CONFERENCE COMMITTEE REPORT
DIGEST FOR ESB 257

Citations Affected: Numerous citations throughout the Indiana Code.

Synopsis: Motor vehicle law. Conference committee report for ESB 257. Makes various changes to motor vehicle law, including changes to: (1) definitions; (2) the bureau of motor vehicles; (3) the bureau of motor vehicles commission; (4) license branches; (5) certificates of title; (6) registration of vehicles; (7) abandoned, salvaged, and scrap vehicles; (8) drivers licenses; (9) financial responsibility; (10) accidents and accident reports; (11) the driver education advisory board; (12) interstate compacts and agreements; (13) fees; (14) general penalty provisions; and (15) watercraft titling and registration. Establishes the interim study committee on special group recognition license plates. Makes conforming changes and technical corrections. **(This conference committee report: (1) makes a technical correction regarding the market value of an abandoned vehicle or parts prior to disposal of the vehicle or parts by a police officer; (2) makes a technical punctuation correction; (3) makes technical cross-reference corrections; (4) makes corrections to reflect the passage of SEA 154-2012, SEA 274-2012, HEA 1270-2012, SEA 113-2012, and SEA 26-2012; (5) prohibits the bureau of motor vehicles from approving a new special group recognition license plate until July 15, 2013; (6) deletes language also contained in HEA 1247-2012; and (7) establishes the interim study committee on special group recognition license plates.)**

Effective: July 1, 2012.

Adopted	Rejected

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill No. 257 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 7.1-5-7-1, AS AMENDED BY P.L.94-2008, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) It is a Class C misdemeanor for a minor to knowingly or intentionally make a false statement of the minor's age or to present or offer false or fraudulent evidence of majority or identity to a permittee for the purpose of ordering, purchasing, attempting to purchase, or otherwise procuring or attempting to procure an alcoholic beverage.

(b) In addition to the penalty under subsection (a), a minor who:

(1) uses a false or altered driver's license or the driver's license of another person as evidence of majority under this section; or

(2) is convicted of purchasing or procuring an alcoholic beverage with or without using a false or altered driver's license;

shall have the minor's driver's license, **permit, or driving privileges** suspended for up to one (1) year in accordance with IC 9-24-18-8 and IC 9-30-4-9.

(c) Upon entering a judgment of conviction for the misdemeanor under this section, the court shall forward a copy of the judgment to the bureau of motor vehicles for the purpose of complying with subsection (b).

SECTION 2. IC 7.1-5-7-7, AS AMENDED BY SEA 274-2012,

SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) Subject to IC 7.1-5-1-6.5, it is a Class C misdemeanor for a minor to knowingly:

(1) possess an alcoholic beverage;

(2) consume ~~it;~~ **an alcoholic beverage;** or

(3) transport ~~it~~ **an alcoholic beverage** on a public highway when not accompanied by at least one (1) of ~~his~~ **the minor's** parents or guardians.

(b) If a minor is found to have violated subsection (a) while operating a ~~motor~~ vehicle, the court may order the minor's ~~driver's license~~ **driving privileges** suspended for up to one (1) year. However, if the minor is less than eighteen (18) years of age, the court shall order the minor's ~~driver's license~~ **driving privileges** suspended for at least sixty (60) days.

(c) The court shall deliver any order suspending ~~the~~ **a** minor's ~~driver's license~~ **driving privileges** under this section to the bureau of motor vehicles, which shall suspend the minor's ~~driver's license~~ **driving privileges** under IC 9-24-18-12 for the period ordered by the court.

SECTION 3. IC 7.1-5-7-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) It is a Class C misdemeanor for a minor to recklessly be in a tavern, bar, or other public place where alcoholic beverages are sold, bartered, exchanged, given away, provided, or furnished. In addition to other penalties under this subsection, the minor's driver's license, **permit, or driving privileges** shall be suspended for up to one (1) year in accordance with IC 9-24-18-8 and IC 9-30-4-9.

(b) It is a Class C misdemeanor for a permittee to recklessly permit a minor to be in the prohibited place beyond a reasonable time in which an ordinary prudent person can check identification to confirm the age of a patron.

SECTION 4. IC 9-13-2-3, AS AMENDED BY P.L.146-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) Except as provided in subsection (b), "antique motor vehicle" means a motor vehicle ~~or motor scooter~~ that is at least twenty-five (25) years old.

(b) "Antique motor vehicle", for purposes of IC 9-19-11-1(6), means a passenger motor vehicle or truck that was manufactured without a safety belt as a part of the standard equipment installed by the manufacturer at each designated seating position, before the requirement of the installation of safety belts in the motor vehicle according to the standards stated in the Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208).

SECTION 5. IC 9-13-2-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. "Certificate of compliance" means ~~a written statement issued by~~ **proof of financial responsibility presented to** the bureau, ~~to a registered owner or operator of a motor vehicle involved~~ in ~~an accident showing compliance with IC 9-25 or with the requirements of~~ **a manner prescribed by** the bureau, **in compliance with IC 9-25 or IC 9-26.**

SECTION 6. IC 9-13-2-21 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 21. (a) "Chauffeur", except as provided in subsection (b), means a person:

~~(1) employed by another person for the principal purpose of operating a motor vehicle registered as having a gross weight of sixteen thousand (16,000) pounds or more for the purpose of transporting property;~~

~~(2)~~ **(1)** operating a motor vehicle registered as having a gross weight of sixteen thousand (16,000) pounds or more for the purpose of transporting property for hire; or

~~(3)~~ **(2)** operating a private bus.

(b) "Chauffeur", for purposes of IC 9-25, means a person:

(1) who is employed for hire for the principal purpose of operating a motor vehicle upon the highways;

(2) who operates a motor vehicle while in use as a carrier of passengers or property for hire; or

(3) who drives or operates a motor vehicle while in use as a school bus for the transportation of pupils to or from school.

SECTION 7. IC 9-13-2-28 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 28. (a) "Commercial driver training school", for purposes of IC 9-24-10-4, has the meaning set forth in IC 5-2-6.5-5.~~

~~(b) This section expires December 31, 2011.~~

SECTION 8. IC 9-13-2-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 31. (a) "Commercial motor vehicle" means, except as provided in subsection (b), a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

(1) has a gross combination weight rating of at least twenty-six thousand one (26,001) pounds, including a towed unit with a gross vehicle weight rating of more than ten thousand (10,000) pounds;

(2) has a gross vehicle weight rating of at least twenty-six thousand one (26,001) pounds;

(3) is designed to transport ~~at least~~ sixteen (16) **or more** passengers, including the driver; or

(4) is:

(A) of any size;

(B) used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act; and

(C) required to be placarded under the Hazardous Materials Regulations (49 CFR Part 172, Subpart F).

(b) The bureau of motor vehicles may, by rule, broaden the definition of "commercial motor vehicle" under subsection (a) to include vehicles with a gross declared weight greater than eleven thousand (11,000) pounds but less than twenty-six thousand one (26,001) pounds.

SECTION 9. IC 9-13-2-32.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 32.5. "Commission board" refers to the commission board of the bureau of motor vehicles.**

SECTION 10. IC 9-13-2-44 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 44. (a) "Disposal facility" means a person, firm, limited liability company, corporation, or other legal entity that, in the course of business, engages in the acquisition and dismantling or demolition of ~~motor~~ vehicles, motorcycles, semitrailers, or recreational vehicles or their remains for the benefit of reusable components and parts or recyclable materials.

(b) The term includes the following enterprises:

(1) An automotive salvage recycler.

(2) A hulk crusher.

(c) The term does not include a scrap metal processor.

SECTION 11. IC 9-13-2-48, AS AMENDED BY P.L.184-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 48. **(a) Except as provided in subsection (b),** "driver's license" means any type of license issued by the state authorizing an individual to operate a motor vehicle on public streets, roads, or highways.

(b) "Driver's license", for purposes of IC 9-28-2, has the meaning set forth in IC 9-28-2-4.

SECTION 12. IC 9-13-2-48.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 48.3. "Driving privileges" means the authority granted to an individual that allows the individual to operate a vehicle of the type and in the manner for which the authority was granted.**

SECTION 13. IC 9-13-2-48.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 48.5. "Driving record" means a record:**

(1) maintained by the bureau as required under IC 9-14-3-7; and

(2) established by the bureau under IC 9-24-18-9.

SECTION 14. IC 9-13-2-72.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 72.7. "Highly restricted personal information", for purposes of IC 9-14-3.5, has the meaning set forth in IC 9-14-3.5-2.5.**

SECTION 15. IC 9-13-2-75 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 75. ~~(a)~~ "Identification number", for purposes of IC 9-18-8-15, has the meaning set forth in IC 9-18-8-15(b).

~~(b) "Identification number", for purposes of IC 9-17-4, has the meaning set forth in IC 9-17-4-0.5.~~

SECTION 16. IC 9-13-2-117.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 117.5. **(a)** "Operate", **except as provided in subsection (b),** ~~for purposes of IC 9-31,~~ means to navigate ~~or otherwise use~~ a ~~motorboat.~~ **vehicle.**

(b) "Operate", for purposes of IC 9-31, means to navigate or otherwise use a motorboat.

SECTION 17. IC 9-13-2-118 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 118. (a) **Except as provided in subsection (b),** "operator", ~~means, except as provided in subsection (b),~~ when used in reference to a ~~motor~~ vehicle, **means** a person, other than a chauffeur or a public passenger chauffeur, who:

(1) drives or is in actual physical control of a ~~motor~~ vehicle upon a highway; or

(2) is exercising control over or steering a motor vehicle being towed by ~~a motor~~ **another** vehicle.

(b) "Operator", for purposes of IC 9-25, means a person other than a chauffeur who is in actual physical control of a motor vehicle. ~~upon a highway of Indiana.~~

SECTION 18. IC 9-13-2-121 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 121. (a) **Except as otherwise provided in this section,** "owner", ~~means, except as otherwise provided in this section,~~ when used in reference to a motor vehicle, **means:**

(1) a person who holds the legal title of a motor vehicle;

~~(2) a person renting or leasing a motor vehicle and having exclusive use of the motor vehicle for more than thirty (30) days;~~ or

~~(3)~~ **(2)** if a motor vehicle is the subject of an agreement for the conditional sale or lease vested in the conditional vendee or lessee, or in the event the mortgagor, with the right of purchase upon the performance of the conditions stated in the agreement and with an immediate right of possession of a vehicle is entitled to possession, the conditional vendee or lessee or mortgagor.

(b) "Owner", for purposes of IC 9-21 and IC 9-25, means, when used in reference to a motor vehicle, a person who holds the legal title of a motor vehicle, or if a:

(1) motor vehicle is the subject of an agreement for the conditional sale or lease of the motor vehicle with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee; or

(2) mortgagor of a motor vehicle is entitled to possession;

the conditional vendee or lessee or mortgagor is considered to be the owner for the purpose of IC 9-21 and IC 9-25.

(c) "Owner", for purposes of IC 9-22-1, means the last known record titleholder of a vehicle according to the records of the bureau under IC 9-17.

(d) "Owner", for purposes of IC 9-31, means a person, other than a lienholder, having the property in or title to a motorboat. The term includes a person entitled to the use or possession of a motorboat subject to an interest in another person reserved or created by agreement and securing payment or performance of an obligation. The term excludes a lessee under a lease not intended as security.

SECTION 19. IC 9-13-2-123.5, AS ADDED BY P.L.184-2007, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 123.5. "Permit" means ~~any kind of~~ **a** permit issued by the state authorizing an individual to operate ~~a motor~~ **the type of**

vehicle **for which the permit was issued** on public streets, roads, or highways **with certain restrictions.**

SECTION 20. IC 9-13-2-143 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 143. "Public passenger chauffeur" means ~~any of the following:~~

~~(1) A person who operates a motor vehicle while in use as a school bus for the transportation of pupils to or from school, or to or from school athletic games or contests.~~

~~(2)~~ a person who operates a motor vehicle ~~other than a medical services vehicle~~ **designed to transport fifteen (15) individuals or more, including the driver,** while in use as a public passenger carrying vehicle **for hire. The term does not include a person who operates a medical services vehicle.**

SECTION 21. IC 9-13-2-148 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 148. "Raw milk", for purposes of IC 9-20-4-2, has the meaning set forth in IC 9-20-4-2(d).~~

SECTION 22. IC 9-13-2-170.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 170.1. "Special identification number", for purposes of IC 9-17-4, has the meaning set forth in IC 9-17-4-0.5.**

SECTION 23. IC 9-13-2-170.3, AS ADDED BY P.L.210-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 170.3. "Special machinery" ~~means a~~ **includes but is not limited to any of the following:**

(1) A portable saw mill. ~~or~~

(2) Well drilling machinery.

(3) A utility service cable trailer.

(4) Any other vehicle that is:

(A) designed to perform a specific function; and

(B) drawn by a motor vehicle.

The term does not include a vehicle that is designed to carry persons.

SECTION 24. IC 9-13-2-184 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 184. (a) "Trailer" means, except as otherwise provided in this section, a vehicle:

(1) without motive power;

(2) designed for carrying persons or property;

(3) designed for being drawn by a motor vehicle; and

(4) so constructed that no part of the weight of the trailer rests upon the towing vehicle.

The term includes pole trailers and two (2) wheeled homemade trailers.

(b) "Trailer", for purposes of IC 9-21, means a vehicle:

(1) with or without motive power;

(2) designed for carrying persons or property;

(3) designed for being drawn by a motor vehicle; and

(4) so constructed that no part of the weight of the trailer rests upon the towing vehicle.

The term does not include pole trailers **or special machinery.**

(c) "Trailer", for purposes of IC 9-21-8-12 through IC 9-21-8-13,

means the combination of any motor vehicle towing another vehicle or trailer.

SECTION 25. IC 9-13-2-187 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 187. "Transport operator" means any of the following:

(1) A person engaged in the business of furnishing drivers and operators for the purpose of transporting vehicles in transit from one (1) place to another by the drive away or tow away methods.

(2) A nonresident dealer **or** manufacturer engaged in the operation or business described in subdivision (1).

(3) A business that prepares newly purchased vehicles of the business and delivers the vehicles to the locations where the vehicles will be based, titled, and registered.

SECTION 26. IC 9-13-2-188.5, AS AMENDED BY HEA 1270-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 188.5. "Truck driver training school" means a postsecondary proprietary educational institution (as defined in IC 22-4.1-21-9), **a state educational institution,** or a postsecondary credit bearing proprietary educational institution (as defined in IC 21-18.5-2-12) that:

(1) is located in Indiana; ~~or is a state educational institution;~~

(2) is subject to rules adopted by the bureau under IC 9-24-6-5.5; and

(3) either:

(A) educates or trains a person; or

(B) prepares a person for an examination or a validation given by the bureau;

to operate a truck as a vocation.

SECTION 27. IC 9-14-1-6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 6. A person who violates this chapter commits a Class C infraction.~~

SECTION 28. IC 9-14-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. The bureau shall prescribe and provide all forms necessary to carry out any laws **or rules** administered and enforced by the bureau.

SECTION 29. IC 9-14-2-5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 5. The bureau shall provide notary public service for the convenience of members of the public when applying for a certificate of title, registration, or license.~~

SECTION 30. IC 9-14-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. The bureau shall ~~do the following:~~

~~(1) File and index by name~~ **maintain suitable records of:**

(1) each application for a license or permit issued by the bureau; ~~under this title.~~

~~(2) Maintain suitable records of~~ **and**

(2) all licenses and permits issued by the commissioner;

under this title.

SECTION 31. IC 9-14-2-7 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 7. A person who violates this chapter commits a Class C~~

~~infraction.~~

SECTION 32. IC 9-14-3-0.3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 0.3. As used in this chapter, "digital signature" has the meaning set forth in IC 5-24-2-1.~~

SECTION 33. IC 9-14-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The bureau shall prepare and deliver, upon request and payment of the fees prescribed in IC 9-29-2-1, a certified copy of any record of the bureau that is not otherwise declared by law to be confidential.

(b) A certified copy of a record obtained under subsection (a) is admissible in a court proceeding as if the copy were the original.

(c) An electronic record of the bureau obtained from the bureau ~~by digital signature~~ that bears an electronic signature is admissible in a court proceeding as if the copy were the original.

SECTION 34. IC 9-14-3-5, AS AMENDED BY P.L.198-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) Except as provided in subsection (b), (d), or (e), the bureau shall prepare and deliver information on titles, registrations, and licenses and permits upon the request of any person. All requests must be:

(1) submitted in writing; or

(2) made electronically through the computer gateway administered under IC 4-13.1-2-2(a)(5) by the office of technology;

to the bureau and, unless exempted under IC 9-29, must be accompanied by the payment of the fee prescribed in IC 9-29-2-2.

(b) The bureau shall not disclose:

(1) the Social Security number;

(2) the federal identification number;

(3) the driver's license number;

(4) the digital image of the driver's license applicant;

(5) a reproduction of the signature secured under IC 9-24-9-1 or IC 9-24-16-3; or

(6) medical or disability information;

of any person except as provided in subsection (c).

(c) The bureau may disclose any information listed in subsection (b):

(1) to a law enforcement officer;

(2) to an agent or a designee of the department of state revenue;

(3) for uses permitted under IC 9-14-3.5-10(1), IC 9-14-3.5-10(4), IC 9-14-3.5-10(6), and IC 9-14-3.5-10(9); or

(4) for voter registration and election purposes required under IC 3-7 or IC 9-24-2.5.

(d) As provided under 42 U.S.C. 1973gg-3(b), the ~~commission~~ **bureau** may not disclose any information concerning the failure of an applicant for a motor vehicle driver's license to sign a voter registration application, except as authorized under IC 3-7-14.

(e) The ~~commission~~ **bureau** may not disclose any information concerning the failure of an applicant for a title, registration, license, or permit (other than a motor vehicle license described under

subsection (d)) to sign a voter registration application, except as authorized under IC 3-7-14.

SECTION 35. IC 9-14-3-6, AS AMENDED BY P.L.80-2010, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) Upon the submission to the bureau of a specific written request from an individual or organization for a compilation of specific information requested for the purposes described in subsection (c), the bureau may contract with the individual or organization to compile the requested information from the records of the bureau.

(b) The bureau may charge an amount agreeable to the parties, as described in IC 9-29-2-3.

(c) An individual or organization making a request under this section must certify one (1) of the following:

(1) That the information is required for the purposes of notifying vehicle owners of vehicle defects and recall for modifications, and that the individual or organization will use the information provided only for that purpose.

(2) That the information will be used only for research or statistical reporting purposes and that individual identities will be properly protected in the preparation of the research or reports and not ascertainable from the published reports or research results.

(3) That the information will be used for the purpose of documenting the sale of motor vehicles in Indiana.

(4) That the information will be used for purposes of the federal Selective Service System.

(5) That the information will be used solely for law enforcement purposes by police officers.

(6) That the information will be used to locate a parent described in IC 31-25-3-2(c) as provided under IC 31-25-3-2.

(d) The ~~commission~~ **bureau** may not compile or release information concerning voter registration under this section.

(e) The bureau shall provide the requested information under this section in a format that is agreeable to the parties. ~~including the following formats:~~

~~(1) Printed records.~~

~~(2) Microfiche.~~

~~(3) Computer disk.~~

SECTION 36. IC 9-14-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) The bureau shall maintain ~~an operating~~ **a driving** record for each person licensed by the bureau to drive a motor vehicle.

(b) ~~An operating~~ **A driving** record must contain the following:

(1) A person's convictions for any of the following:

(A) A moving traffic violation.

(B) Operating a vehicle without financial responsibility in violation of IC 9-25.

(2) Any administrative penalty imposed by the bureau.

(3) If the driving privileges of a person have been suspended or

revoked by the bureau, an entry in the record stating that a notice of suspension or revocation was mailed by the bureau and the date of the mailing of the notice.

(4) Any suspensions, revocations, or reinstatements of a person's driving privileges, license, or permit.

(5) Any requirement that the person may operate only a motor vehicle equipped with ~~an~~ **a** certified ignition interlock device.

(c) An entry in the ~~operating~~ **driving** record of a defendant stating that notice of suspension or revocation was mailed by the bureau to the defendant constitutes prima facie evidence that the notice was mailed to the defendant's address as shown in the ~~official driving record.~~ **records of the bureau.**

(d) ~~An operating~~ **A driving** record maintained under this section:

(1) is not admissible as evidence in any action for damages arising out of a motor vehicle accident; and

(2) may not include voter registration information.

SECTION 37. IC 9-14-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) If the governor, the superintendent of the state police department, or the highest officer located in Indiana of the Federal Bureau of Investigation, the United States Secret Service, or the United States Treasury Department certifies to the bureau that:

(1) an individual named in the ~~certificate~~ **certification** is an officer or employee of a state, county, or city department or bureau with police power;

(2) the nature of the individual's work or duties is of a secret or confidential nature; and

(3) in the course of the individual's work the individual uses the motor vehicle described in the ~~certificate;~~ **certification;**

the bureau shall regard all of the bureau's records concerning the certificate of title or certificate of registration of the motor vehicle and the operating license of the individual described in the ~~certificate~~ **certification** as confidential.

(b) The bureau may disclose the records described in subsection (a) only upon one (1) of the following:

(1) An order of a court of competent jurisdiction made in a cause or matter pending before the court.

(2) The written request of the officer, employee, or a successor of the officer or employee making the ~~certificate.~~ **certification.**

(3) A request of the governor.

SECTION 38. IC 9-14-3.5-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 2.5. As used in this chapter, "highly restricted personal information" means the following information that identifies an individual:**

(1) Digital photograph or image.

