~

C o p y

~~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

C o p y

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

C o p y

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;

C o p y

(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.

C o p y

(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.

C o p y

(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.

C o p y

(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

C o p y

(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

C o p y