(2) Social Security number.

(3) Medical or disability information.

SECTION 39. IC 9-14-3.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. As used in this

chapter, "motor vehicle record" means a record that pertains to:

(1) a driver's license;

(2) a permit;

(3) a ~~motor~~ vehicle **or watercraft** registration;

(4) a ~~motor~~ vehicle **or watercraft** title; or

(5) an identification document issued by the bureau.

SECTION 40. IC 9-14-3.5-5, AS AMENDED BY P.L.184-2007, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. As used in this chapter, "personal information" means information that identifies a person, including an individual's:

(1) digital photograph **or image;**

(2) Social Security number;

(3) driver's license or identification document number;

(4) name;

(5) address (but not the 5-digit zip code);

(6) telephone number; or

(7) medical or disability information.

The term does not include information about vehicular accidents, driving or equipment related violations, and ~~operator's~~ **driver's** license or registration status.

SECTION 41. IC 9-14-3.5-7, AS AMENDED BY P.L.1-2006, SECTION 158, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) Except as provided in sections 8, ~~and~~ 10, **and 10.5** of this chapter:

(1) an officer or employee of the bureau;

(2) an officer or employee of the bureau of motor vehicles commission; or

(3) a contractor of the bureau or the bureau of motor vehicles commission (or an officer or employee of the contractor);

may not knowingly disclose **or otherwise make available** personal information, ~~about a person~~ **including highly restricted personal information** obtained ~~by the bureau~~ in connection with a motor vehicle record.

(b) A person's Social Security number shall not be in any way disclosed on a motor vehicle registration.

SECTION 42. IC 9-14-3.5-10, AS AMENDED BY P.L.97-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. ~~Except as provided in section 10.5 of this chapter,~~ The bureau may disclose **certain** personal information ~~to a person~~ **that is not highly restricted information** if the person requesting the information provides proof of identity and represents that the use of the personal information will be strictly limited to at least one (1) of the following:

(1) For use by a government agency, including a court or law enforcement agency, in carrying out its functions, or a person acting on behalf of a government agency in carrying out its functions.

(2) For use in connection with matters concerning:

(A) motor vehicle or driver safety and theft;

(B) motor vehicle emissions;

(C) motor vehicle product alterations, recalls, or advisories;
(D) performance monitoring of motor vehicles, motor vehicle parts, and dealers;
(E) motor vehicle market research activities, including survey research;
(F) the removal of nonowner records from the original owner records of motor vehicle manufacturers; and
(G) motor fuel theft under IC 24-4.6-5.

(3) For use in the normal course of business by a business or its agents, employees, or contractors, but only:
(A) to verify the accuracy of personal information submitted by an individual to the business or its agents, employees, or contractors; and
(B) if information submitted to a business is not correct or is no longer correct, to obtain the correct information only for purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

(4) For use in connection with a civil, a criminal, an administrative, or an arbitration proceeding in a court or government agency or before a self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or under an order of a court.

(5) For use in research activities, and for use in producing statistical reports, as long as the personal information is not published, re-disclosed, or used to contact the individuals who are the subject of the personal information.

(6) For use by an insurer, an insurance support organization, or a self-insured entity, or the agents, employees, or contractors of an insurer, an insurance support organization, or a self-insured entity in connection with claims investigation activities, anti-fraud activities, rating, or underwriting.

(7) For use in providing notice to the owners of towed or impounded vehicles.

(8) For use by a licensed private investigative agency or licensed security service for a purpose allowed under this section.

(9) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. 2710 et seq.).

(10) For use in connection with the operation of private toll transportation facilities.

(11) For any use in response to requests for individual motor vehicle records when the bureau has obtained the written consent of the person to whom the personal information pertains.

(12) For bulk distribution for surveys, marketing, or solicitations when the bureau has obtained the written consent of the person to whom the personal information pertains.

(13) For use by any person, when the person demonstrates, in a

form and manner prescribed by the bureau, that written consent has been obtained from the individual who is the subject of the information.

(14) For any other use specifically authorized by law that is related to the operation of a motor vehicle or public safety.

However, this section does not affect the use of anatomical gift information on a person's driver's license or identification document issued by the bureau, nor does ~~it~~ **this section** affect the administration of anatomical gift initiatives in the state.

SECTION 43. IC 9-14-3.5-10.5, AS AMENDED BY P.L.184-2007, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10.5. ~~(a) Except as provided in subsections (b) and (c), the bureau may not disclose the following~~ **Highly restricted** personal information ~~from a person's motor vehicle record:~~

~~(1) Driver's license or digital photograph.~~

~~(2) Social Security number.~~

~~(3) Medical or disability information.~~

~~(b) The bureau~~ may ~~disclose the personal information described in subsection (a)~~ **be disclosed only as follows:** ~~if the bureau has~~

(1) With the express written consent of the person to whom the **highly restricted** personal information pertains. ~~to release the information described in subsection (a).~~

~~(c) The bureau may disclose the personal information described in subsection (a) without~~

(2) In the absence of the express written consent of the person to whom the **highly restricted** personal information pertains, if the person requesting the information:

~~(1)~~ **(A)** provides proof of identity; and

~~(2)~~ **(B)** represents that the use of the **highly restricted** personal information will be strictly limited to at least one (1) of the uses set forth in section 10(1), 10(4), 10(6), and 10(9) of this chapter.

SECTION 44. IC 9-14-3.5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. A person requesting the disclosure of personal information **or highly restricted personal information** from bureau records who knowingly or intentionally misrepresents the person's identity or makes a false statement to the bureau on an application required to be submitted under this chapter commits a Class C misdemeanor.

SECTION 45. IC 9-14-5-1, AS AMENDED BY P.L.184-2007, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The bureau shall issue a placard to the following:

(1) An individual of any age who:

(A) has a temporary or permanent physical disability that requires the use of a wheelchair, a walker, braces, or crutches **as certified by a health care provider listed in clause (C);**

(B) has temporarily or permanently lost the use of one (1) or both legs;

(C) is certified to be severely restricted in mobility, either

temporarily or permanently, due to a pulmonary or cardiovascular disability, arthritic condition, or orthopedic or neurological impairment, by:

(i) a physician having ~~an unlimited~~ **a valid and unrestricted** license to practice medicine;

(ii) a physician who is a commissioned medical officer of the armed forces of the United States or of the United States Public Health Service;

(iii) a physician who is a medical officer of the United States Department of Veterans Affairs;

(iv) a chiropractor ~~licensed~~ **with a valid and unrestricted license** under IC 25-10-1;

(v) a podiatrist ~~licensed~~ **with a valid and unrestricted license** under IC 25-29-1; or

(vi) an advanced practice nurse ~~licensed~~ **with a valid and unrestricted license** under IC 25-23; or

(D) is certified **to be blind or visually impaired** by an optometrist or ophthalmologist ~~licensed~~ **with a valid and unrestricted license** to practice in Indiana. ~~to be blind or visually impaired.~~

(2) Any corporation, limited liability company, partnership, unincorporated association, and any legal successor of the corporation, limited liability company, partnership, or association, empowered by the state or a political subdivision to operate programs, including the provision of transportation, or facilities for persons with physical disabilities.

SECTION 46. IC 9-14-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The certification made by a physician, an optometrist, or an ophthalmologist under section 1(1)(C) or 1(1)(D) of this chapter must:

(1) be on a form prescribed by the ~~state board of accounts~~ **bureau;** and ~~must~~

(2) state the expected duration of the condition that severely restricts the individual's mobility.

SECTION 47. IC 9-14-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) A placard issued under section 1(1) of this chapter expires ~~on the recipient's fourth birthday that follows the date of the placard's issuance if~~ **only upon a physician's certification that** the recipient's disability is **no longer considered to be** permanent. ~~If the disability is permanent, a new physician certification is not required upon expiration of the placard, only reapplication.~~

(b) If the recipient's disability is not permanent, a placard issued under section 1(1) of this chapter expires:

(1) six (6) months after the date of the placard's issuance; or

(2) on the date certified by a physician under section 1(1)(C) or 1(1)(D) of this chapter;

whichever occurs first.

SECTION 48. IC 9-14-5-6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 6. When issuing a placard under this chapter, the bureau~~

~~shall provide the individual to whom a placard is issued instructions explaining the law governing parking for a person with a physical disability and explaining proper use of the placard.~~

SECTION 49. IC 9-14-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. The bureau may establish by rule and charge a fee of not more than five dollars ($5) to cover the cost of issuing a placard **or duplicate placard** under this chapter to ~~a~~ **an** individual having a temporary disability. However, the bureau may not establish or charge a fee for issuing a placard **or duplicate placard** under this chapter to an individual having a permanent disability.

SECTION 50. IC 9-15-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. **(a)** The commission **board** consists of the following five (5) individuals:

(1) Four (4) individuals, not more than two (2) of whom may be members of the same political party, who:

(A) shall be appointed by the governor;

(B) serve for terms of four (4) years;

(C) may not hold any other public office or serve as a state or local employee while serving as a commission **board** member; and

(D) shall devote as much time as is needed to carry out their duties, but are not required to devote full time to their duties.

(2) The commissioner, who:

(A) shall serve as chairman of the commission **board;** and

(B) is responsible for calling commission **board** meetings.

(b) The commission consists of all:

(1) officers and employees of the license branches under IC 9-16; and

(2) other officers and employees designated as commission employees.

SECTION 51. IC 9-15-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. Three (3) commission **board** members constitute a quorum. The consent of three (3) commission **board** members is required before any action may be taken.

SECTION 52. IC 9-15-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) Each member of the commission **board** who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). ~~That~~ **A board** member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the commission **board** who is a state employee is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 53. IC 9-15-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The commission **board** shall do the following:

~~(1) Develop and continuously update the bureau's policies.~~

~~(2)~~ **(1)** Recommend ~~to the governor~~ legislation ~~that is~~ needed to ~~implement the policies developed by the commission.~~ **operate the license branches.**

~~(3)~~ **(2)** Recommend ~~to the bureau proposed~~ rules ~~that are~~ needed to ~~implement the policies developed by the commission and require those proposed rules to be adopted under IC 4-22-2.~~ **operate the license branches.**

~~(4)~~ **(3)** Review ~~revise, adopt, and submit to the~~ budget ~~agency budget~~ proposals for the commission ~~the bureau,~~ and the license branches operated under IC 9-16, including the budget required by IC 9-16-3-3.

~~(5)~~ **(4)** Establish the determination criteria and determine the number and location of license branches to be operated under IC 9-16. However, there must be at least one (1) full service license branch in each county.

~~(6)~~ **(5)** Establish and adopt minimum standards for the operation and maintenance of each full **or partial** service license branch operated under IC 9-16.

~~(7) Before January 1, 1997, establish and adopt minimum standards for the operation and maintenance of each partial service contractor under IC 9-16. The standards must result in more convenience to the public by providing license branch services at as many walk-up locations as possible without increasing the costs of providing these services.~~

~~(8) Before March 1, 1997, establish and adopt minimum standards for providing license branch services using telephonic, facsimile, electronic, or computer means under IC 9-16.~~

~~(9)~~ **(6)** Administer the state license branch fund established under IC 9-29-14.

SECTION 54. IC 9-15-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The commission **board** may do the following:

(1) Procure insurance against any loss in connection with the commission's operations in the amount the commission **board** considers necessary or desirable.

(2) Contract for the operation of full service license branches under IC 9-16-1-4 and partial services under IC 9-16-1-4.5.

(3) Take any other action necessary to achieve the commission's purpose.

SECTION 55. IC 9-15-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. IC 34-13-3 applies to a claim or suit in tort against any of the following:

(1) A member of the commission **or commission board.**

(2) An employee of the commission, ~~who is employed at a license branch under IC 9-16,~~ except for an employee employed at a license branch operated under a contract with the commission

under IC 9-16-1-4.

SECTION 56. IC 9-16-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. As used in this chapter, "qualified person" means any of the following:

(1) A motor club that is any of the following:

(A) A domestic corporation.

(B) A foreign corporation qualified to transact business in Indiana under IC 23-1 or IC 23-17.

(2) A financial institution (as defined in IC 28-1-1-3).

(3) A new motor vehicle dealer licensed under IC 9-23-2.

(4) Other persons, including persons licensed under IC 9-23-2 that are not covered by subdivision (3), that the commission determines can meet the ~~standards adopted by the commission under IC 9-15-2-1(7) and the~~ requirements for partial service contractors under section 4.5 of this chapter.

SECTION 57. IC 9-16-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The ~~commission~~ **commissioner** shall operate or be responsible for the administration of all license branches in Indiana under this article.

SECTION 58. IC 9-16-1-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.5. The number of license branches may not be reduced in a county below the number in existence on January 1, 2001, unless the ~~bureau.~~ **commission:**

(1) holds a public hearing in the county; and

(2) receives unlimited public testimony before the commissioner on the merits of closing the branch that the ~~bureau~~ **commission** proposes to close in the county.

SECTION 59. IC 9-16-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The commission may contract with a qualified person for:

(1) the operation of a full service license branch under this section; ~~or~~

(2) ~~providing~~ **the provision of** partial services under section 4.5 of this chapter; **or**

(3) other services to process specific transactions as outlined by the commission.

(b) A contract for the operation of a full service license branch must include the following provisions:

(1) The contractor shall provide a full service license branch, including the following services:

(A) Vehicle titles.

(B) Vehicle registration.

(C) Driver's licenses.

(D) Voter registration as provided in IC 3-7.

(2) The contractor shall provide trained personnel to properly process branch transactions.

(3) The contractor shall do the following:

(A) Collect and transmit all bureau fees and taxes collected at the license branch.

(B) Deposit the taxes collected at the license branch with the

commission to be deposited with the county treasurer in the manner prescribed by IC 6-3.5 or IC 6-6-5.

(4) The contractor shall generate a transaction volume sufficient to justify the installation of bureau support systems.

(5) The contractor shall provide fidelity bond coverage in an amount prescribed by the commission.

(6) The contractor may operate the license branch within a facility used for other purposes.

(7) The contractor shall pay the cost of any post audits conducted by the commission or the state board of accounts on an actual cost basis.

(8) The commission shall provide support systems ~~and driver's license examiners~~ on the same basis as state operated branches.

~~(9) The commission shall provide the same equipment to contractors as is provided to state operated branches.~~

~~(10)~~ **(9)** The commission must approve each location and physical facility based upon criteria developed by the commission **board.**

~~(11)~~ **(10)** The term of the contract must be for a fixed period.

~~(12)~~ **(11)** The contractor shall agree to provide voter registration services and to perform the same duties imposed on the commission under IC 3-7.

SECTION 60. IC 9-16-1-4.5, AS AMENDED BY P.L.41-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4.5. (a) The commission may contract with a qualified person to provide partial services at a qualified person's location, including locations within a facility used for other purposes, such as electronic titling and title application services and self-serve terminal access.

(b) A contract for providing motor vehicle **title or** registration and renewal services, **or both,** at a location must include the following provisions:

(1) The contractor must provide trained personnel to properly process motor vehicle registration and renewal transactions.

(2) The contractor shall do the following:

(A) Collect and transmit all bureau fees and taxes collected at the contract location.

(B) Deposit the taxes collected at the contract location with the **commission to be deposited with the** county treasurer in the manner prescribed by IC 6-3.5 or IC 6-6-5.

(3) The contractor shall provide fidelity bond coverage in an amount prescribed by the commission.

(4) The contractor shall provide:

(A) liability insurance coverage in an amount not to exceed two million dollars ($2,000,000) per occurrence, as prescribed by the commission; and

(B) indemnification of the commission for any liability in excess of the amount of coverage provided under clause (A), not to exceed five million dollars ($5,000,000) per occurrence.

(5) The contractor shall pay the cost of any post audits conducted by the commission or the state board of accounts on an actual cost

basis.

(6) The commission must approve each location and physical facility used by a contractor.

(7) The term of the contract must be for a fixed period.

SECTION 61. IC 9-16-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) Notwithstanding IC 5-16, IC 5-17-1, and IC 5-22, the commission may develop a system of procurement that applies only to procurement of equipment, materials, **services,** and goods required for the operation of license branches.

(b) A system of procurement adopted under this section must provide that whenever:

(1) a contract is awarded by acceptance of bids, proposals, or quotations; and

(2) a trust (as defined in IC 30-4-1-1(a)) submits a bid, proposal, or quotation;

the bid, proposal, or quotation must identify each beneficiary of the trust and each settlor empowered to revoke or modify the trust.

(c) This section does not apply to the purchasing, leasing, or disposal of real property.

SECTION 62. IC 9-16-3-1 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 1. The manager of each license branch that is staffed by commission employees shall prepare and submit a proposed operating budget for that license branch to the commissioner before August 1 of each year.~~

SECTION 63. IC 9-16-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. ~~Based on the proposed budgets from each of the license branches,~~ The commission shall develop a statewide license branch budget. If the commission **board** determines that the total of:

(1) revenues from license branch operations; and

(2) appropriations received by the commission;

are insufficient to support license branch operations, the commission shall increase the branch service charges under IC 9-29-3.

SECTION 64. IC 9-16-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. On ~~or before September 1~~ **a date specified by the budget agency** of each even-numbered year, the commission shall submit to the budget agency a proposed budget. The commission shall include, at a minimum, the following information on a county by county basis:

(1) Total estimated revenue. ~~by source.~~

(2) Total estimated expenditures for salaries and fringe benefits.

(3) Total estimated expenditures for other personal services.

(4) Total estimated expenditures for nonpersonal services.

(5) Total estimated expenditures for contractual services.

(6) Total estimated expenditures for supplies and materials.

(7) All other estimated expenditures.

(8) The number of full-time and part-time employees.

(9) Other information the budget agency requires.

SECTION 65. IC 9-16-3-4 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. ~~Before October 1 of each even-numbered year,~~ The budget agency shall provide the information received under section 3 of this chapter to the budget committee for the committee's review.

SECTION 66. IC 9-16-4-1, AS AMENDED BY P.L.221-2005, SECTION 143, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The commission **board** may develop a separate personnel system for employees of the commission who are assigned to be managers and employees of commission license branches. The system may establish the rights, privileges, powers, and duties of these employees, including a license branch pay scale and benefit package. If the commission **board** does not develop and adopt a license branch personnel system, those employees are subject to the state personnel system under ~~IC 4-15-1.8,~~ **IC 4-15-2.2,** except as provided in IC 9-16-1-7.

SECTION 67. IC 9-16-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The commission **board** may:

(1) develop a retirement program for managers and employees of commission license branches; or

(2) cause managers and employees of commission license branches to be members of the public employees' retirement fund (IC 5-10.3-7).

SECTION 68. IC 9-16-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. This chapter applies to a license branch ~~that furnishes any services other than the issuance of a driver's license or identification card under IC 9-24.~~ **operated by the commission.**

SECTION 69. IC 9-16-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. ~~The commission~~ **License branches** shall offer voter registration services under this chapter, in addition to providing a voter registration application as a part of an application for a motor vehicle driver's license, permit, or identification card under IC 9-24-2.5 and 42 U.S.C. 1973gg-3.

SECTION 70. IC 9-17-1-1, AS AMENDED BY P.L.182-2009(ss), SECTION 284, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. This article does not apply to:

(1) special machinery;

(2) farm wagons;

(3) a golf cart when operated in accordance with an ordinance adopted under IC 9-21-1-3(a)(14) or IC 9-21-1-3.3(a); or

(4) a motor vehicle that was designed to have a maximum design speed of not more than twenty-five (25) miles per hour and that was built, constructed, modified, or assembled by a person other than the manufacturer;

or any other vehicle that is not registered in accordance with IC 9-18-2.

SECTION 71. IC 9-17-2-1, AS AMENDED BY P.L.131-2008, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) This section does not apply to an off-road

vehicle that is at least five (5) model years old.

(b) ~~Within sixty (60) days after becoming an Indiana resident,~~ A person must obtain a certificate of title for all vehicles owned by the person that:

(1) are subject to the motor vehicle excise tax under IC 6-6-5; or

(2) are off-road vehicles;

and that will be operated in Indiana.

(c) ~~Within sixty (60) days after becoming an Indiana resident,~~ A person ~~shall~~ **must** obtain a certificate of title for all commercial vehicles owned by the person that:

(1) are subject to the commercial vehicle excise tax under IC 6-6-5.5;

(2) are not subject to proportional registration under the International Registration Plan; and

(3) will be operated in Indiana.

(d) ~~Within sixty (60) days after becoming an Indiana resident,~~ A person must obtain a certificate of title for all recreational vehicles owned by the person that:

(1) are subject to the excise tax imposed under IC 6-6-5.1; and

(2) will be operated in Indiana.

(e) **A person must obtain a certificate of title for all vehicles owned by the person not later than sixty (60) days after becoming an Indiana resident.** A person must produce evidence concerning the date on which the person became an Indiana resident.

SECTION 72. IC 9-17-2-2, AS AMENDED BY P.L.83-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) A person applying for a certificate of title for a vehicle must submit an application on a form furnished by the bureau ~~that contains~~ **and provide** the following information:

(1) A full description of the vehicle, **including the make, model, and year of manufacture of the vehicle.**

(2) A statement of ~~the person's title and of~~ any lien or encumbrance on the vehicle.

(3) The vehicle identification number or special identification number of the vehicle.

(4) The former title number, if applicable.

(5) The purchase or acquisition date.

(6) The name, residence address and, if different from the residence address, mailing address, and Social Security number or federal identification number of the person.

~~(3)~~ **(7)** Other information **that** the bureau requires.

(b) This subsection applies only to an individual who receives an interest in a vehicle under IC 9-17-3-9. To obtain a certificate of title for the vehicle, the individual must do the following:

(1) Surrender the certificate of title designating the individual as a transfer on death beneficiary.

(2) Submit proof of the transferor's death.

(3) Submit an application for a certificate of title on a form furnished by the bureau that meets the requirements of subsection (a).

SECTION 73. IC 9-17-2-3, AS AMENDED BY P.L.131-2008,

SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The ~~form~~ **application** described under section 2 of this chapter must include the following printed statement:

"I swear or affirm that the information I have entered on this form is correct. I understand that making a false statement on this form may constitute the crime of perjury.".

(b) The person applying for the certificate of title must sign the form directly below the printed statement.

~~(c) The form described under section 2 of this chapter must include the statement required by IC 9-17-3-3.2.~~

SECTION 74. IC 9-17-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. If a certificate of title:

(1) has been previously issued for a vehicle in Indiana, an application for a certificate of title must be accompanied by the previously issued certificate of title, unless otherwise provided; or

(2) has not previously been issued for a vehicle in Indiana, an application for a certificate of title must be accompanied by a manufacturer's certificate of origin as provided in IC 9-17-8, unless otherwise provided **in this chapter.**

SECTION 75. IC 9-17-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. The bureau shall retain the evidence of title presented by a person upon which the Indiana certificate of title is issued **in accordance with applicable document and record retention requirements.**

SECTION 76. IC 9-17-2-9, AS AMENDED BY P.L.1-2007, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) This section does not apply to ~~a motor~~ **an off-road** vehicle requiring a certificate of title under ~~section 1(b)(2) or 1.5 of~~ this chapter.

(b) A person applying for a certificate of title must:

(1) apply for registration of the vehicle described in the application for the certificate of title; or

(2) transfer the current registration of the vehicle owned or previously owned by the person.

SECTION 77. IC 9-17-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. If the bureau is satisfied that the person applying for a certificate of title is the owner of the vehicle, ~~or is otherwise entitled to have the vehicle registered in the person's name,~~ the bureau may issue a certificate of title for the vehicle.

SECTION 78. IC 9-17-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) The bureau shall deliver a certificate of title to the person who owns the vehicle if no lien or encumbrance appears on the certificate of title.

(b) If a lien or an encumbrance appears on the vehicle, the bureau shall deliver the certificate of title to the person ~~named to receive the certificate of title~~ **who holds the lien or encumbrance set forth** in the application for the certificate of title.

SECTION 79. IC 9-17-3-2 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) If a certificate of title:

(1) is lost **or stolen;**

(2) is mutilated;

(3) is destroyed; or

(4) becomes illegible;

the person who owns the vehicle or the legal representative or legal successor in interest of the person who owns the vehicle for which the certificate of title was issued, as shown by the records of the bureau, shall immediately apply for and may obtain a duplicate certificate of title.

(b) To obtain a duplicate certificate of title under subsection (a), a person must:

(1) furnish information satisfactory to the bureau concerning the loss, **theft,** mutilation, destruction, or illegibility of the certificate of title; and

(2) pay the fee provided under IC 9-29.

(c) The word "duplicate" shall be printed or stamped in ink on the face of a certificate of title issued under this section.

(d) When a duplicate certificate of title is issued, the previous certificate of title becomes void.

SECTION 80. IC 9-17-3-3.2, AS ADDED BY P.L.131-2008, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3.2. ~~The form furnished by the bureau under IC 9-17-2-2 must contain the following language immediately below the signature of the seller:~~

~~"If this~~ **(a) When a certificate of title is available and a** vehicle is sold or transferred to a person other than a dealer licensed in Indiana, the seller or transferor ~~is required to~~ **shall** fill in all blanks **on the certificate of title** relating to buyer information, including the sale price.

(b) The knowing or intentional failure of the seller or transferor to fill in all buyer information is a Class A misdemeanor ~~or~~ **for the first offense and** a Class D felony for the second or subsequent offense under IC 9-17-3-7(c)(2).

SECTION 81. IC 9-17-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) A certificate of title for a vehicle held by an Indiana resident who is serving in the armed forces of the United States may be transferred by the **Indiana** resident to another person if the resident authorizes the transfer by a **valid power of attorney or a** letter signed by the **Indiana** resident. **The valid power of attorney or the letter must be accompanied by proof that the Indiana resident is actively serving in the armed forces of the United States and is outside Indiana.**

(b) When the bureau receives the **power of attorney or** letter **and proof** described in subsection (a), the bureau may make the transfer to the person named in the **power of attorney or** letter.

(c) Whenever a transfer described in subsection (a) is made, the **power of attorney or** letter:

(1) must be attached to the certificate of title being transferred;

and

(2) becomes a permanent record of the bureau.

(d) The bureau shall use reasonable diligence in determining if the signature of the person who signed the letter described in subsection (a) authorizing the transfer is the signature of the person.

(e) If the bureau is satisfied that the signature is the signature of the person who owns the vehicle described in the certificate of title, the bureau shall issue an appropriate certificate of title over the signature of the bureau and sealed with the seal of the bureau to the person named in the letter.

SECTION 82. IC 9-17-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) Whenever a vehicle for which a certificate of title is required by this article is sold under:

(1) an order or a process of an Indiana court; or

(2) any provision of an Indiana statute;

the person who purchases the vehicle may obtain a certificate of title for the vehicle by filing an application for the certificate of title with the bureau and attaching to the application written evidence showing the order, process, or statute under which the person obtained ownership of the vehicle.

(b) The bureau shall use due diligence to ascertain that the sale was in conformity with the order, process, or statute under which the sale occurred and, if the bureau is satisfied, the bureau shall issue a certificate of title to the person who **obtained or** purchased the vehicle.

(c) An order or a process of an Indiana court described in subsection (a) must include the:

(1) year of manufacture of;

(2) make and model of;

(3) vehicle identification number of; and

(4) name and address of the person who is entitled to;

the vehicle.

SECTION 83. IC 9-17-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) Except as provided in subsection (b), if the bureau receives notification from another state or a foreign country that a certificate of title for a vehicle that was issued by the bureau has been surrendered by the person who owns the vehicle in conformity with the laws of the other state or country, the bureau may cancel the record of certificate of title in Indiana.

(b) The bureau must retain information necessary to comply with ~~rules adopted under~~ section 8 of this chapter.

SECTION 84. IC 9-17-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. The bureau shall: ~~adopt rules under IC 4-22-2 that:~~

(1) enable the owner of a motor vehicle titled in Indiana to determine:

(A) whether that motor vehicle has previously been titled in Indiana; and

(B) if the motor vehicle has previously been titled in Indiana, whether the title was issued **as a salvage title** under IC 9-22-3;

and

(2) impose a service charge under IC 9-29-3-19 for services performed by the bureau under this section.

SECTION 85. IC 9-17-4-0.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 0.3. As used in this chapter, "assembled vehicle" means:

(1) a motor vehicle, excluding a motorcycle, that has had the:

(A) frame;

(B) chassis;

(C) cab; or

(D) body;

replaced **or constructed;** or

(2) a motorcycle that has had the:

(A) frame; or

(B) engine;

replaced **or constructed.**

The term includes but is not limited to glider kits, fiberglass body kits, and vehicle reproductions or replicas and includes motor vehicles that have visible and original vehicle identification numbers.

SECTION 86. IC 9-17-4-0.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 0.5. As used in this chapter, **"special** identification number" means a distinguishing number assigned by the bureau to a privately assembled motor vehicle, semitrailer, or recreational vehicle.

SECTION 87. IC 9-17-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. If a motor vehicle, semitrailer, or recreational vehicle has been built, constructed, or assembled by the person who owns the motor vehicle, semitrailer, or recreational vehicle, the person shall:

(1) indicate on a form provided by the bureau the major component parts that have been used to assemble the motor vehicle, semitrailer, or recreational vehicle;

(2) make application through the bureau for ~~an~~ **a special** identification number for the motor vehicle, semitrailer, or recreational vehicle;

(3) after receipt of the **special** identification number described in subdivision (2), stamp or attach the **special** identification number received from the bureau in the manner provided in section ~~2(2)~~ **2(3)** of this chapter; and

(4) apply for a certificate of title for the motor vehicle, semitrailer, or recreational vehicle from the bureau.

SECTION 88. IC 9-17-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. A certificate of title may not be issued for a **manufactured or** privately assembled motor vehicle, semitrailer, or recreational vehicle that does not have a ~~distinctive~~ **special** identification number stamped on the motor vehicle, semitrailer, or recreational vehicle or permanently attached to the motor vehicle, semitrailer, or recreational vehicle until the person who owns the motor vehicle, semitrailer, or recreational vehicle has:

(1) an inspection performed under IC 9-17-2-12;

~~(1)~~ **(2)** obtained from the bureau ~~an~~ **a special** identification number designated by the bureau; and

~~(2)~~ **(3)** stamped or permanently attached the **special** identification number in a conspicuous place on the frame of the motor vehicle, semitrailer, or recreational vehicle.

SECTION 89. IC 9-17-4-3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 3. In obtaining an identification number, substantially the same procedure shall be followed as is provided in this article for obtaining a certificate of title from the bureau.~~

SECTION 90. IC 9-17-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. A certificate of title issued under this chapter must contain the following:

(1) A description and other evidence of identification of the motor vehicle, semitrailer, or recreational vehicle as required by the bureau.

(2) A statement of any liens or encumbrances that the application shows to be on the certificate of title.

(3) The appropriate notation prominently recorded on the front of the title as follows:

(A) For a vehicle assembled using all new vehicle parts, excluding the vehicle frame, ~~"ASSEMBLED~~ **"RECONSTRUCTED** VEHICLE".

(B) For a vehicle assembled using used parts, "REBUILT VEHICLE".

(C) For a vehicle assembled using a salvage vehicle or parts, "REBUILT SALVAGE".

SECTION 91. IC 9-17-4-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 4.5. (a) A person must obtain a body change title whenever a vehicle is altered so that the alteration changes the type of the vehicle, as noted on the:**

(1) current title; or

(2) certificate of origin;

of the vehicle.

(b) To receive a body change title, an applicant must provide:

(1) the former title or certificate of origin;

(2) a properly completed body change affidavit using a bureau designated form; and

(3) proof of a vehicle inspection.

(c) An assembled vehicle and a vehicle that is altered such that the vehicle type is changed must meet all applicable federal and state highway safety requirements before the vehicle may be titled and registered for operation on highways.

SECTION 92. IC 9-17-5-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 5. (a) A security agreement covering a security interest in a vehicle that is not inventory held for sale can be perfected only if the bureau indicates the security interest on the certificate of title or duplicate. Except as otherwise provided in subsections (b) and (c), IC 26-1-9.1 applies to security interests in vehicles.**

(b) The secured party, upon presentation to the bureau of a properly completed application for certificate of title together with the fee prescribed, may have a notation of the lien made on the face of the certificate of title to be issued by the bureau. The bureau shall:

(1) enter the notation and the date of the notation; and

(2) note the lien and date of lien in the bureau's files.

(c) Whenever a lien is discharged, the holder shall note the discharge on the certificate of title over the signature of the holder.

SECTION 93. IC 9-17-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. If the bureau is satisfied that the person applying for the certificate of title is the owner of the manufactured home or is otherwise entitled to have the manufactured home titled in the person's name, the bureau shall issue an appropriate certificate of title. ~~over the signature of the bureau and sealed with the seal of the bureau.~~

SECTION 94. IC 9-17-7-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 2.5. (a) A security agreement covering a security interest in a trailer that is not inventory held for sale can be perfected only if the bureau indicates the security interest on the certificate of title or duplicate. Except as otherwise provided in subsections (b) and (c), IC 26-1-9.1 applies to security interests in trailers.**

(b) The secured party, upon presentation to the bureau of a properly completed application for certificate of title together with the fee prescribed in IC 9-29-4, may have a notation of the lien made on the face of the certificate of title to be issued by the bureau. The bureau shall:

(1) enter the notation and the date of the notation; and

(2) note the lien and date of lien in the bureau's files.

(c) Whenever a lien is discharged, the holder shall note the discharge on the certificate of title over the signature of the holder.

SECTION 95. IC 9-18-1-1, AS AMENDED BY P.L.182-2009(ss), SECTION 285, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. This article does not apply to the following:

(1) Farm wagons.

(2) Farm tractors.

(3) A new motor vehicle if the new motor vehicle is being operated in Indiana solely to remove it from an accident site to a storage location because:

(A) the new motor vehicle was being transported on a railroad car or semitrailer; and

(B) the railroad car or semitrailer was involved in an accident that required the unloading of the new motor vehicle to preserve or prevent further damage to it.

(4) An implement of agriculture designed to be operated primarily in a farm field or on farm premises.

(5) Off-road vehicles.

(6) Golf carts when operated in accordance with an ordinance

adopted under IC 9-21-1-3(a)(14) or IC 9-21-1-3.3(a).

(7) Vehicles that are not issued a certificate of title under IC 9-17, unless otherwise provided in this article.

SECTION 96. IC 9-18-2-1, AS AMENDED BY P.L.1-2009, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) ~~Within sixty (60) days after becoming an Indiana resident,~~ A person must register all motor vehicles owned by the person that:

(1) are subject to the motor vehicle excise tax under IC 6-6-5; and

(2) will be operated in Indiana.

(b) ~~Within sixty (60) days after becoming an Indiana resident,~~ A person must register all commercial vehicles owned by the person that:

(1) are subject to the commercial vehicle excise tax under IC 6-6-5.5;

(2) are not subject to proportional registration under the International Registration Plan; and

(3) will be operated in Indiana.

(c) ~~Within sixty (60) days after becoming an Indiana resident,~~ A person must register all recreational vehicles owned by the person that:

(1) are subject to the excise tax imposed under IC 6-6-5.1; and

(2) will be operated in Indiana.

(d) A person must ~~produce evidence concerning the date on which~~ **register all vehicles owned by** the person ~~became~~ **not later than sixty (60) days after becoming** an Indiana resident.

(e) Except as provided in subsection (f), an Indiana resident must register all motor vehicles operated in Indiana.

(f) An Indiana resident who has a legal residence in a state that is not contiguous to Indiana may operate a motor vehicle in Indiana for not more than sixty (60) days without registering the motor vehicle in Indiana.

(g) An Indiana resident who has registered a motor vehicle in Indiana in any previous registration year is not required to register the motor vehicle, is not required to pay motor vehicle excise tax under IC 6-6-5 or the commercial vehicle excise tax under IC 6-6-5.5 on the motor vehicle, and is exempt from property tax on the motor vehicle for any registration year in which:

(1) the Indiana resident is:

(A) an active member of the armed forces of the United States; and

(B) assigned to a duty station outside Indiana; and

(2) the motor vehicle is not operated inside or outside Indiana.

This subsection may not be construed as granting the bureau authority to require the registration of any vehicle that is not operated in Indiana.

(h) When an Indiana resident registers a motor vehicle in Indiana after the period of exemption described in subsection (g), the Indiana resident may submit an affidavit that:

(1) states facts demonstrating that the motor vehicle is a motor vehicle described in subsection (g); and

(2) is signed by the owner of the motor vehicle under penalties of perjury;

as sufficient proof that the owner of the motor vehicle is not required to register the motor vehicle during a registration year described in subsection (g). The commission or bureau may not require the Indiana resident to pay any civil penalty or any reinstatement or other fee that is not also charged to other motor vehicles being registered in the same registration year.

SECTION 97. IC 9-18-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. A **person registering a** motor vehicle ~~may be registered~~ in Indiana ~~only if~~ **must have** proof of financial responsibility **that is in effect** in the amounts specified in IC 9-25 ~~is produced~~ **available** for inspection at the time ~~an~~ **the person's** application for registration is made. ~~in a form required by the bureau.~~

SECTION 98. IC 9-18-2-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. ~~(a) A person who owns a vehicle must sign an application in ink to register the vehicle.~~

~~(b) An application~~ **(a) A person who desires** to register a vehicle **with the bureau** must ~~contain~~ **provide** the following:

(1) The:

(A) name, bona fide residence, and mailing address, including the name of the county, of the person who owns the vehicle; or

(B) business address, including the name of the county, of the person that owns the vehicle if the person is a firm, a partnership, an association, a corporation, a limited liability company, or a unit of government.

If the vehicle that is being registered has been leased and is subject to the motor vehicle excise tax under IC 6-6-5 or the commercial vehicle excise tax under IC 6-6-5.5, ~~the application must contain~~ the address of the person who is leasing the vehicle **must be provided.** If the vehicle that is being registered has been leased and is not subject to the motor vehicle excise tax under IC 6-6-5 or the commercial vehicle excise tax under IC 6-6-5.5, ~~the application must contain~~ the address of the person who owns the vehicle, the person who is the lessor of the vehicle, or the person who is the lessee of the vehicle **must be provided.** If a leased vehicle is to be registered under the International Registration Plan, the registration procedures are governed by the terms of the plan.

(2) A brief description of the vehicle to be registered, including the following information if available:

(A) The name of the manufacturer of the vehicle.

(B) The vehicle identification number.

(C) The manufacturer's rated capacity if the vehicle is a truck, tractor, trailer, or semitrailer.

(D) The type of body of the vehicle.

(E) The model year of the vehicle.

(F) The color of the vehicle.

~~(F)~~ **(G)** Any other information reasonably required by the bureau to enable the bureau to determine if the vehicle may be registered. The bureau may request the person applying for

registration to provide the vehicle's odometer reading.

(3) ~~A space on the application in which~~ The person registering the vehicle may indicate the person's desire to donate money to organizations that promote the procurement of organs for anatomical gifts. The ~~space on the application~~ **bureau** must:

(A) allow the person registering the vehicle to indicate the amount the person desires to donate; and

(B) provide that the minimum amount a person may donate is one dollar ($1).

Funds collected under this subdivision shall be deposited with the treasurer of state in a special account. The auditor of state shall monthly distribute the money in the special account to the anatomical gift promotion fund established by IC 16-19-3-26. The bureau may deduct from the funds collected under this subdivision the costs incurred by the bureau in implementing and administering this subdivision.

~~(c)~~ **(b)** The department of state revenue may audit records of persons who register trucks, trailers, semitrailers, buses, and rental cars under the International Registration Plan to verify the accuracy of the application and collect or refund fees due.

SECTION 99. IC 9-18-2-17, AS AMENDED BY P.L.163-2011, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. (a) Upon receiving ~~an application~~ **the information** under section 16 of this chapter, the bureau shall:

(1) determine:

(A) the genuineness and regularity of the ~~application;~~ **information;** and

(B) that the person applying for registration is entitled to register the vehicle;

~~(2) file the application;~~

~~(3)~~ **(2)** subject to subsection (b), register the vehicle described in the application; and

~~(4)~~ **(3)** keep a record of the ~~application on suitable index cards~~ **registration of the vehicle** under a distinctive registration number assigned to the vehicle ~~and~~ in ~~any other~~ **a** manner the bureau considers desirable for the convenience of the bureau.

(b) Upon receiving notice, as described in IC 9-21-3.5-10(c), of the failure of an owner of a vehicle to pay a fine, charge, or other assessment for a toll violation documented under IC 9-21-3.5-12, the bureau shall withhold the annual registration of the vehicle that was used in the commission of the toll violation until the owner pays the fine, charge, or other assessment, plus any applicable fees, to:

(1) the bureau; or

(2) the appropriate authority under IC 9-21-3.5 that is responsible for the collection of fines, charges, or other assessments for toll violations under IC 9-21-3.5.

If the owner pays the fine, charge, or assessment, plus any applicable fees, to the bureau as described in subdivision (1), the bureau shall remit the appropriate amount to the appropriate authority under IC 9-21-3.5 that is responsible for the collection of fines, charges,

assessments, or fees for toll violations under IC 9-21-3.5.

SECTION 100. IC 9-18-2-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 21. (a) ~~A~~ **The** person ~~who registers a vehicle,~~ **whose name appears on the certificate of registration,** except a person who registers a vehicle under the International Registration Plan, shall sign the person's copy of the certificate of registration in ink in the space provided.

(b) A certificate of registration or a legible reproduction of the certificate of registration must be carried:

(1) in the vehicle to which the registration refers; or

(2) by the person driving or in control of the vehicle, who shall display the registration upon the demand of a police officer.

(c) A legible reproduction of the certificate of registration may be made by any photostatic or similar process. ~~The valid stamp must be legible on the reproduced copy.~~

SECTION 101. IC 9-18-2-24 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 24. The bureau may destroy applications for registration of motor vehicles that have been on file in the bureau for a period of at least three (3) years.~~

SECTION 102. IC 9-18-2-29.5, AS ADDED BY P.L.210-2005, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 29.5. Before a piece of special machinery is operated off a highway or in a farm field, the person who owns the piece of special machinery must:

(1) register the piece of special machinery with the bureau; and

(2) pay the applicable **special machinery** registration fee.

SECTION 103. IC 9-18-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) The bureau may:

(1) prescribe forms; and

(2) adopt rules;

to implement this chapter.

(b) A form prescribed under this section must include the information described in ~~IC 9-18-2-16(b)(3).~~ **IC 9-18-2-16(a)(3).**

SECTION 104. IC 9-18-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. ~~An application~~ **A request** for registration under this chapter must be:

(1) made under the laws governing applications; and

(2) signed for, on behalf of the holder, by the person named in the letter.

SECTION 105. IC 9-18-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. Upon receiving ~~an application and~~ a letter of authorization, the bureau shall determine if the signature on the letter is that of the person who holds the certificate of title for the motor vehicle by comparing the signature on the letter with the signature on the certificate of title.

SECTION 106. IC 9-18-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) A person may apply for and receive a temporary registration permit for a motor vehicle, semitrailer, trailer designed to be used with a semitrailer, or recreational vehicle.

(b) ~~Except as provided in section 1.5 of this chapter,~~ A temporary registration permit is valid for a period of thirty (30) days from the date of issuance and authorizes the use of the motor vehicle, semitrailer, trailer designed to be used with a semitrailer, or recreational vehicle on the highways if any of the following conditions exist:

(1) The person has purchased or otherwise obtained the vehicle in Indiana and will be titling or registering the vehicle in another state **or foreign country.**

(2) The person is a resident of Indiana and is intending to move to another state and the current vehicle registration or temporary permit will expire before the person moves.

(3) The person is a resident of Indiana and the vehicle registration in another state has expired and the person has applied for an Indiana title for the vehicle.

(4) The person is a manufacturer of semitrailers or trailers designed to be used with a semitrailer that may be leased by the manufacturer to any person, including a motor carrier, for not more than the term of the special registration permit. This subdivision does not prohibit the transportation of property on a semitrailer or trailer operating under a temporary registration permit. A copy of the lease must accompany the semitrailer or trailer.

(5) The person owns and operates the vehicle and the person:

(A) does not operate the vehicle as a lessor; and

(B) moves the empty vehicle from one (1) lessee-carrier to another.

(6) The person owns a vehicle for which emissions testing is required and the vehicle will require further mechanical repairs in order to comply with the emissions testing requirements.

(c) The bureau shall prescribe the form of a temporary registration permit.

(d) A temporary registration permit shall be displayed on a vehicle in a manner determined by the bureau.

(e) The bureau may provide for the bulk issuance of temporary registration permits to manufacturers for the purpose of subsection (b)(4).

(f) Subject to IC 9-25-1-2, a temporary registration permit may be obtained under this section if the owner of the vehicle provides proof of financial responsibility in the amounts specified under IC 9-25 in a form required by the bureau.

SECTION 107. IC 9-18-7-1.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 1.5. (a) This section applies to a temporary registration permit obtained:~~

~~(1) for a vehicle that is manufactured in Indiana; and~~

~~(2) by an individual who:~~

~~(A) is a citizen of a foreign country; and~~

~~(B) purchases a vehicle described in subdivision (1) with the intention of registering the vehicle in the foreign country of which the individual is a citizen.~~

~~(b) A temporary registration permit issued under this section is valid~~

~~for ninety (90) days from the date of issuance and authorizes the use of the vehicle on the highways.~~

~~(c) A temporary registration permit issued under this section shall be manufactured from the same material as a license plate issued under IC 9-18-2. The bureau shall prescribe the form of a temporary registration permit.~~

~~(d) A temporary registration permit shall be displayed on a vehicle in a manner determined by the bureau.~~

~~(e) Subject to IC 9-25-1-2, a temporary registration permit may be obtained under this section if the owner of the vehicle provides proof of financial responsibility in the amounts specified under IC 9-25 in a form required by the bureau.~~

SECTION 108. IC 9-18-11-3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 3. A person engaged in operating at least one (1) fleet of intercity buses may, instead of registering the buses under any other law, register each fleet for operation in Indiana by filing an application with the bureau that contains the following information:~~

~~(1) The total number of miles operated in all states during the preceding year by the intercity buses in the fleet.~~

~~(2) The total number of miles operated in Indiana during the preceding year by the intercity buses in the fleet.~~

~~(3) A description and identification of each intercity bus in the fleet that is to be operated in Indiana during the registration year for which proportional fleet registration is requested.~~

~~(4) Any other information requested by the bureau.~~

SECTION 109. IC 9-18-12-3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 3. (a) An application for the registration of an antique motor vehicle under this chapter must be accompanied by a certificate that indicates that the antique motor vehicle has:~~

~~(1) been inspected for general safety; and~~

~~(2) been found to be in a mechanical condition that the vehicle can be operated safely on the highways.~~

~~(b) The state police department shall make the inspection and issue the certificate under this section.~~

SECTION 110. IC 9-18-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. If a person who owns a military vehicle registers the military vehicle under this chapter, the registration of the military vehicle is for the life of the military vehicle. **A person who owns a military vehicle shall also pay any applicable excise taxes under IC 6-6-5 and IC 6-6-5.5.**

SECTION 111. IC 9-18-14-5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 5. The bureau shall adopt rules under IC 4-22-2 to implement this chapter.~~

SECTION 112. IC 9-18-25-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 2. (a) The bureau shall adopt rules under IC 4-22-2 establishing the requirements to qualify for participation in the special group recognition license plate program.

(b) Representatives of a special group shall petition the bureau to qualify for participation in the special group recognition license plate

program.

(c) Each petition submitted under this section must contain the printed name, address, and signature of at least five hundred (500) members of the special group who pledge to purchase the special group recognition license plate if a special group recognition license plate is issued for the group under this chapter.

(d) **Except as provided in subsection (e),** when a petition containing the information required in subsection (c) is submitted to the bureau, the bureau may design and issue a special group recognition license plate that designates a vehicle as being registered under this chapter by a person (as defined in IC 9-13-2-124) who is a member of the special group.

(e) This subsection expires December 31, 2013. Notwithstanding subsection (d), the bureau may not approve a new special group recognition license plate in accordance with this section until July 15, 2013.

SECTION 113. IC 9-22-1-4, AS AMENDED BY P.L.191-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) Except as provided in subsection (c), the ~~person who owns~~ **owner of** an abandoned vehicle or parts is:

(1) responsible for the abandonment; and

(2) liable for all of the costs incidental to the removal, storage, and disposal;

of the vehicle or the parts under this chapter.

(b) The costs for storage of an abandoned vehicle may not exceed one thousand five hundred dollars ($1,500).

(c) If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, the person who previously owned the vehicle is not responsible for storage fees.

(d) If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, and proceeds from the sale of the vehicle covered the removal, towing, and storage expenses, any remaining proceeds from the sale of the vehicle shall be returned to the previous owner of the vehicle if the previous owner is known.

SECTION 114. IC 9-22-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. When an officer discovers a vehicle in the possession of a person other than the ~~person who owns~~ **owner of** the vehicle and the person cannot establish the right to possession of the vehicle, the vehicle shall be taken to and stored in a suitable place.

SECTION 115. IC 9-22-1-6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 6. The bureau shall be notified within seventy-two (72) hours of the location and description of a vehicle described in section 5 of this chapter.~~

SECTION 116. IC 9-22-1-7, AS AMENDED BY P.L.191-2007, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. If:

(1) the ~~person who owns~~ **owner** or ~~holds a lien~~ **lienholder** under section 8 of this chapter does not appear and pay all costs; or

(2) the ~~person who owns~~ **owner of** a vehicle cannot be

determined by a search conducted under section 19 of this chapter;

the vehicle is considered abandoned and must be disposed of under this chapter.

SECTION 117. IC 9-22-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. If the properly identified person who owns or holds a lien on a vehicle appears at the site of storage before disposal of the vehicle or parts and pays all costs incurred against the vehicle or parts at that time, the vehicle or parts shall be released. **A towing service shall notify the appropriate public agency of all releases under this section. The notification must include the name, signature, and address of the person that owns or holds a lien on the vehicle, a description of the vehicle or parts, costs, and the date of release.**

SECTION 118. IC 9-22-1-9 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 9. The release must state the name, signature, and address of the person who owns or holds a lien on the vehicle, a description of the vehicle or parts, costs, and date of release. A towing service shall notify the appropriate public agency of all releases under section 8 of this chapter.~~

SECTION 119. IC 9-22-1-12, AS AMENDED BY P.L.131-2008, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. If a vehicle or a part tagged under section 11 of this chapter is not removed within the applicable period, the officer shall prepare a written abandoned vehicle report of the vehicle or parts, including information on the condition **and** missing parts. ~~and other facts that might substantiate the estimated market value of the vehicle or parts.~~ Photographs ~~shall~~ **may** be taken to describe the condition of the vehicle or parts.

SECTION 120. IC 9-22-1-13, AS AMENDED BY P.L.191-2007, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) If ~~in~~ the ~~opinion of the officer~~ **vehicle is a junk vehicle and** the market value of an abandoned vehicle or parts ~~determined in accordance with section 12 of this chapter~~ is less than:

(1) ~~five hundred dollars ($500);~~ **one thousand dollars ($1,000);** or

(2) in a municipality that has adopted an ordinance under subsection (b), the amount established by the ordinance;

the ~~officer~~ **towing service** shall immediately ~~dispose of~~ **transfer** the vehicle to a storage yard. A copy of the abandoned vehicle report and photographs, **if applicable,** relating to the abandoned vehicle shall be ~~forwarded~~ **provided** to the ~~bureau.~~ **storage yard.** A towing service **or storage yard** may dispose of an abandoned vehicle not less than thirty (30) days after the date on which the towing service removed the abandoned vehicle. A city, county, or town that operates a storage yard under IC 36-9-30-3 may dispose of an abandoned vehicle to an automobile scrapyard or an automotive salvage recycler upon removal of the abandoned vehicle. The public agency **or storage yard** disposing of the vehicle shall retain the original records and photographs for at least two (2) years. **If the vehicle is demolished, a**

copy of the abandoned vehicle report shall be forwarded to the bureau by the automobile scrap yard after the vehicle has been demolished.

(b) The legislative body of a municipality (as defined in IC 36-1-2-11) may adopt an ordinance that establishes the market value below which an officer may dispose of a vehicle or parts under subsection (a). However, the market value established by the ordinance may not be more than seven hundred fifty dollars ($750).

(c) When the bureau receives the report described in subsection (a), the bureau shall note the status of the vehicle in the records of the bureau.

SECTION 121. IC 9-22-1-14, AS AMENDED BY P.L.104-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. (a) If in the opinion of the officer the market value of the abandoned vehicle or parts ~~determined in accordance with section 12 of this chapter~~ is at least:

(1) ~~five hundred dollars ($500);~~ **one thousand dollars ($1,000);** or

(2) in a municipality that has adopted an ordinance under section 13(b) of this chapter, the amount established by the ordinance;

the officer, before placing a notice tag on the vehicle or parts, shall make a reasonable effort to ascertain the person who owns the vehicle or parts or who may be in control of the vehicle or parts.

(b) After seventy-two (72) hours, the officer shall require the vehicle or parts to be towed to a storage yard or towing service.

SECTION 122. IC 9-22-1-17, AS AMENDED BY P.L.191-2007, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. A towing service that tows a vehicle under section ~~5 or~~ 16 of this chapter shall give notice to the public agency that the abandoned vehicle is in the possession of the towing service.

SECTION 123. IC 9-22-1-19, AS AMENDED BY P.L.191-2007, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. (a) Within seventy-two (72) hours after removal of a vehicle to a storage yard or towing service under section ~~5,~~ 13, 14, or 16 of this chapter, the public agency or towing service shall ~~do the following:~~

~~(1) Prepare and forward to the bureau a report containing a description of the vehicle, including the following information concerning the vehicle:~~

~~(A) The make.~~

~~(B) The model.~~

~~(C) The identification number.~~

~~(D) The number of the license plate.~~

~~(2)~~ conduct a search of national data bases, including a data base of vehicle identification numbers, to attempt to obtain the **last state of record of the vehicle in order to attempt to ascertain the** name and address of the person who owns or holds a lien on the vehicle.

~~(b) Notwithstanding section 4 of this chapter, if the public agency or towing service fails to notify the bureau of the removal of an abandoned vehicle within seventy-two (72) hours after the vehicle is~~

~~removed as required by subsection (a), the public agency or towing service:~~

~~(1) may not initially collect more in reimbursement for the costs of storing the vehicle than the cost incurred for storage for seventy-two (72) hours; and~~

~~(2) subject to subsection (c), may collect further reimbursement under this chapter only for additional storage costs incurred after notifying the bureau of the removal of the abandoned vehicle.~~

~~(c) If the~~ **(b) A** public agency or towing service **that** obtains the name and address of the ~~person who owns~~ **owner of** or ~~holds a lien~~ **lienholder** on a vehicle ~~under subsection (a)(2), within~~ **shall, not later than** seventy-two (72) hours after obtaining the name and address, ~~the public agency or towing service shall, by certified mail~~ notify the person who owns or holds a lien on the vehicle of the:

(1) name;

(2) address; and

(3) telephone number;

of the public agency or towing service. **The notice must be made by certified mail or by means of an electronic service approved by the bureau.** Notwithstanding section 4 of this chapter, ~~and subsection (b)(2),~~ a public agency or towing service that fails to notify ~~a person who owns~~ **the owner of** or ~~holds a lien~~ **lienholder** on the vehicle as set forth in this subsection may not collect additional storage costs incurred after the date of receipt of the name and address obtained. ~~under subsection (a)(2).~~

~~(d) A towing service may not collect reimbursement under both subsections (b) and (c) for storage costs incurred during a particular period for one (1) vehicle.~~

SECTION 124. IC 9-22-1-21.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 21.5. (a) An individual, a firm, a limited liability company, or a corporation that performs labor, furnishes materials or storage, or does repair work on a motor vehicle, trailer, semitrailer, or recreational vehicle at the request of the person that owns the vehicle has a lien on the vehicle for the reasonable value of the charges for the labor, materials, storage, or repairs.**

(b) An individual, a firm, a partnership, a limited liability company, or a corporation that provides towing services for a motor vehicle, trailer, semitrailer, or recreational vehicle:

(1) at the request of the person that owns the motor vehicle, trailer, semitrailer, or recreational vehicle;

(2) at the request of an individual, a firm, a partnership, a limited liability company, or a corporation on whose property an abandoned motor vehicle, trailer, semitrailer, or recreational vehicle is located; or

(3) in accordance with this chapter;

has a lien on the vehicle for the reasonable value of the charges for the towing services and other related costs. An individual, a firm, a partnership, a limited liability company, or a corporation that obtains a lien for an abandoned vehicle under subdivision (2) must

comply with sections 16, 17, and 19 of this chapter.

(c) If:

(1) the charges made under subsection (a) or (b) are not paid; and

(2) the motor vehicle, trailer, semitrailer, or recreational vehicle is not claimed;

not later than thirty (30) days after the date on which the vehicle is left in or comes into the possession of the individual, firm, limited liability company, or corporation for repairs, storage, towing, or the furnishing of materials, the individual, firm, limited liability company, or corporation may advertise the vehicle for sale. The vehicle may not be sold earlier than fifteen (15) days after the date the advertisement required by subsection (d) has been placed or fifteen (15) days after notice required by subsection (e) has been sent, whichever is later.

(d) Before a vehicle may be sold under subsection (c), an advertisement must be placed in a newspaper that is printed in English and of general circulation in the city or town in which the place of business of the lienholder is located. If the lienholder is located outside the corporate limits of a city or a town, the advertisement must be placed in a newspaper of general circulation in the county in which the place of business of the lienholder is located. The advertisement must contain at least the following information:

(1) A description of the vehicle, including make, type, and manufacturer's identification number.

(2) The amount of the unpaid charges.

(3) The time, place, and date of the sale.

(e) In addition to the advertisement required under subsection (d), the person that holds the lien must:

(1) notify the owner of the vehicle and any other person that holds a lien of record at the owner's or other lienholder's last known address by certified mail, return receipt requested; or

(2) if the vehicle is an abandoned vehicle, provide notice as required under subdivision (1) if the location of the owner of the vehicle or a lienholder of record is determined by the bureau in a search under section 19 of this chapter;

that the vehicle will be sold at public auction on a specified date to satisfy the lien imposed by this section.

(f) A person that holds a lien of record on a vehicle subject to sale under this section may pay the storage, repair, towing, or service charges due. If the person that holds the lien of record elects to pay the charges due, the person is entitled to possession of the vehicle and becomes the holder of the lien imposed by this section.

(g) If the owner of a vehicle subject to sale under this section does not claim the vehicle and satisfy the lien on the vehicle, the vehicle may be sold at public auction to the highest and best bidder. A person that holds a lien under this section may purchase a vehicle subject to sale under this section.

(h) A person that holds a lien under this section may deduct and

retain the amount of the lien and the cost of the advertisement required under subsection (d) from the purchase price received for a vehicle sold under this section. After deducting from the purchase price the amount of the lien and the cost of the advertisement, the person shall pay the surplus of the purchase price to the owner of the vehicle if the owner's address or whereabouts are known. If the address or whereabouts of the owner of the vehicle are not known, the surplus of the purchase price shall be paid over to the clerk of the circuit court of the county in which the person that holds the lien has a place of business for the use and benefit of the owner of the vehicle.

(i) A person that holds a lien under this section shall execute and deliver to the purchaser of a vehicle under this section a sales certificate in the form designated by the bureau, setting forth the following information:

(1) The facts of the sale.

(2) The vehicle identification number.

(3) The certificate of title if available.

(4) A certificate from the newspaper showing that the advertisement was made as required under subsection (d).

Whenever the bureau receives an application for certificate of title accompanied by these items from the purchaser, the bureau shall issue a certificate of title for the vehicle under IC 9-17.

(j) A person that knowingly, intentionally, or recklessly violates this section commits a Class A misdemeanor.

SECTION 125. IC 9-22-1-23, AS AMENDED BY P.L.191-2007, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 23. (a) This section applies to a city, town, or county.

(b) Except as provided in subsection (c), if the person who owns or holds a lien upon a vehicle does not appear within twenty (20) days after the mailing of a notice **or the notification made by electronic service** under section 19 of this chapter, the unit may sell the vehicle or parts by either of the following methods:

(1) The unit may sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1, except that only one (1) newspaper insertion one (1) week before the public sale is required.

(2) The unit may sell the vehicle or part as unclaimed property under IC 36-1-11. The twenty (20) day period for the property to remain unclaimed is sufficient for a sale under this subdivision.

(c) This subsection applies to a consolidated city or county containing a consolidated city. If the person who owns or holds a lien upon a vehicle does not appear within fifteen (15) days after the mailing of a notice **or the notification made by electronic service** under section 19 of this chapter, the unit may sell the vehicle or parts by either of the following methods:

(1) The unit may sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1, except that only one (1) newspaper insertion one (1) week before the public sale is required.

(2) The unit may sell the vehicle or part as unclaimed property under IC 36-1-11. The fifteen (15) day period for the property to remain unclaimed is sufficient for a sale under this subdivision.

SECTION 126. IC 9-22-1.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. The property owner shall:

(1) request that a search be performed in the records of the bureau for the name and address of the owner of the mobile home and the name and address of any person holding a lien or security interest on the mobile home;

(2) after receiving the results of the search required by subdivision (1), give notice by certified mail, return receipt requested, or in person, to the last known address of the owner of the mobile home, to any lien holder with a perfected security interest in the mobile home and to all other persons known to claim an interest in the mobile home. The notice must include a description of the mobile home, a demand that the mobile home be removed within a specified time not less than ten (10) days after receipt of the notice, and a conspicuous statement that unless the mobile home is removed within that time, the mobile home will be advertised for sale and offered for sale by auction at a specified time and place;

(3) advertise that the mobile home will be offered for sale at public auction in conformity with IC 26-1-7-210 and IC 26-1-2-328. The advertisement of sale must be published once a week for two (2) consecutive weeks in a newspaper of general circulation in the county where the mobile home has been left without permission. The advertisement must include a description of the mobile home, the name of the owner of the mobile home, if ascertainable, and the time and place of the sale. The sale must take place at least fifteen (15) days after the first publication. If there is no newspaper of general circulation where the sale is to be held, the advertisement must be posted at least ten (10) days before the sale in not less than six (6) conspicuous places in the neighborhood of the proposed sale;

(4) conduct an auction, not less than thirty (30) days after the return receipt is received by the property owner, on the property where the mobile home was left without permission;

(5) provide a reasonable time before the sale for prospective purchasers to examine the mobile home;

(6) sell the mobile home to the highest bidder, if any; and

(7) immediately after the auction, execute an affidavit of sale or disposal ~~in triplicate~~ on a form prescribed by the bureau stating:

(A) that the requirements of this section have been met;

(B) the length of time that the mobile home was left on the property without permission;

(C) any expenses incurred by the property owner, including the expenses of the sale;

(D) the name and address of the purchaser of the mobile home at the auction, if any; and

(E) the amount of the winning bid, if any.

If the auction produces no purchaser, the property owner shall note that fact on the affidavit. The property owner shall list the property owner, or any donee, as the purchaser on the affidavit of sale or disposal.

SECTION 127. IC 9-22-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Except as provided in subsection (b), ~~and section 14 of this chapter,~~ this chapter applies each year to a motor vehicle, semitrailer, or recreational vehicle manufactured within the last seven (7) model years, including the current model year. The bureau shall establish guidelines for determining the applicability of the model year effective dates for each year.

(b) The bureau may extend the model years to be covered each year by this chapter up to a maximum of fifteen (15) model years, which includes the current model year. ~~after doing the following:~~

~~(1) Conducting a public hearing.~~

~~(2) Giving reasonable notice to known businesses affected by this chapter.~~

SECTION 128. IC 9-22-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. The bureau shall issue a certificate of salvage title as proof of ownership for a salvage motor vehicle when the acquiring insurance company, disposal facility, or person does the following:

(1) Applies for the certificate of salvage title.

(2) Pays the appropriate fee under IC 9-29-7.

(3) Surrenders the motor vehicle's original certificate of title ~~The certificate of title must be properly notarized~~ or ~~include the affidavit of the last person who owned the vehicle, the person's legal representative, or legal successor in interest of the vehicle, or~~ other ~~acceptable~~ proof of ownership as determined by the bureau.

SECTION 129. IC 9-22-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. A certificate of salvage title issued under section 4 of this chapter must contain the following information:

(1) The same vehicle information as a certificate of title issued by the ~~department.~~ **bureau.**

(2) The notation "SALVAGE TITLE" prominently recorded on the front and back of the title.

(3) If the motor vehicle is a flood damaged vehicle, the notation "FLOOD DAMAGED" prominently recorded on the front and back of the title.

SECTION 130. IC 9-22-3-9 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 9. If a dealer purchases a salvage motor vehicle subject to section 8 of this chapter and applies for a certificate of dealer title, the affidavit attached to the certificate of salvage title must also be attached to the certificate of dealer title. The bureau must retain the affidavit or a microfilm copy of the form for ten (10) years.~~

SECTION 131. IC 9-22-3-10 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) If a certificate of salvage title is lost, mutilated, or destroyed or becomes illegible, the person who owns the vehicle or the legal representative or legal successor in interest of the person who owns the motor vehicle, semitrailer, or recreational vehicle for which the certificate of salvage title was issued, as shown by the records of the bureau, ~~of motor vehicles,~~ shall immediately apply for a duplicate certificate of salvage title.

(b) A person described in subsection (a) may obtain a duplicate certificate of salvage title when the person furnishes information concerning the loss, mutilation, destruction, or illegibility satisfactory to the ~~department~~ **bureau** and pays the fee set forth in IC 9-29-7. Upon the issuance of a duplicate certificate of salvage title, the most recent certificate of salvage title issued is considered void by the ~~department.~~ **bureau.**

(c) A certificate of salvage title issued under this section must have recorded upon the title's face and back the words "DUPLICATE SALVAGE TITLE".

(d) If the lost, mutilated, destroyed, or illegible certificate of salvage title contained the notation "FLOOD DAMAGED", the duplicate certificate of salvage title must have recorded upon the title's face and back the words "FLOOD DAMAGED".

SECTION 132. IC 9-22-3-11, AS AMENDED BY P.L.110-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) This section applies to the following persons:

(1) An insurance company that declares a wrecked or damaged motor vehicle, motorcycle, semitrailer, or recreational vehicle that meets at least one (1) of the criteria set forth in section 3 of this chapter and the ownership of which is not evidenced by a certificate of salvage title.

(2) An insurance company that has made and paid an agreed settlement for the loss of a stolen motor vehicle, motorcycle, semitrailer, or recreational vehicle that:

(A) has been recovered by the titled owner; and

(B) meets at least one (1) of the criteria set forth in section 3 of this chapter.

(b) A person who owns or holds a lien upon a vehicle described in subsection (a) shall assign the certificate of title to the insurance company described in subsection (a). The insurance company shall apply to the bureau within thirty-one (31) days after receipt of the certificate of title for a certificate of salvage title for each salvage or stolen vehicle subject to this chapter. The insurance company shall surrender the certificate of title to the ~~department~~ **bureau** and pay the fee prescribed under IC 9-29-7 for a certificate of salvage title.

(c) When the owner of a vehicle described in subsection (a) retains possession of the vehicle:

(1) the person who possesses the certificate of title shall surrender the certificate of title to the insurance company described in subdivision (2);

(2) the insurance company that completes an agreed settlement for the vehicle shall:

(A) obtain the certificate of title; and

(B) submit to the bureau:

(i) the certificate of title;

(ii) the appropriate fee; and

(iii) a request for a certificate of salvage title on a form prescribed by the bureau; and

(3) after the bureau has received the items set forth in subdivision (2)(B), the bureau shall issue a certificate of salvage title to the owner.

(d) When a self-insured entity is the owner of a salvage motor vehicle, motorcycle, semitrailer, or recreational vehicle that meets at least one (1) of the criteria set forth in section 3 of this chapter, the self-insured entity shall apply to the bureau within thirty-one (31) days after the date of loss for a certificate of salvage title in the name of the self-insured entity's name.

(e) Any other person acquiring a wrecked or damaged motor vehicle, motorcycle, semitrailer, or recreational vehicle that meets at least one (1) of the criteria set forth in section 3 of this chapter, which acquisition is not evidenced by a certificate of salvage title, shall apply to the bureau within thirty-one (31) days after receipt of the certificate of title for a certificate of salvage title.

(f) A person that violates this section commits a Class D infraction.

SECTION 133. IC 9-22-3-12 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 12. The owner of a salvage motor vehicle not covered by this chapter, either because a salvage transaction had taken place before September 1, 1975, or because the vehicle is too old, is not required to obtain a certificate of salvage title for the vehicle.~~

SECTION 134. IC 9-22-3-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. A scrap metal processor or other appropriate facility that purchases or acquires a salvage motor vehicle that has been totally demolished or destroyed as a result of normal processing performed by a disposal facility is not required to apply for and receive a certificate of salvage title for the vehicle. **The facility or processor that performed the processing that resulted in the vehicle being demolished or destroyed shall surrender the certificate of title, the certificate of authority, or the certificate of salvage title to the bureau.** The disposal facility shall maintain the records prescribed by the bureau for a totally demolished or destroyed vehicle.

SECTION 135. IC 9-22-3-14 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 14. (a) This section applies to all salvage motor vehicles.~~

~~(b) Whenever a salvage motor vehicle is totally demolished or destroyed by a disposal facility, scrap metal processor, or other appropriate facility, the facility or processor shall surrender the certificate of title and certificate of salvage title to the bureau.~~

SECTION 136. IC 9-22-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. (a) Except as provided in subsection (b), a certificate of title issued under section 8

~~9,~~ or 15 of this chapter and a certificate of title subsequently issued must conspicuously bear the designation:

(1) "REBUILT VEHICLE--MILEAGE ~~UNKNOWN"~~ **NOT ACTUAL"** if the motor vehicle is not a flood damaged vehicle; or

(2) "REBUILT FLOOD DAMAGED VEHICLE" if the motor vehicle is a flood damaged vehicle.

(b) An insurance company authorized to do business in Indiana may obtain a certificate of title that does not bear the designation if the company submits to the bureau, in the form and manner the bureau requires, satisfactory evidence that the damage to a recovered stolen motor vehicle did not meet the criteria set forth in section 3 of this chapter.

(c) An affidavit submitted under section 8 ~~or 9~~ of this chapter must conspicuously bear the designation:

(1) "REBUILT VEHICLE"~~-- MILEAGE UNKNOWN"~~ if the motor vehicle is not a flood damaged vehicle; or

(2) "REBUILT FLOOD DAMAGED VEHICLE" if the motor vehicle is a flood damaged vehicle.

(d) A certificate of title for a salvage motor vehicle issued under subsection (a) may not designate the mileage of the vehicle.

SECTION 137. IC 9-22-3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. (a) Except as provided in subsection (b), whenever a certificate of title is issued for a ~~motor~~ vehicle that was previously titled in another state or jurisdiction and the certificate of title from the other state or jurisdiction contains a "REBUILT", ~~"RECONSTRUCTED",~~ "RECONDITIONED", "DISTRESSED VEHICLE", or similar designation, a new and subsequent certificate of title must conspicuously bear the designation "REBUILT VEHICLE".

(b) Whenever a certificate of title is issued for a ~~motor~~ vehicle described in subsection (a) that was previously titled in another state or jurisdiction and the certificate of title from the other state or jurisdiction contains a designation that indicates that the ~~motor~~ vehicle is a flood damaged vehicle, a new and subsequent certificate of title must conspicuously bear the designation "REBUILT FLOOD DAMAGED VEHICLE".

SECTION 138. IC 9-22-3-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18. A vehicle that has been designated "JUNK", **"DISMANTLED", "SCRAP", "DESTROYED", or any similar designation** in another state or jurisdiction ~~may~~ **shall** not be titled in Indiana.

SECTION 139. IC 9-22-3-18.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 18.5. (a) This section does not apply to a person who sells, exchanges, or transfers golf carts.**

(b) A seller that is:

(1) a dealer; or

(2) another person who sells, exchanges, or transfers at least five (5) vehicles each year;

may not sell, exchange, or transfer a rebuilt vehicle without disclosing in writing to the purchaser, customer, or transferee before consummating the sale, exchange, or transfer, the fact that the vehicle is a rebuilt vehicle if the dealer or other person knows or should reasonably know the vehicle is a rebuilt vehicle.

SECTION 140. IC 9-22-3-33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 33. A person who violates section 4, 5, 6, 7, **or** 8 **of this chapter** (or **section** 9 of this chapter **before its repeal)** commits a Class D felony.

SECTION 141. IC 9-22-5-1 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 1. The following officers may act for their respective units of government under this chapter:~~

~~(1) The sheriff, for a county.~~

~~(2) The chief of police, for a city.~~

~~(3) A town marshal, for a town.~~

~~(4) A township trustee, for a township.~~

~~(5) A state police officer, for the state.~~

SECTION 142. IC 9-22-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. A:

(1) person, firm, corporation, limited liability company, or unit of government upon whose property or in whose possession is found an abandoned ~~motor~~ vehicle; or

(2) person who owns a ~~motor~~ vehicle that has a title that is faulty, lost, or destroyed;

may apply ~~to the sheriff of the county in which the motor vehicle is located~~ **in accordance with this chapter** for authority to sell, give away, or dispose of the ~~motor~~ vehicle for scrap metal.

SECTION 143. IC 9-22-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. The application required under section 2 of this chapter shall be made in ~~duplicate upon forms~~ **a manner** prescribed ~~and furnished~~ by the bureau. ~~One (1) copy of~~ The application shall be filed with the bureau. ~~and one (1) copy of the application shall be retained by the sheriff.~~

SECTION 144. IC 9-22-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The application required under section 2 of this chapter must include the following information:

(1) The name and address of the applicant.

(2) The year, make, model, and ~~engine number~~ **vehicle identification number** of the ~~motor~~ vehicle, if ascertainable, together with any other identifying features.

(3) A concise statement of the facts surrounding the abandonment of the ~~motor~~ vehicle, that the title of the ~~motor~~ vehicle is lost or destroyed, or the reasons for the defect of title in the owner of the ~~motor~~ vehicle.

(b) The person making the application required under section 2 of this chapter shall execute an affidavit stating that the facts alleged in the application are true and that no material fact has been withheld.

SECTION 145. IC 9-22-5-5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 5. (a) The sheriff shall examine each application made~~

~~under section 2 of this chapter. If the sheriff finds that the application:~~

~~(1) is executed in proper form; and~~

~~(2) shows that the motor vehicle described in the application has been abandoned upon the property of the person making the application or that the person making the application is the person who owns the motor vehicle;~~

~~the sheriff shall prepare a written notice.~~

~~(b) The notice required under subsection (a) must include the following information:~~

~~(1) The name and address of the applicant.~~

~~(2) The year, make, model, and engine number of the motor vehicle, if ascertainable, together with any other identifying features of the motor vehicle.~~

~~(3) That the motor vehicle has been abandoned, that the title to the motor vehicle is lost or destroyed, or that there is a defect of the title in the person who owns the motor vehicle.~~

~~(4) That the motor vehicle will be sold for scrap metal unless a claim or protest is made.~~

~~(c) The sheriff shall, within five (5) days after receiving an application required under section 2 of this chapter, cause the notice required under subsection (a) to be distributed as follows:~~

~~(1) Posted at the door of the courthouse for a period of thirty (30) days before sale.~~

~~(2) Published once in a newspaper of general circulation of the county in which the motor vehicle is located at least thirty (30) days before sale.~~

~~(3) Sent to the last person who owned the motor vehicle, if known.~~

SECTION 146. IC 9-22-5-6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 6. If an abandoned motor vehicle for which an application for sale under this chapter has been filed is claimed by the person who owns the motor vehicle before the sale occurs and the person provides satisfactory evidence of ownership to the sheriff, the motor vehicle shall be returned to the person upon payment by the person of the costs of preserving the motor vehicle during the period of abandonment, together with the costs of publication of notice.~~

SECTION 147. IC 9-22-5-7 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 7. If a claim or protest is not made before sale, the person who filed the application required under section 2 of this chapter shall, upon payment of the costs of publication of notice, be given a certificate of authority to sell the motor vehicle to a licensed junk dealer or an established automobile wrecker for scrap metal. The licensed junk dealer or established automobile wrecker shall accept the sheriff's certificate of authority instead of the certificate of title to the motor vehicle.~~

SECTION 148. IC 9-22-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. The certificate of authority **to scrap or dismantle the vehicle** required under ~~section 7 of~~ this chapter shall be made ~~in triplicate~~ on forms prescribed and furnished by the bureau. The certificate of authority must contain the

following information:

(1) The name and address of the person who filed the application required under section 2 of this chapter.

(2) The year, make, model, and ~~engine number,~~ **vehicle identification number,** if ascertainable, together with any other identifying features of the ~~motor~~ vehicle that has been authorized to be sold for scrap metal.

SECTION 149. IC 9-22-5-9 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 9. The sheriff shall retain one (1) copy of the certificate of authority required under section 7 of this chapter. The sheriff shall send one (1) copy of the certificate of authority to the bureau.~~

SECTION 150. IC 9-22-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. After a certificate of authority required under ~~section 7 of~~ this chapter has been delivered to the bureau ~~under section 9 of this chapter,~~ **by the automobile scrapyard,** a certificate of title may not be issued for the ~~motor~~ vehicle **that is** described in the certificate of authority **and is noted in the records of the bureau as "junk".**

SECTION 151. IC 9-22-5-11 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 11. A fee may not be charged for the filing of an application under section 2 of this chapter or for the issuance of a certificate of authority under section 7 of this chapter.~~

SECTION 152. IC 9-22-5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. The person who:

(1) owns a ~~motor~~ vehicle that has a title that is faulty, lost, or destroyed; and

(2) sells the ~~motor~~ vehicle under this chapter may retain the proceeds of the sale for the person's use and benefit.

SECTION 153. IC 9-22-5-13, AS AMENDED BY P.L.246-2005, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) A person not described in section 12 of this chapter who sells ~~an abandoned motor~~ **a** vehicle under this chapter may retain from the proceeds of sale the cost of publication of notice and the cost of preserving the motor vehicle during the period of the vehicle's abandonment. The person shall pay the remaining balance of the proceeds of the sale to the circuit court clerk of the county in which the ~~abandoned motor~~ vehicle is located.

(b) At any time within ten (10) years after the money is paid to the clerk, the person who owns the ~~abandoned motor~~ vehicle sold under this chapter may make a claim with the clerk for the sale proceeds deposited with the clerk. If ownership of the proceeds is established to the satisfaction of the clerk, the clerk shall pay the proceeds to the person who owns the ~~abandoned motor~~ vehicle.

(c) If a claim for the proceeds of the sale of ~~an abandoned motor~~ **a** vehicle under subsection (b) is not made within ten (10) years, claims for the proceeds are barred. The clerk shall notify the attorney general and upon demand pay the proceeds to the attorney general. The attorney general shall turn the proceeds over to the treasurer of state. The proceeds vest in and escheat to the state general fund.

SECTION 154. IC 9-22-5-14 IS REPEALED [EFFECTIVE JULY

1, 2012]. ~~Sec. 14. (a) An individual, a firm, a limited liability company, or a corporation engaged in the business of storing, furnishing supplies for, or repairing motor vehicles, trailers, semitrailers, or recreational vehicles shall obtain the name and address of the person who owns a motor vehicle, trailer, semitrailer, or recreational vehicle that is left in the custody of the individual, firm, limited liability company, or corporation for storage, furnishing of supplies, or repairs at the time the motor vehicle is left.~~

~~(b) The individual, firm, limited liability company, or corporation shall record in a book the following information concerning the motor vehicle:~~

~~(1) The name and address of the person who owns the motor vehicle.~~

~~(2) The license number of the motor vehicle.~~

~~(3) The date on which the motor vehicle was left.~~

~~(c) The book shall be provided and kept by the individual, firm, limited liability company, or corporation and shall be open for inspection by an authorized police officer of the state or of a city or town or by the county sheriff.~~

~~(d) If a motor vehicle, trailer, semitrailer, or recreational vehicle is stored by the week or by the month, only one (1) entry on the book is required for the period of time during which the motor vehicle is stored.~~

SECTION 155. IC 9-22-5-15 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 15. (a) An individual, a firm, a limited liability company, or a corporation that performs labor, furnishes materials or storage, or does repair work on a motor vehicle, trailer, semitrailer, or recreational vehicle at the request of the person who owns the vehicle has a lien on the vehicle to the reasonable value of the charges for the labor, materials, storage, or repairs.~~

~~(b) An individual, a firm, a partnership, a limited liability company, or a corporation that provides towing services for a motor vehicle, trailer, semitrailer, or recreational vehicle:~~

~~(1) at the request of the person who owns the motor vehicle, trailer, semitrailer, or recreational vehicle;~~

~~(2) at the request of an individual, a firm, a partnership, a limited liability company, or a corporation on whose property an abandoned motor vehicle, trailer, semitrailer, or recreational vehicle is located; or~~

~~(3) in accordance with IC 9-22-1;~~

~~has a lien on the vehicle for the reasonable value of the charges for the towing services and other related costs. An individual, a firm, a partnership, a limited liability company, or a corporation that obtains a lien for an abandoned vehicle under subdivision (2) must comply with IC 9-22-1-4, IC 9-22-1-16, IC 9-22-1-17, and IC 9-22-1-19.~~

~~(c) If:~~

~~(1) the charges made under subsection (a) or (b) are not paid; and~~

~~(2) the motor vehicle, trailer, semitrailer, or recreational vehicle is not claimed;~~

~~within thirty (30) days from the date on which the vehicle was left in~~

~~or came into the possession of the individual, firm, limited liability company, or corporation for repairs, storage, towing, or the furnishing of materials, the individual, firm, limited liability company, or corporation may advertise the vehicle for sale. The vehicle may not be sold before fifteen (15) days after the date the advertisement required by subsection (d) has been placed or after notice required by subsection (e) has been sent, whichever is later.~~

~~(d) Before a vehicle may be sold under subsection (c), an advertisement must be placed in a newspaper of general circulation printed in the English language in the city or town in which the lienholder's place of business is located. The advertisement must contain at least the following information:~~

~~(1) A description of the vehicle, including make, type, and manufacturer's identification number.~~

~~(2) The amount of the unpaid charges.~~

~~(3) The time, place, and date of the sale.~~

~~(e) In addition to the advertisement required under subsection (d), the person who holds the mechanic's lien must:~~

~~(1) notify the person who owns the vehicle and any other person who holds a lien of record at the person's last known address by certified mail, return receipt requested; or~~

~~(2) if the vehicle is an abandoned motor vehicle, provide notice as required under subdivision (1) if the location of the owner of the motor vehicle or a lienholder of record is determined by the bureau in a search under IC 9-22-1-19;~~

~~that the vehicle will be sold at public auction on a specified date to satisfy the lien imposed by this section.~~

~~(f) A person who holds a lien of record on a vehicle subject to sale under this section may pay the storage, repair, towing, or service charges due. If the person who holds the lien of record elects to pay the charges due, the person is entitled to possession of the vehicle and becomes the holder of the mechanic's lien imposed by this section.~~

~~(g) If the person who owns a vehicle subject to sale under this section does not claim the vehicle and satisfy the lien on the vehicle, the vehicle may be sold at public auction to the highest and best bidder for cash. A person who holds a mechanic's lien under this section may purchase a vehicle subject to sale under this section.~~

~~(h) A person who holds a mechanic's lien under this section may deduct and retain the amount of the lien and the cost of the advertisement required under subsection (d) from the purchase price received for a vehicle sold under this section. After deducting from the purchase price the amount of the lien and the cost of the advertisement, the person shall pay the surplus of the purchase price to the person who owns the vehicle if the person's address or whereabouts is known. If the address or whereabouts of the person who owns the vehicle is not known, the surplus of the purchase price shall be paid over to the clerk of the circuit court of the county in which the person who holds the mechanic's lien has a place of business for the use and benefit of the person who owns the vehicle.~~

~~(i) A person who holds a mechanic's lien under this section shall~~

~~execute and deliver to the purchaser of a vehicle under this section a sales certificate in the form designated by the bureau, setting forth the following information:~~

~~(1) The facts of the sale.~~

~~(2) The vehicle identification number.~~

~~(3) The certificate of title if available.~~

~~(4) A certificate from the newspaper showing that the advertisement was made as required under subsection (d).~~

~~Whenever the bureau receives from the purchaser an application for certificate of title accompanied by these items, the bureau shall issue a certificate of title for the vehicle under IC 9-17.~~

SECTION 156. IC 9-22-5-16 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 16. (a) This section does not apply to a person who sells, exchanges, or transfers golf carts.~~

~~(b) A seller that is:~~

~~(1) a dealer; or~~

~~(2) another person who sells, exchanges, or transfers at least five (5) vehicles each year;~~

~~may not sell, exchange, or transfer a rebuilt vehicle without disclosing in writing to the purchaser, customer, or transferee, before consummating the sale, exchange, or transfer, the fact that the vehicle is a rebuilt vehicle if the dealer or other person knows or should reasonably know the vehicle is a rebuilt vehicle.~~

SECTION 157. IC 9-22-5-17 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 17. A person who recklessly violates section 14 or 15 of this chapter commits a Class A misdemeanor.~~

SECTION 158. IC 9-22-6 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 6. Mechanic's Liens for Vehicles

Sec. 1. (a) An individual, a firm, a limited liability company, or a corporation engaged in the business of storing, furnishing supplies for, or repairing motor vehicles, trailers, semitrailers, or recreational vehicles shall obtain the name and address of the person that owns a motor vehicle, trailer, semitrailer, or recreational vehicle that is left in the custody of the individual, firm, limited liability company, or corporation for storage, furnishing of supplies, or repairs at the time the vehicle is left.

(b) The individual, firm, limited liability company, or corporation shall record in a book the following information concerning the vehicle described in subsection (a):

(1) The name and address of the person that owns the vehicle.

(2) The license number of the vehicle.

(3) The date on which the vehicle was left.

(c) The book shall be provided and kept by the individual, firm, limited liability company, or corporation and must be open for inspection by an authorized police officer of the state, a city, or a town or by the county sheriff.

(d) If a motor vehicle, trailer, semitrailer, or recreational vehicle is stored by the week or by the month, only one (1) entry on the book is required for the time during which the vehicle is stored.

Sec. 2. (a) An individual, a firm, a limited liability company, or a corporation that performs labor, furnishes materials or storage, or does repair work on a motor vehicle, trailer, semitrailer, or recreational vehicle at the request of the person that owns the vehicle has a mechanic's lien on the vehicle for the reasonable value of the charges for the labor, materials, storage, or repairs.

(b) An individual, a firm, a partnership, a limited liability company, or a corporation that provides towing services for a motor vehicle, trailer, semitrailer, or recreational vehicle at the request of the person that owns the motor vehicle, trailer, semitrailer, or recreational vehicle has a mechanic's lien on the vehicle for the reasonable value of the charges for the towing services and other related costs.

(c) If:

(1) the charges made under subsection (a) or (b) are not paid; and

(2) the motor vehicle, trailer, semitrailer, or recreational vehicle is not claimed;

not later than thirty (30) days after the date on which the vehicle is left in or comes into the possession of the individual, firm, limited liability company, or corporation for repairs, storage, towing, or the furnishing of materials, the individual, firm, limited liability company, or corporation may advertise the vehicle for sale. The vehicle may not be sold earlier than fifteen (15) days after the date the advertisement required by subsection (d) has been placed or fifteen (15) days after notice required by subsection (e) has been sent, whichever is later.

(d) Before a vehicle may be sold under subsection (c), an advertisement must be placed in a newspaper that is printed in English and of general circulation in the city or town in which the lienholder's place of business is located. If the lienholder is located outside the corporate limits of a city or a town, the advertisement must be placed in a newspaper of general circulation in the county in which the place of business of the lienholder is located. The advertisement must contain at least the following information:

(1) A description of the vehicle, including make, type, and manufacturer's identification number.

(2) The amount of the unpaid charges.

(3) The time, place, and date of the sale.

(e) In addition to the advertisement required under subsection (d), the person that holds the mechanic's lien must notify the person that owns the vehicle and any other person that holds a lien of record at the person's last known address by certified mail, return receipt requested, that the vehicle will be sold at public auction on a specified date to satisfy the mechanic's lien imposed by this section.

(f) A person that holds a mechanic's lien of record on a vehicle subject to sale under this section may pay the storage, repair, towing, or service charges due. If the person that holds the mechanic's lien of record elects to pay the charges due, the person is entitled to possession of the vehicle and becomes the holder of the

mechanic's lien imposed by this section.

(g) If the person that owns a vehicle subject to sale under this section does not claim the vehicle and satisfy the mechanic's lien on the vehicle, the vehicle may be sold at public auction to the highest and best bidder. A person that holds a mechanic's lien under this section may purchase a vehicle subject to sale under this section.

(h) A person that holds a mechanic's lien under this section may deduct and retain the amount of the mechanic's lien and the cost of the advertisement required under subsection (d) from the purchase price received for a vehicle sold under this section. After deducting from the purchase price the amount of the mechanic's lien and the cost of the advertisement, the person shall pay the surplus of the purchase price to the person that owns the vehicle if the person's address or whereabouts are known. If the address or whereabouts of the person that owns the vehicle are not known, the surplus of the purchase price shall be paid over to the clerk of the circuit court of the county in which the person that holds the mechanic's lien has a place of business for the use and benefit of the person that owns the vehicle.

(i) A person that holds a mechanic's lien under this section shall execute and deliver to the purchaser of a vehicle under this section a sales certificate in the form designated by the bureau, setting forth the following information:

(1) The facts of the sale.

(2) The vehicle identification number.

(3) The certificate of title if available.

(4) A certification from the newspaper showing that the advertisement was made as required under subsection (d).

(5) Any other information that the bureau requires.

Whenever the bureau receives from the purchaser an application for certificate of title accompanied by these items, the bureau shall issue a certificate of title for the vehicle under IC 9-17.

Sec. 3. A person that knowingly, intentionally, or recklessly violates section 1 or 2 of this chapter commits a Class A misdemeanor.

SECTION 159. IC 9-24-1-1, AS AMENDED BY P.L.109-2011, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. Except as **otherwise** 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 endorsement; ~~or~~

(6) learner's permit; **or**

(7) motorcycle 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 160. IC 9-24-1-1.5 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.5. ~~(a) This section applies after December 31, 2005.~~

~~(b)~~ **(a)** The standards set forth in IC 3-5-5 to determine the residence of an individual applying to become a voter apply to the determination of the residence of an individual applying for a license under this article.

~~(c)~~ **(b)** This section does not prevent the ~~commission~~ **bureau** from issuing a license under this article to an individual who is:

(1) not required by this article to reside in Indiana to receive the license; and

(2) otherwise qualified to receive the license.

SECTION 161. IC 9-24-1-2 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 2. Except as provided in section 7 of this chapter, an individual must have a valid Indiana chauffeur's license to operate a motor vehicle as a chauffeur upon an Indiana highway.~~

SECTION 162. IC 9-24-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. Except as **otherwise** provided in ~~section 7 of~~ this chapter, an individual must:

(1) have a valid Indiana ~~operator's, chauffeur's, or public passenger chauffeur's~~ **driver's** license; and

(2) be at least eighteen (18) years of age;

to drive a medical services vehicle upon an Indiana highway.

SECTION 163. IC 9-24-1-5, AS AMENDED BY P.L.109-2011, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 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, a public passenger chauffeur's, or a commercial driver's license with a motorcycle endorsement.

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

(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,~~ **December 31,** 2011, must hold ~~an~~ **a valid** 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 ~~June 30,~~ **December 31,** 2011, **without restrictions.**

SECTION 164. IC 9-24-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) Except as provided in subsection (b) **or as otherwise provided in this article,** an individual must hold a valid ~~Indiana~~ commercial driver's license ~~issued by the bureau under this article~~ to drive a commercial motor vehicle ~~after March 31, 1992,~~ upon an Indiana highway.

(b) Subsection (a) does not apply ~~to an individual~~ if the individual:

(1) holds a valid driver's license of any type;

(2) is enrolled in a commercial motor vehicle training course approved by the bureau; and

(3) is operating a commercial motor vehicle under the direct supervision of a licensed commercial motor vehicle driver.

SECTION 165. IC 9-24-1-7, AS AMENDED BY SEA 113-2012, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) Sections 1 through 5 of this chapter do not apply to the following individuals:

(1) An individual in the service of the armed forces of the United States while operating an official motor vehicle in that service.

(2) An individual while operating:

(A) a road roller;

(B) road construction or maintenance machinery, except where the road roller or machinery is required to be registered under Indiana law;

(C) a ditch digging apparatus;

(D) a well drilling apparatus;

(E) a concrete mixer; or

(F) a farm tractor, a farm wagon (as defined in IC 9-13-2-60(a)(2)), or an implement of agriculture designed to be operated primarily in a farm field or on farm premises;

that is being temporarily drawn, moved, or propelled on a public highway. However, to operate a farm wagon (as defined in IC 9-13-2-60(a)(2)) on a highway, an individual must be at least fifteen (15) years of age.

(3) A nonresident who:

(A) is at least sixteen (16) years and one (1) month of age;

(B) has in the nonresident's immediate possession a valid ~~operator's~~ **driver's** license that was issued to the nonresident in the nonresident's home state or country; and

(C) is lawfully admitted into the United States;

while operating a motor vehicle ~~in Indiana~~ **upon a public highway** only as an operator.

(4) A nonresident who:

(A) is at least eighteen (18) years of age;

(B) has in the nonresident's immediate possession a valid chauffeur's license that was issued to the nonresident in the nonresident's home state or country; and

(C) is lawfully admitted into the United States;

while operating a motor vehicle upon a public highway, either as an operator or a chauffeur.

(5) A nonresident who:

(A) is at least eighteen (18) years of age; and

(B) has in the nonresident's immediate possession a valid license issued by the nonresident's home state for the operation of any motor vehicle upon a public highway when in use as a public passenger carrying vehicle;

while operating a motor vehicle upon a public highway, **either as an operator or a public passenger chauffeur.**

(6) An individual who is legally licensed to operate a motor vehicle in the state of the individual's residence and who is employed in Indiana, subject to the restrictions imposed by the state of the individual's residence.

(7) A new resident of Indiana who possesses ~~an unexpired~~ **a**

valid, unrestricted driver's license issued by the resident's former state of residence, for a period of sixty (60) days after becoming a resident of Indiana.

(8) An individual who is an engineer, a conductor, a brakeman, or another member of the crew of a locomotive or a train that is being operated upon rails, including the operation of the locomotive or the train on a crossing over a street or a highway. An individual described in this subdivision is not required to display a license to a law enforcement officer in connection with the operation of a locomotive or a train in Indiana.

(b) An ordinance adopted under IC 9-21-1-3 (a)(14) or IC 9-21-1-3.3(a) must require that an individual who operates a golf cart in the city, county, or town hold a driver's license.

SECTION 166. IC 9-24-2-1, AS AMENDED BY P.L.1-2006, SECTION 165, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) ~~A driver's license or a~~ **The bureau shall suspend the driving privileges or invalidate the** learner's permit ~~may not be issued to~~ **of** an individual less than eighteen (18) years of age who meets any of the following conditions:

(1) Is a habitual truant under IC 20-33-2-11.

(2) Is under at least a second suspension from school for the school year under IC 20-33-8-14 or IC 20-33-8-15.

(3) Is under an expulsion from school under IC 20-33-8-14, IC 20-33-8-15, or IC 20-33-8-16.

(4) Is considered a dropout under IC 20-33-2-28.5.

(b) At least five (5) days before holding an exit interview under IC 20-33-2-28.5, the school corporation shall give notice by certified mail or personal delivery to the student, the student's parent, or the student's guardian that the student's failure to attend an exit interview under IC 20-33-2-28.5 or return to school if the student does not meet the requirements to withdraw from school under IC 20-33-2-28.5 will result in the revocation or denial of the student's:

(1) driver's license or learner's permit; and

(2) employment certificate.

SECTION 167. IC 9-24-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. ~~A driver's license or a~~ **The bureau shall suspend the driving privileges or invalidate the** learner's permit ~~may not be issued to~~ **of** an individual less than eighteen (18) years of age who is under an order entered by a juvenile court under IC 31-37-19-13 through IC 31-37-19-17 (or IC 31-6-4-15.9(d), IC 31-6-4-15.9(e), or IC 31-6-4-15.9(f) before their repeal).

SECTION 168. IC 9-24-2-2.5, AS AMENDED BY P.L.3-2008, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.5. (a) ~~An operator's license or a~~ **The bureau shall suspend the driving privileges or invalidate the** learner's permit ~~may not be issued to~~ **of** an individual who is under an order entered by a court under IC 35-43-1-2(c).

(b) The bureau shall suspend the ~~operator's license~~ **driving privileges** or invalidate the learner's permit of a person who is the subject of an order issued under IC 31-37-19-17 (or IC 31-6-4-15.9(f)

before its repeal) or IC 35-43-1-2(c).

SECTION 169. IC 9-24-2-3, AS AMENDED BY P.L.184-2007, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The bureau may not issue a **driver's** license or **learner's** permit **or grant driving privileges** to the following individuals:

(1) An individual whose license issued under Indiana law to operate a motor vehicle as an operator, a chauffeur, or a public passenger chauffeur has been suspended, during the period for which the license was suspended, or to an individual whose license has been revoked, until the time the bureau is authorized under Indiana law to issue the individual a new license.

(2) An individual whose learner's permit has been suspended or revoked until the time the bureau is authorized under Indiana law to issue the individual a new permit.

(3) An individual who, in the opinion of the bureau, is afflicted with or suffering from a physical or mental disability or disease that prevents the individual from exercising reasonable and ordinary control over a motor vehicle while operating the vehicle upon the public highways.

(4) An individual who is unable to understand highway warnings or direction signs written in the English language.

(5) An individual who is required under this ~~chapter~~ **article** to take an examination unless the person successfully passes the examination.

(6) An individual who is required under IC 9-25 **or any other statute** to deposit **or provide** proof of financial responsibility and who has not deposited **or provided** that proof.

(7) An individual when the bureau has good cause to believe that the operation of a motor vehicle on a public highway of Indiana by the individual would be inimical to public safety or welfare.

(8) An individual who is the subject of an order issued by:

(A) a court under IC 31-14-12-4 or IC 31-16-12-7 (or IC 31-1-11.5-13 or IC 31-6-6.1-16 before their repeal); or

(B) the Title IV-D agency;

ordering that a ~~driving~~ **driver's** license or permit not be issued to the individual.

(9) An individual who has not presented valid documentary evidence to the bureau of the person's legal status in the United States, as required by IC 9-24-9-2.5.

(b) An individual subject to epileptic seizures may not be denied a **driver's** license **or permit** under this section if the individual presents a statement from a licensed physician, **on a form prescribed by the bureau,** that the individual is under medication and is free from seizures while under medication.

SECTION 170. IC 9-24-2-3.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3.1. (a) If a petitioner named in an order issued under section 3(a)(8) of this chapter has a valid commercial ~~driving~~ **driver's** license, the bureau shall not immediately suspend the **person's commercial** driving ~~license~~

privileges but **shall** indicate on the ~~driver's~~ **person's** record that the person has ~~a~~ conditional ~~license~~ **driving privileges** to operate a motor vehicle to and from the person's place of employment and in the course of the person's employment.

(b) ~~A~~ Conditional ~~license~~ **driving privileges** described in subsection (a) ~~is~~ **are** valid for thirty (30) days from the date of the notice sent by the bureau. If the person obtains an amended ~~license~~ **order** within the thirty (30) days, the person may continue to operate a motor vehicle ~~on~~ **with** the conditional ~~license~~ **driving privileges** beyond the thirty (30) day period.

(c) If the person does not obtain an amended ~~license~~ **order** within the thirty (30) day period, the bureau shall suspend the person's ~~license.~~ **driving privileges.**

SECTION 171. IC 9-24-2-4, AS AMENDED BY P.L.1-2005, SECTION 107, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) If a person is less than eighteen (18) years of age and is a habitual truant, is under a suspension or an expulsion or has withdrawn from school as described in section 1 of this chapter, the bureau shall, upon notification by the person's principal, ~~invalidate~~ **suspend** the person's ~~license or permit~~ **driving privileges** until the earliest of the following:

(1) The person becomes eighteen (18) years of age.

(2) One hundred twenty (120) days after the person is suspended, or the end of a semester during which the person returns to school, whichever is longer.

(3) The suspension, expulsion, or exclusion is reversed after the person has had a hearing under IC 20-33-8.

(b) The bureau shall promptly mail a notice to the person's last known address that states the following:

(1) That the person's driving privileges will be invalidated for a specified period commencing five (5) days after the date of the notice.

(2) That the person has the right to appeal the ~~invalidation~~ **suspension** of ~~a license or permit.~~ **the driving privileges.**

(c) If an aggrieved person believes that:

(1) the information provided was technically incorrect; or

(2) the bureau committed a technical or procedural error;

the aggrieved person may appeal the invalidation of a license under ~~IC 9-25.~~ **section 5 of this chapter.**

(d) If a person satisfies the conditions for reinstatement of a license under this section, the person may submit to the bureau the necessary information certifying that at least one (1) of the events described in subsection (a) has occurred.

(e) Upon certifying the information received under subsection (d), the bureau shall ~~revalidate~~ **reinstate** the person's ~~license or permit.~~ **driving privileges.**

(f) A person may not operate a motor vehicle in violation of this section.

(g) A person whose ~~license or permit is~~ **driving privileges are** ~~invalidated~~ **suspended** under this section may apply for ~~a~~ restricted

driving ~~permit~~ **privileges** under IC 9-24-15.

(h) The bureau shall ~~revalidate~~ **reinstate** the ~~license or permit~~ **driving privileges** of a person whose ~~license or permit was~~ **driving privileges were** ~~invalidated~~ **suspended** under this section ~~who~~ **if the person** does the following:

(1) Establishes to the ~~satisfication~~ **satisfaction** of the principal of the school where the action occurred that caused the ~~invalidation~~ **suspension** of the ~~person's license or permit~~ **driving privileges** that the person has:

(A) enrolled in a full-time or part-time program of education; and

(B) participated for thirty (30) or more days in the program of education.

(2) Submits to the bureau a form developed by the bureau that contains:

(A) the verified signature of the principal or the president of the governing body of the school described in subdivision (1); and

(B) notification to the bureau that the person has complied with subdivision (1).

A person may appeal the decision of a principal under subdivision (1) to the governing body of the school corporation where the principal's school is located.

SECTION 172. IC 9-24-2-5, AS AMENDED BY P.L.1-2005, SECTION 108, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) A person whose driving privileges have been ~~invalidated~~ **suspended** under section 4 of this chapter is entitled to a prompt judicial hearing. The person may file a petition that requests a hearing in a circuit, superior, county, or municipal court in the county where:

(1) the person resides; or

(2) the school attended by the person is located.

(b) The petition for review must:

(1) be in writing; and

(2) be verified by the person seeking review and:

(A) allege specific facts that indicate the suspension or expulsion was improper; or

(B) allege that due to the person's emancipation or dependents that an undue hardship exists that requires the granting of a restricted driving permit.

(c) The hearing conducted by the court under this section shall be limited to the following issues:

(1) Whether the school followed proper procedures when suspending or expelling the person from school, including affording the person due process under IC 20-33-8.

(2) Whether the bureau followed proper procedures in ~~invalidating~~ **suspending** the person's ~~license or permit.~~ **driving privileges.**

(3) Whether an undue hardship exists that requires the granting of ~~a~~ restricted driving ~~permit.~~ **privileges under IC 9-24-15.**

(d) If the court finds:

(1) that the school failed to follow proper procedures when suspending or expelling the person from school; or

(2) that the bureau failed to follow proper procedures in ~~invalidating~~ **suspending** the person's ~~license or permit;~~ **driving privileges;**

the court may order the bureau to reinstate the person's driving privileges.

(e) If the court finds that an undue hardship exists, **and the person otherwise qualifies under IC 9-24-15,** the court may order ~~a~~ restricted driving ~~permit~~ **privileges** limiting the petitioner to essential driving for work and driving between home, work, and school only. The restricted driving ~~permit~~ **privileges** must state the restrictions related to time, territory, and route. If a court orders ~~a~~ restricted driving ~~permit~~ **privileges** for the petitioner, the court shall do the following:

(1) Include in the order a finding of facts that states the petitioner's driving restrictions.

(2) Enter the findings of fact and order in the order book of the court.

(3) Send the bureau a signed copy of the order.

(f) The prosecuting attorney of the county in which a petition has been filed under this section shall represent the state on behalf of the bureau with respect to the petition. A school that is made a party to an action filed under this section is responsible for the school's own representation.

(g) In an action under this section the petitioner has the burden of proof by a preponderance of the evidence.

(h) The court's order is a final judgment appealable in the manner of civil actions by either party. The attorney general shall represent the state on behalf of the bureau with respect to the appeal.

SECTION 173. IC 9-24-3-1, AS AMENDED BY P.L.145-2011, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. Except as otherwise provided in this article, the bureau shall issue an operator's license to an individual who meets the following conditions:

(1) Satisfies the age requirements set forth in section ~~2 or~~ 2.5 of this chapter.

(2) Makes proper application to the bureau under IC 9-24-9 upon a form prescribed by the bureau. The form must include an attestation concerning the number of hours of supervised driving practice that the individual has completed if the individual is required under section 2.5 of this chapter to complete a certain number of hours of supervised driving practice in order to receive an operator's license. The:

(A) parent or guardian of an applicant less than eighteen (18) years of age; or

(B) applicant, if the applicant is at least eighteen (18) years of age;

shall attest in writing under penalty of perjury to the time logged in practice driving.

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

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

SECTION 174. IC 9-24-3-2.5, AS AMENDED BY P.L.145-2011, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.5. (a) Except as provided in section 3 of this chapter, an individual must satisfy the requirements set forth in one (1) of the following subdivisions to receive an operator's license:

(1) The individual meets the following conditions:

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

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

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

(D) Passes the required examination.

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

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

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

(2) The individual meets the following conditions:

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

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

(C) Passes the required examination.

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

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

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

(3) The individual meets the following conditions:

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

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

(C) ~~Holds an unrevoked~~ **Has held a valid** driver's license, excluding a learner's permit or the equivalent, in the state or a combination of states in which the individual formerly resided for at least one hundred eighty (180) days.

(D) Passes the required examination.

(4) The individual meets the following conditions:

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

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

(C) ~~Has~~ Held ~~an unrevoked operator's, chauffeur's, commercial~~ **a valid** driver's ~~or public passenger chauffeur's~~ license, **excluding a learner's permit or the equivalent,** from the state of prior residence.

(D) Passes the required examination.

(b) An applicant who is required to complete at least fifty (50) hours of supervised practice driving under subsection (a)(1)(E) or (a)(2)(D) must submit to the commission under ~~IC 9-24-9-2(d)~~ **IC 9-24-9-2(c)** evidence of the time logged in practice driving.

SECTION 175. IC 9-24-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. To receive an operator's license, an individual must surrender to the bureau **any and** all ~~valid operator's, chauffeur's, or other current~~ **driver's** licenses ~~for the operation of a motor vehicle in the individual's possession~~ **or identification cards** issued to the individual by Indiana or any other jurisdiction. ~~The bureau shall return all surrendered licenses to the issuing department together with information that the licensee is licensed in a new jurisdiction.~~

SECTION 176. IC 9-24-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. Except as otherwise provided in this article, the bureau shall issue a chauffeur's license to an individual who meets the following conditions:

(1) Satisfies the age requirements described in section 2 of this chapter.

(2) Has operated a motor vehicle, **excluding operation under a learner's permit,** for more than one (1) year.

(3) Makes proper application to the bureau under IC 9-24-9 upon a form prescribed by the bureau.

(4) Satisfactorily passes the examination and tests required for issuance of a chauffeur's license under IC 9-24-10.

(5) Pays the fee prescribed in IC 9-29-9.

SECTION 177. IC 9-24-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. ~~(a) An individual holding a valid chauffeur's license is not required to obtain an operator's license.~~

~~(b)~~ To receive a chauffeur's license, an individual must surrender to the bureau ~~any operator's license~~ **all driver's licenses** issued to the individual **by Indiana or any other jurisdiction.**

SECTION 178. IC 9-24-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. A chauffeur's license entitles the licensee to operate a motor vehicle, except a motorcycle **or commercial motor vehicle without a proper permit or endorsement,** upon a public highway. A chauffeur's license does not entitle the licensee to operate a motor vehicle as a public passenger chauffeur.

SECTION 179. IC 9-24-4-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5.5. Notwithstanding any other law, a person holding a chauffeur's license that is renewed or issued after June 30, 1991, is not entitled by that license to operate a commercial motor vehicle. ~~for more than thirty (30) days following the~~

~~renewal or issuance.~~

SECTION 180. IC 9-24-5-1, AS AMENDED BY P.L.156-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. Except as otherwise provided in this article, the bureau shall issue a public passenger chauffeur's license to an individual who meets the following conditions:

(1) ~~Satisfies the~~ **Is at least eighteen (18) years of** age. ~~requirements described in section 2 of this chapter.~~

(2) Makes proper application to the bureau under IC 9-24-9, upon a form prescribed by the bureau.

(3) Successfully passes the physical examination given by a practicing physician licensed to practice medicine in Indiana.

(4) Has operated a motor vehicle, **excluding operation under a learner's permit,** for at least two (2) years.

(5) Satisfactorily passes the examination and tests for a public passenger chauffeur's license.

(6) Pays the fee prescribed in IC 9-29-9.

~~(7) Is at least eighteen (18) years of age.~~

SECTION 181. IC 9-24-5-2 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 2. An individual must be at least eighteen (18) years of age to receive a public passenger chauffeur's license.~~

SECTION 182. IC 9-24-5-3, AS AMENDED BY P.L.156-2006, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. A public passenger chauffeur's license entitles the licensee to operate ~~any~~ **a** motor vehicle, except a commercial **motor** vehicle or a motorcycle **without the proper permit or endorsement,** upon a **public** highway.

SECTION 183. IC 9-24-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. To receive a public passenger chauffeur's license, an individual must surrender ~~to the bureau any operator's license~~ **all driver's licenses** issued to the individual **by Indiana or any other jurisdiction.**

SECTION 184. IC 9-24-5-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5.5. Notwithstanding any other law, a person holding a public passenger chauffeur's license that is renewed or issued after June 30, 1991, is not entitled by that license to operate a commercial motor vehicle. ~~for more than thirty (30) days following the renewal or issuance.~~

SECTION 185. IC 9-24-6-0.5, AS ADDED BY P.L.188-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 0.5. As used in this chapter, "commercial driver's license learner's permit" means a ~~driver's~~ **learner's** permit that allows an individual, unless otherwise disqualified, to operate a commercial motor vehicle only when accompanied by a person:

(1) who holds a valid commercial driver's license for the type of commercial motor vehicle being driven; and

(2) who occupies a seat beside the individual in order to give instruction to the individual in driving the commercial motor vehicle.

SECTION 186. IC 9-24-6-0.8, AS ADDED BY P.L.45-2011,

SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 0.8. As used in this chapter, "downgrade" has the meaning specified in ~~paragraph (4) of~~ the definition of CDL downgrade as set forth in 49 CFR 383.5 as in effect on July 1, 2010.

SECTION 187. IC 9-24-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. ~~(a) Except as provided in subsection (c),~~ This chapter does not apply to a motor vehicle **or the operator of a motor vehicle** that ~~meets the following conditions:~~

~~(1) is used in the transportation of hazardous materials.~~

~~(2)~~ is not ~~defined as~~ a commercial motor vehicle **or is otherwise excepted in 49 CFR 383.3, 49 CFR 390, or 49 CFR 391.**

~~(b) Except as provided in subsection (c), this chapter does not apply to a motor vehicle that meets any of the following conditions:~~

~~(1) Is registered as a recreational vehicle.~~

~~(2) Is used primarily to transport the owner's family members or guests and their possessions for nonbusiness purposes.~~

~~(3) Is registered under IC 9-18 as a farm vehicle or is a farm vehicle that is exempt under 49 U.S.C. 521, 49 U.S.C. 31104, and 49 U.S.C. 31301 through 31306.~~

~~(4) Is utilized as a:~~

~~(A) church bus; or~~

~~(B) bus operated by a nonprofit benevolent or charitable agency;~~

~~that is designed to carry more than fifteen (15) passengers, including the driver, if the vehicle is exempt under 49 U.S.C. 521, 49 U.S.C. 31104, and 49 U.S.C. 31301 through 31306, or applicable federal regulations.~~

~~(c) The bureau may remove the exemptions granted under subsections (a) and (b) if the bureau, upon notice and public hearing, determines that the waiver is in the interest of safety or of keeping Indiana in compliance with federal law, subject to section 3 of this chapter.~~

SECTION 188. IC 9-24-6-2.3, AS ADDED BY P.L.45-2011, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.3. (a) In addition to the requirements of 49 CFR 383.71, an applicant for a new commercial driver's license or a holder of a commercial driver's license must ~~provide the bureau with~~ **have** a copy of a current medical examination report and medical examiner's certificate prepared by a medical examiner **on file with the motor carrier services division of the department of state revenue. If a copy is not on file with the motor carrier services division of the department of state revenue, a copy must be presented to the bureau.**

(b) A commercial driver's license holder must ~~provide the bureau with~~ **have** a copy of a current medical examination report and medical examiner's certificate **on file with the motor carrier services division of the department of state revenue** each time a medical examination report and medical examiner's certificate are obtained by the commercial driver's license holder, regardless of whether the medical

examiner certifies the driver as qualified. **If a copy is not on file with the motor carrier services division of the department of state revenue, a copy must be presented to the bureau.**

(c) If a medical examination report does not certify that a commercial driver's license holder meets the physical standards in 49 CFR 391.41 or if the driver is otherwise unqualified, the commercial driver's license or permit holder is disqualified **from operating a commercial motor vehicle.**

(d) The bureau shall make the final determination of whether a commercial driver's license applicant or holder meets the qualifications of 49 CFR 391.41. If the bureau determines that the applicant or holder does not meet the qualifications of 49 CFR 391.41, the applicant or holder is disqualified **from operating a commercial motor vehicle.**

(e) If a commercial driver's license applicant or holder who is disqualified **from operating a commercial motor vehicle** under subsection (c) or (d) attempts to transfer the commercial driver's license to another state, the commercial driver's license applicant or holder remains disqualified **from operating a commercial motor vehicle** until the applicant or holder is able to establish to the bureau's satisfaction that the applicant or holder meets the qualifications of 49 CFR 391.41.

(f) With respect to the self-certification requirements of 49 CFR 383.71(a)(1), a commercial driver's license applicant must certify that the applicant expects to operate only in interstate ~~commerce~~ or ~~only in~~ intrastate commerce, **and whether the applicant is medically excepted.** ~~In either case,~~ **Regardless of the applicant's certification under this subsection,** the applicant remains subject to the requirements of 49 CFR 391.41 **and 49 CFR 383.71,** except as provided for by rule.

(g) This section applies to every commercial driver's license applicant and every commercial driver's license holder regardless of whether the applicant or holder will be operating in excepted commerce, as described in 49 CFR 383.71(a)(1)(ii)(B) and (D).

SECTION 189. IC 9-24-6-5.3, AS AMENDED BY P.L.145-2011, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5.3. (a) The owner of a truck driver training school or a state educational institution that operates a truck driver training school as a course of study must notify the bureau:

(1) of a student's completion of a course of the truck driver training school immediately after the student completes the course; or

(2) of the termination of a student's instruction in the truck driver training school immediately after the student's instruction terminates.

~~(b) This subsection expires December 31, 2011. In addition to satisfying the requirements of IC 21-17-3-12(a), the owner of a truck driver training school must retain records relating to each student of the truck driver training school for not less than six (6) years.~~

~~(c) This subsection applies after December 31, 2011.~~ **(b)** The owner of a truck driver training school shall retain records relating to each

student of the truck driver training school for at least six (6) years.

SECTION 190. IC 9-24-6-5.5, AS AMENDED BY P.L.145-2011, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5.5. ~~(a) This subsection expires December 31, 2011. A truck driver training school accredited by the Indiana commission on proprietary education is subject to rules adopted by the Indiana commission on proprietary education.~~

~~(b) A:~~

~~(1) student of a truck driver training school; and~~

~~(2) truck driver training school;~~

~~are subject to applicable rules adopted by the department of state revenue.~~

~~(c) This subsection applies after December 31, 2011.~~ A:

(1) student of a truck driver training school; and

(2) truck driver training school;

is subject to applicable rules adopted by the bureau.

SECTION 191. IC 9-24-6-6, AS AMENDED BY P.L.9-2010, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) The following, if committed while driving a commercial motor vehicle or while holding any class of commercial driver's license **or permit,** are serious traffic violations:

(1) Operating a vehicle at least fifteen (15) miles per hour above the posted speed limit in violation of IC 9-21-5, IC 9-21-6, or IC 9-21-5-14.

(2) Operating a vehicle recklessly as provided in IC 9-21-8-50 and IC 9-21-8-52.

(3) Improper or erratic traffic lane changes in violation of IC 9-21-8-2 through IC 9-21-8-13 and IC 9-21-8-17 through IC 9-21-8-18.

(4) Following a vehicle too closely in violation of IC 9-21-8-14 through IC 9-21-8-16.

(5) In connection with a fatal accident, violating any statute, ordinance, or rule concerning motor vehicle traffic control other than parking statutes, ordinances, or rules.

(6) Operating a vehicle while disqualified under this chapter.

(7) For drivers who are not required to always stop at a railroad crossing, failing to do any of the following:

(A) Slow down and determine that the railroad tracks are clear of an approaching train or other on-track equipment, in violation of IC 9-21-5-4, IC 9-21-8-39, IC 35-42-2-4, or any similar statute.

(B) Stop before reaching the railroad crossing, if the railroad tracks are not clear of an approaching train or other on-track equipment, in violation of IC 9-21-4-16, IC 9-21-8-39, or any similar statute.

(8) For all drivers, whether or not they are required to always stop at a railroad crossing, to do any of the following:

(A) Stopping in a railroad crossing, in violation of IC 9-21-8-50 or any similar statute.

(B) Failing to obey a traffic control device or failing to obey

the directions of a law enforcement officer at a railroad crossing, in violation of IC 9-21-8-1 or any similar statute.

(C) Stopping in a railroad crossing because of insufficient undercarriage clearance, in violation of IC 35-42-2-4, IC 9-21-8-50, or any similar statute.

(9) Operating a commercial motor vehicle without having ever obtained a commercial driver's license **or permit.**

(10) Operating a commercial motor vehicle without a commercial driver's license **or permit** in the possession of the individual.

(11) Operating a commercial motor vehicle without holding the proper class or endorsement of a commercial driver's license **or permit** for the operation of the class of the commercial motor vehicle.

(12) Driving a commercial motor vehicle while using a hand-held mobile device as set forth in 49 CFR 383 through 384, and 49 CFR 390 through 392.

(b) Subsection (a)(1) through (a)(11) are intended to comply with the provisions of 49 U.S.C. 31311(a)(10) and regulations adopted under that statute.

SECTION 192. IC 9-24-6-8, AS AMENDED BY P.L.9-2010, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. The following, if committed while driving a commercial motor vehicle or while holding any class of commercial driver's license **or permit,** are disqualifying offenses:

(1) Operating a vehicle while under the influence of alcohol in violation of IC 9-30-5-1(a), IC 9-30-5-1(b), or section 15 of this chapter.

(2) Operating a vehicle while under the influence of a controlled substance in violation of IC 9-30-5-1(c).

(3) Leaving the scene of an accident involving the driver's commercial motor vehicle in violation of IC 9-26-1.

(4) Conviction of a felony involving the use of a commercial motor vehicle other than a felony described in subdivision (5).

(5) Use of a commercial motor vehicle in the commission of a felony under IC 35-48 involving manufacturing, distributing, or dispensing of a controlled substance.

(6) Violation of IC 9-30-5-2 through IC 9-30-5-8 involving operating a vehicle while intoxicated.

(7) Refusing to undergo testing for the enforcement of IC 9-30-5-1 or section 15 of this chapter.

SECTION 193. IC 9-24-6-10.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10.5. (a) Except as provided in subsection (b), and in addition to any other penalty imposed for a violation of this chapter, the court that imposes a judgment for violation of an out-of-service order shall order the person receiving the judgment to be disqualified from driving a commercial vehicle as follows:

(1) For at least ~~ninety (90)~~ **one hundred eighty (180)** days but not more than one (1) year, if the judgment is the person's first judgment for violation of an out-of-service order.

(2) For at least ~~one (1) year~~ **two (2) years** but not more than five (5) years, if the judgment is the person's second judgment for violation of an out-of-service order during any ten (10) year period.

(3) For at least three (3) years but not more than five (5) years, if the person has at least two (2) previous judgments for violation of an out-of-service order during any ten (10) year period.

(b) In addition to any other penalty imposed for a violation of this chapter, the court that imposes a judgment upon a person because the person violated an out-of-service order while the person was transporting a hazardous material or while operating a commercial motor vehicle designed or used to transport more than fifteen (15) passengers, including the driver, shall order the person to be disqualified from driving a commercial vehicle as follows:

(1) For at least one hundred eighty (180) days but not more than two (2) years, if the judgment is the person's first judgment for violation of an out-of-service order.

(2) For at least three (3) years but not more than five (5) years, if the person has at least one (1) previous judgment for violation of an out-of-service order that arose out of a separate incident during any ten (10) consecutive years.

(3) For at least three (3) years but not more than five (5) years, if the person has at least two (2) previous judgments for violation of an out-of-service order that arose out of a separate incident during any ten (10) consecutive years.

SECTION 194. IC 9-24-6-20, AS ADDED BY P.L.45-2011, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 20. (a) The bureau shall downgrade the commercial driver's license of a driver under the following circumstances:

(1) The driver's medical certification or federally granted medical variance expires.

(2) The bureau receives notification that the driver's federally granted medical variance was removed or rescinded.

Not later than sixty (60) days after the occurrence of a circumstance described in subdivision (1) or (2), the bureau shall initiate a downgrade of the driver's commercial driver's license.

(b) To prevent the driver's commercial driver's license from being downgraded:

(1) a driver whose medical certification has expired must submit a current and qualifying medical examination report and medical examiner's certificate not later than sixty (60) days after the bureau has initiated a downgrade; or

(2) a driver whose federally granted medical variance was removed or rescinded must submit a new federally granted medical variance not later than sixty (60) days after the bureau has initiated a downgrade.

(c) The bureau shall provide written notice to a driver at least ten (10) days before initiating a downgrade of the driver's commercial driver's license informing the driver:

(1) that the driver is not medically certified due to the expiration

of the driver's medical certificate or because the driver's federally granted medical variance was removed or rescinded; and

(2) how the driver can prevent the driver's commercial driver's license from being downgraded.

(d) The bureau shall not issue a commercial driver's license to an applicant who does not certify:

(1) that the applicant expects to operate only in interstate ~~commerce~~ or ~~only in~~ intrastate commerce; **and**

(2) whether or not the applicant is medically excepted.

SECTION 195. IC 9-24-6.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) The hazardous materials endorsement of a driver who applies for renewal of the endorsement may remain valid after the date on which the endorsement would otherwise expire if both of the following conditions are met:

(1) The application for renewal was received by the bureau at least ninety (90) days before the date on which the endorsement expires.

(2) On the date on which the endorsement expires, the bureau has not yet received the results of a background check conducted by the administration or another agency designated to conduct the background check.

(b) Except as provided in subsection (c), an extension under subsection (a) is valid for ninety (90) days after the date on which the endorsement would otherwise expire **if the driver has applied with the Transportation Security Administration for renewal of the hazardous materials endorsement approval.**

(c) Notwithstanding subsection (b), if the bureau receives information from the administration or another agency designated to conduct a background check that requires the bureau to revoke the hazardous materials endorsement of a driver, the bureau shall revoke the endorsement immediately upon receipt of the information.

(d) An extension under subsection (a) may be renewed until:

(1) the bureau receives the results of a background check conducted by the administration or another agency designated to conduct the background check; or

(2) further extensions are barred under regulations adopted to implement the act.

SECTION 196. IC 9-24-7-1, AS AMENDED BY P.L.145-2011, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. ~~(a) This subsection expires June 30, 2010. 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.~~

~~(b) This subsection applies beginning July 1, 2010, and expires September 1, 2011. The bureau shall issue a learner's permit to an individual who meets the following conditions:~~

~~(1) Is at least fifteen (15) years and one hundred eighty (180) days~~

~~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.~~

~~(c) This subsection applies beginning September 1, 2011.~~ **(a)** 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; **and**

(4) has passed a written examination as required under IC 9-24-10.

(b) The bureau shall issue a learner's permit to an individual who:

(1) is at least sixteen (16) years of age;

(2) if less than eighteen (18) years of age, is not ineligible under IC 9-24-2; and

(3) has passed a written examination as required under IC 9-24-10.

SECTION 197. IC 9-24-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The ~~bureau~~ **instructor of an approved driver education course** shall validate **or certify** a learner's permit ~~issued under section 1 of this chapter upon certification by the instructor of an approved driver education course that~~ **when** the holder has satisfactorily completed the course. **If the instructor is unable to certify the actual learner's permit, the instructor may certify that the holder has satisfactorily completed the course in a manner the bureau prescribes.**

SECTION 198. IC 9-24-7-3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 3. The bureau shall issue a validated learner's permit to an individual who is at least sixteen (16) years of age upon passing the required examination.~~

SECTION 199. IC 9-24-7-4, AS AMENDED BY P.L.156-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. A learner's permit authorizes the permit holder to operate a motor vehicle, except a motorcycle **or commercial motor vehicle,** upon a public highway under the following conditions:

(1) While the holder is participating in practice driving in an approved driver education course and is accompanied by a certified driver education instructor **or student teacher** in the front seat of ~~an automobile~~ **a motor vehicle** equipped with dual controls.

(2) While the holder is participating in practice driving after having commenced an approved driver education course and the seat beside the holder is occupied by a parent, stepparent, or guardian of the holder who holds a valid driver's license.

~~(2)~~ **(3)** If ~~the learner's permit has been validated and~~ the holder is **not participating in an approved driver education course, and is** less than eighteen (18) years of age, the holder may participate in practice driving if the seat beside the holder is occupied by a

guardian, stepparent, or relative of the holder who is at least twenty-one (21) years of age and holds a valid ~~operator's, chauffeur's, or public passenger chauffeur's~~ **driver's** license.

~~(3)~~ **(4)** If ~~the learner's permit has been validated and~~ the holder is **not participating in an approved driver education course, and is** at least eighteen (18) years of age, the holder may participate in practice driving if accompanied in the vehicle by an individual who holds a valid ~~operator's, chauffeur's, or public passenger chauffeur's~~ **driver's** license.

~~(4) While:~~

~~(A) the holder is enrolled in an approved driver education course;~~

~~(B) the holder is participating in practice driving after having commenced an approved driver education course; and~~

~~(C) the seat beside the holder is occupied by a parent, stepparent, or guardian of the holder who holds a valid operator's, chauffeur's, or public passenger chauffeur's license.~~

SECTION 200. IC 9-24-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. A holder of a learner's permit may take ~~an~~ **the skills** examination for an operator's license not later than the expiration date of the learner's permit. ~~Not more than three (3) examinations may be allowed any holder during the period the learner's permit is issued.~~ A holder who does not pass the **skills** examination ~~during the period for which the learner's permit is issued must obtain a new learner's permit and~~ **after a third attempt** is not eligible to take the examination until two (2) months after the ~~issuance of the new permit.~~ **date of the last failed examination.**

SECTION 201. IC 9-24-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The bureau shall issue a motorcycle learner's permit to an individual who meets the following conditions:

(1) The individual holds a valid operator's, chauffeur's, ~~or~~ public passenger chauffeur's, **or commercial driver's** license issued under this article.

(2) The individual passes a written examination developed by the bureau concerning the safe operation of a motorcycle.

(b) A motorcycle learner's permit authorizes the permit's holder to operate a motorcycle upon a highway during a period of one (1) year under the following conditions:

(1) The holder wears a helmet that meets the standards established by the United States Department of Transportation under 49 CFR 571.218 as in effect January 1, 1979.

(2) The motorcycle is operated only during daylight hours.

(3) The motorcycle does not carry passengers other than the operator.

(c) A motorcycle learner's permit may be renewed one (1) time for a period of one (1) year. An individual who does not obtain a motorcycle operator endorsement before the expiration of the renewed learner's permit must wait one (1) year to reapply for a new motorcycle learner's permit.

SECTION 202. IC 9-24-8-4, AS AMENDED BY P.L.109-2011, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) Except as provided in subsections **(b) and** (c), ~~and (d),~~ the bureau shall validate an operator's, a chauffeur's, ~~or~~ a public passenger chauffeur's, **or a commercial driver'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 an endorsement under subsection (a):~~

(1) satisfactorily ~~complete~~ **completes** the written ~~test and:~~

~~(A) satisfactorily complete an~~ **and** approved operational skills ~~test; or~~ **tests;**

~~(B)~~ **(2)** satisfactorily ~~complete~~ **completes** a motorcycle operator safety education course approved by the department of education as set forth in IC 20-30-13-9; **or**

~~(2) Hold~~ **(3) holds** a current motorcycle operator endorsement or motorcycle operator's license from any other jurisdiction and successfully ~~complete~~ **completes** the written test.

The bureau may waive the testing requirements for an individual who has completed a course described in subdivision (2).

~~(c)~~ **(b)** The bureau may not issue a motorcycle endorsement to an individual less than sixteen (16) years and one hundred eighty (180) days of age.

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

~~(e)~~ **(d)** The bureau shall develop and implement both a written test and an operational skills test ~~that must be designed~~ to determine whether an applicant for a motorcycle endorsement ~~is competent~~ **demonstrates the necessary knowledge and skills** 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 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 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 endorsement.

~~(f)~~ **(e)** An individual may apply for a motorcycle endorsement not later than the expiration date of the permit. However, ~~not more than three (3) examinations may be allowed during the period the permit is valid.~~ an individual who holds a learner's permit 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.~~ **after a third attempt is not eligible to take the examination until two (2) months after the date of the last failed examination.**

~~(g)~~ **(f)** A person who held a valid Indiana motorcycle operator's license on ~~June 30,~~ **December 31,** 2011, may be issued a motorcycle operator's endorsement after ~~June 30,~~ **December 31,** 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) passing the appropriate examinations; and

~~(2)~~ **(3)** paying the appropriate fee set forth in IC 9-29-9-7 or IC 9-29-9-8.

SECTION 203. IC 9-24-9-2, AS AMENDED BY P.L.145-2011, SECTION 17, AND AS AMENDED BY P.L.118-2011, SECTION 3, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. ~~(a) Before January 1, 2008, each application for a license or permit under this chapter must require the following information:~~

~~(1) The name, date of birth, sex, Social Security number, and mailing address, and, if different from the mailing address, the residence address of the applicant. The applicant shall indicate to the bureau:~~

~~(A) which address the license or permit shall contain; and~~

~~(B) whether the Social Security number or another distinguishing number shall be the distinctive identification number used on the license or permit.~~

~~(2) Whether the applicant has been licensed as an operator, a chauffeur, or a public passenger chauffeur or has been the holder of a learner's permit, and if so, when and by what state.~~

~~(3) Whether the applicant's license or permit has ever been suspended or revoked, and if so, the date of and the reason for the suspension or revocation.~~

~~(4) Whether the applicant has been convicted of a crime punishable as a felony under Indiana motor vehicle law or any other felony in the commission of which a motor vehicle was used.~~

~~(5) Whether the applicant has a physical or mental disability, and if so, the nature of the disability and other information the bureau directs.~~

~~The bureau shall maintain records of the information provided under subdivisions (1) through (5).~~

~~(b)~~ **(a)** Except as provided in subsection ~~(c), after December 31, 2007,~~ **(b),** each application for a license or permit under this chapter must require the following information:

(1) The full legal name of the applicant.

(2) The applicant's date of birth.

(3) The gender of the applicant.

(4) The applicant's height, weight, hair color, and eye color.

(5) The principal address and mailing address of the applicant.

(6) A:
(A) valid Social Security number; or
(B) verification of an applicant's:
(i) ineligibility to be issued a Social Security number; and
(ii) identity and lawful status.
(7) Whether the applicant has been subject to fainting spells or seizures.
(8) Whether the applicant has been licensed as an operator, a chauffeur, or a public passenger chauffeur or has been the holder of a learner's permit, and if so, when and by what state.
(9) Whether the applicant's license or permit has ever been suspended or revoked, and if so, the date of and the reason for the suspension or revocation.
(10) Whether the applicant has been convicted of a crime punishable as a felony under Indiana motor vehicle law or any other felony in the commission of which a motor vehicle was used.
(11) Whether the applicant has a physical or mental disability, and if so, the nature of the disability and other information the bureau directs.
(12) The signature of the applicant.

The bureau shall maintain records of the information provided under subdivisions (1) through (12).

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

~~*(d)*~~ **(c)** *In addition to the information required by subsection* ~~*(b),*~~ **(a),** *an applicant who is required to complete at least fifty (50) hours of supervised practice driving under IC 9-24-3-2.5(a)(1)(E) or IC 9-24-3-2.5(a)(2)(D) must submit to the commission evidence of the time logged in practice driving. The bureau shall maintain a record of the time log provided.*

(d) In addition to the information required under subsection ~~*(b),*~~ **(a),** *an application for a license or permit to be issued under this chapter must enable the applicant to indicate that the applicant is a veteran of the armed forces of the United States and wishes to have an indication of the applicant's veteran status appear on the license or permit. An applicant who wishes to have an indication of the applicant's veteran status appear on a license or permit must:*

(1) indicate on the application that the applicant:
(A) is a veteran of the armed forces of the United States; and
(B) wishes to have an indication of the applicant's veteran status appear on the license or permit; and
(2) verify the applicant's veteran status by providing proof of discharge.

The bureau shall maintain records of the information provided under this subsection.

SECTION 204. IC 9-24-10-3, AS AMENDED BY P.L.145-2011, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. ~~(a) Except as provided by subsection (b), examinations shall be held in the county where the license branch office in which the application was made is located, within a reasonable length of time following the date of the application.~~

~~(b) After June 30, 2011,~~ An applicant may take any or all of the tests required by section 4(a)(1)(B), 4(a)(1)(C), and 4(a)(2) of this chapter at any **license branch** location in Indiana.

SECTION 205. IC 9-24-10-4, AS AMENDED BY P.L.145-2011, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) Except as provided in subsection (c), an examination for a learner's permit **or driver's license** must ~~consist of a test of the applicant's eyesight and knowledge of IC 9-26-1-1.5. All other examinations must~~ include the following:

(1) A test of the following of the applicant:

(A) Eyesight.

(B) Ability to read and understand highway signs regulating, warning, and directing traffic.

(C) Knowledge of Indiana traffic laws, including IC 9-26-1-1.5.

(2) An actual demonstration of the applicant's skill in exercising ordinary and reasonable control in the operation of a motor vehicle under the type of permit or license applied for.

(b) The examination may include further physical and mental examination that the bureau finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon Indiana highways. The applicant must provide the motor vehicle used in the examination.

(c) The bureau:

(1) ~~shall~~ **may** waive the actual demonstration required under subsection (a)(2) for a person who has passed a driver's education class and a skills test given by a commercial driver training school or driver education program given by an entity licensed under IC 9-27-6-7; and

(2) may waive the testing, other than testing under subsection (a)(1)(A), of an applicant who has passed:

(A) an examination concerning:

(i) subsection (a)(1)(B); and

(ii) subsection (a)(1)(C); and

(B) a skills test;

given by a commercial driver training school or an entity licensed under IC 9-27-6-7.

(d) The bureau shall adopt rules under IC 4-22-2 specifying requirements for a skills test given under subsection (c) and the testing required under subsection (a)(1)(B) and (a)(1)(C).

(e) An instructor having an endorsement under IC 9-27-6-8 who did not instruct the applicant for the license or permit in driver education is not civilly or criminally liable for a report made in good faith to the:

(1) bureau;

(2) commission; or
(3) driver licensing medical advisory board;
concerning the fitness of the applicant to operate a motor vehicle in a manner that does not jeopardize the safety of individuals or property.

SECTION 206. IC 9-24-10-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. The bureau shall ~~print,~~ **make available,** for the mandatory use of individuals conducting the examinations, the rules and requirements that must be uniformly and impartially followed in making the examinations.

SECTION 207. IC 9-24-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The bureau shall issue a permit or license to every applicant who meets the following conditions:

(1) Qualifies as required.
(2) Makes the proper application.
(3) Pays the required fee.
(4) Passes the required examinations.

SECTION 208. IC 9-24-11-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) This section applies to an individual who has an existing medical condition that causes the individual to appear intoxicated.

(b) An operator's permit or license issued to an individual under this section must bear a ~~distinctive color coding~~ **restriction** on the ~~face of the~~ operator's permit or license.

(c) An individual who wishes to have an operator's permit or license issued under this section must provide a verified certificate from a physician licensed to practice in Indiana attesting to the individual's medical condition. The physician's certificate must be:

(1) provided to the bureau at the time the individual applies for an operator's permit or license under this section;
(2) carried in any vehicle that the individual operates; and
(3) renewed each time the individual's operator's license is renewed.

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

SECTION 209. IC 9-24-11-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) In addition to any other penalty imposed for a conviction under section 8(c) of this chapter, the court shall recommend that the person's driving privileges be suspended for a fixed period of at least ninety (90) days and not more than two (2) years.

(b) The court shall specify:

(1) the length of the fixed period of suspension; and
(2) the date the fixed period of suspension begins;

whenever the court makes a recommendation under subsection (a). **If the court fails to recommend a fixed term of suspension, the bureau shall impose the minimum period of suspension required under this chapter.**

SECTION 210. IC 9-24-11-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. The bureau shall,

upon receiving a record of conviction of a person under section 8(c) of this chapter, set a period of suspension for a fixed period of at least ninety (90) days and not more than two (2) years. The bureau shall fix this period in accordance with the recommendation of the court that entered the conviction, as provided in section 10 of this chapter. **If the court fails to recommend a fixed term of suspension, the bureau shall impose the minimum period of suspension required under this chapter.**

SECTION 211. IC 9-24-12-2, AS AMENDED BY P.L.184-2007, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. ~~(a) Except as provided in section 10 of this chapter, a chauffeur's license issued under this article after December 31, 1996, and before January 1, 2006, expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.~~

~~(b)~~ **(a)** ~~After December 31, 2005, and~~ Except as provided in subsection ~~(c)~~ **(b)** and sections 10, 11, and 12 of this chapter, a chauffeur'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.

~~(c)~~ **(b)** Except as provided in ~~subsection (b) and~~ sections 10, 11, and 12 of this chapter, a chauffeur's license issued 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.

SECTION 212. IC 9-24-12-5, AS AMENDED BY P.L.109-2011, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) Except as provided in subsection (b), an individual applying for renewal of an 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 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, chauffeur's, or public passenger chauffeur's license 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, chauffeur's, or public passenger chauffeur's license.

(7) The 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)~~ **seventy-five (75)** years of age at the time of the application for renewal.

(c) An individual applying for the renewal of an 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 213. IC 9-24-14-1, AS AMENDED BY P.L.87-2010, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. If a permit or license issued under this article ~~except section 2 of this chapter,~~ is lost or destroyed, and as provided in section 3.5 of this chapter, the individual to whom the permit or license was issued may obtain a replacement if the individual ~~does the following:~~

~~(1) Furnishes proof satisfactory to the bureau that the permit or license was lost or destroyed.~~

~~(2)~~ pays the required fee for a replacement permit or license under IC 9-29-9.

SECTION 214. IC 9-24-14-2 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 2. (a) This section applies to replacement licenses issued under the following:~~

~~(1) IC 9-30-4-6.~~

~~(2) IC 9-24-15.~~

~~(3) IC 9-30-5.~~

~~(4) IC 9-30-6.~~

~~(5) IC 9-30-10-9.~~

~~(6) IC 9-30-10-13.~~

~~(b) The bureau may issue a replacement license that is restrictive or conditional if an applicant does the following:~~

~~(1) Applies for a valid replacement license.~~

~~(2) Surrenders all licenses in the applicant's possession.~~

~~(3) Pays the license fee under IC 9-29-9.~~

SECTION 215. IC 9-24-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Except as provided in subsection (b), this chapter does not apply to the following:

(1) A suspension of a driving license upon the failure of an individual to file security or proof of financial responsibility following an accident as required by or upon the failure of any individual to satisfy a judgment for damages arising out of the use of a motor vehicle on a public highway as provided for in IC 9-25.

(2) When suspension is by reason of:

(A) physical, mental, or emotional instability;

(B) having caused serious bodily injury to or the death of another person when operating a motor vehicle after knowingly or intentionally failing to take prescribed medication, the taking of which was a condition of the issuance of the operator's restricted driver's license; or

(C) the applicant has been convicted of involuntary manslaughter or reckless homicide as a result of an automobile accident.

(3) A suspension of the license of an applicant whose license has been previously suspended.

(4) A suspension of the license of an applicant who has failed to use timely appeal procedures provided by the bureau.

(5) After June 30, 2005, a suspension of the license of an applicant whose commercial driver's license has been disqualified under 49 CFR 383.51 or other applicable federal or state law, including an alcohol or a controlled substance conviction under IC 9-30-5-4 or 49 CFR 391.15.

(b) A court may grant a petition for ~~a~~ restricted driving ~~permit~~ **privileges** from an individual who:

(1) received a request for evidence of financial responsibility after:

(A) an accident under IC 9-25-5-2; or

(B) a conviction of a motor vehicle violation under IC 9-25-9-1; and

(2) failed to provide proof of financial responsibility under IC 9-25-6;

if the individual shows by a preponderance of the evidence that the failure to maintain financial responsibility was inadvertent.

SECTION 216. IC 9-24-15-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. If:

(1) an individual's driving license has been suspended under Indiana motor vehicle law; ~~and~~

(2) because of the nature of the individual's employment the suspension would work an undue hardship and burden upon the individual's family or dependents; **and**

(3) the individual is eligible for restricted driving privileges under section 1 of this chapter;

the individual may file a verified petition for ~~a~~ restricted driving ~~permit~~ **privileges** for the sole purpose of driving to and from work and in the course of employment during the period of the driving license

suspension.

SECTION 217. IC 9-24-15-3, AS AMENDED BY P.L.28-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. The following information must be included in a petition filed under section 2 of this chapter:

(1) The petitioner's age, place of residence, and occupation.

(2) That the petitioner has never been convicted of a similar offense or been **previously** suspended. ~~for a similar reason.~~

(3) The reason and nature of the hardship or burden upon the petitioner's family or dependents.

(4) The nature of and the necessity of the use of a motor vehicle in the petitioner's employment.

(5) The petitioner's place of employment, hours worked, and route to be traveled for employment purposes.

(6) ~~After June 30, 2005,~~ A certified copy of the petitioner's driving record in Indiana and other states in which the petitioner has held driving privileges, including all states in which the petitioner has held a commercial driver's license.

(7) ~~After June 30, 2005,~~ A verified statement that the petitioner meets eligibility requirements for a restricted license as set forth in section 6.5 of this chapter.

~~(8) Whether the person is a habitual violator of traffic laws under IC 9-30-10.~~

SECTION 218. IC 9-24-15-5, AS AMENDED BY P.L.106-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) The issues before the court in a proceeding under this chapter must be considered closed by denial of all matters at issue without the necessity of filing any further pleadings.

(b) Changes of venue from the judge or from the county must be granted a party under the law governing changes of venue in civil causes.

(c) A suspension or revocation under this title remains in full force and effect during the pendency of a cause under this chapter and until the issuance of the restricted driving ~~permit~~ **privileges** by the bureau in accordance with the recommendation of the court.

(d) Records accumulated in the regular course of business and routinely on file in the offices of the prosecuting attorney of the county, sheriff of the county, and bureau may be admitted at the hearing on the petition. The records constitute prima facie evidence of the matters contained on the face of the petition in relation to the petitioner.

(e) Court costs (including fees) for the action on the petition must be charged against the petitioner. The prosecuting attorney of the county is not liable or taxable for any costs (including fees) in any action under this chapter.

SECTION 219. IC 9-24-15-6, AS AMENDED BY P.L.109-2011, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 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.~~ **privileges.**

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 bureau receives an order granting restricted driving privileges to a person who, according to the records of the bureau, is ineligible to receive restricted driving privileges under this chapter, the bureau shall:

(1) grant the person restricted driving privileges and notify the prosecuting attorney of the county from which the order was received that the person is not eligible for restricted driving privileges; and

(2) send a certified copy of the person's driving record to the prosecuting attorney. The prosecuting attorney shall, in accordance with IC 35-38-1-15, petition the court to correct the order of the court. If the bureau does not receive a corrected order within sixty (60) days, the bureau shall notify the attorney general, who shall, in accordance with IC 35-38-1-15, petition the court to correct the order of the court.

SECTION 220. IC 9-24-15-6.5, AS AMENDED BY P.L.109-2011, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6.5. (a) The court shall grant a petition for ~~a~~ restricted driving ~~permit~~ **privileges** 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~~ **privileges** 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~~ **driving** 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.

SECTION 221. IC 9-24-15-6.7, AS AMENDED BY P.L.109-2011, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 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~~ **IC 9-30-13-6, IC 9-30-13-7, or IC 9-30-13-8** 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~~ **privileges** filed under this chapter.

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

(c) ~~A~~ Restricted driving ~~permit~~ **privileges** 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.

SECTION 222. IC 9-24-15-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. ~~The bureau shall comply with the court's recommendation.~~ The bureau in issuing ~~a~~ restricted driving ~~permit~~ **privileges** shall be guided by the court's special finding of facts in setting out the petitioner's driving restrictions. The ~~restricted driving permit~~ **recommendation of the court** must set out restrictions as to the time, territory, and route to be included and shall be restricted to the essential requirements of the petitioner in the performance of the petitioner's employment duties.

SECTION 223. IC 9-24-15-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. The petitioner must have **proof of** the **petitioner's** restricted driving ~~permit~~ **privileges** on the petitioner's person while driving a motor vehicle. ~~A~~ Restricted

driving ~~permit is~~ **privileges are** valid and in force only after the person gives and maintains in effect proof of financial responsibility in the manner required in IC 9-25.

SECTION 224. IC 9-24-15-9, AS AMENDED BY P.L.109-2011, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. Except as provided in section 6.5 of this chapter, an individual may not ~~receive a~~ **be granted** restricted driving ~~permit~~ **privileges** if the individual's driving privileges are suspended under IC 9-30-5 through IC 9-30-9 or IC 9-30-13-3.

SECTION 225. IC 9-24-15-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) A person who:

(1) has been ~~issued a~~ **granted** restricted driving ~~permit;~~ **privileges;** and

(2) operates a motor vehicle:

(A) in violation of the terms, limitations, or restrictions set out ~~in~~ **by** the ~~restricted driving permit;~~ **court;** and

(B) during the period of suspension of the person's current driving license;

commits a Class B misdemeanor.

(b) The bureau shall, upon receipt of notice of a conviction for a violation of this section, do the following:

(1) Revoke the **person's** restricted driving ~~permit.~~ **privileges.**

(2) Suspend the person's current driving license for two (2) years in addition to the original existing period of suspension.

In addition, the bureau may not issue ~~another~~ restricted driving ~~permit~~ **privileges** to the person during the original existing or additional period of suspension.

SECTION 226. IC 9-24-16-2, AS AMENDED BY P.L.118-2011, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. ~~(a) Before January 1, 2008, an application for an identification card issued under this chapter must meet the following conditions:~~

~~(1) Be made upon an approved form provided by the bureau, which shall include the mailing address, and if different from the mailing address, the residence address of the applicant.~~

~~(2) Be verified by the applicant before a person authorized to administer oaths and affirmations.~~

~~(b) Except as provided in subsection (c), after December 31, 2007,~~ **(a)** An application for an identification card issued under this chapter must require the following information concerning an applicant:

(1) The full legal name of the applicant.

(2) The applicant's date of birth.

(3) The gender of the applicant.

(4) The applicant's height, weight, hair color, and eye color.

(5) The principal address and mailing address of the applicant.

(6) A:

(A) valid Social Security number; or

(B) verification of an applicant's:

(i) ineligibility to be issued a Social Security number; and

(ii) identity and lawful status.

(7) A digital photograph of the applicant.

(8) The signature of the applicant.

The bureau shall maintain records of the information provided under subdivisions (1) through ~~(6).~~ **(8).**

~~(c)~~ **(b)** The bureau may ~~temporarily~~ invalidate an identification card that the bureau believes to have been issued as a result of fraudulent documentation.

~~(d)~~ **(c)** The bureau:

(1) shall adopt rules under IC 4-22-2 to establish a procedure to verify an applicant's identity and lawful status; and

(2) may adopt rules to establish a procedure to temporarily invalidate an identification card that it believes to have been issued based on fraudulent documentation.

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

~~(f)~~ **(e)** In addition to the information required under subsection ~~(b),~~ **(a),** an application for an identification card to be issued under this chapter must enable the applicant to indicate that the applicant is a veteran of the armed forces of the United States and wishes to have an indication of the applicant's veteran status appear on the identification card. An applicant who wishes to have an indication of the applicant's veteran status appear on the identification card must:

(1) indicate on the application that the applicant:

(A) is a veteran of the armed forces of the United States; and

(B) wishes to have an indication of the applicant's veteran status appear on the identification card; and

(2) verify the applicant's veteran status by providing proof of discharge.

The bureau shall maintain records of the information provided under this subsection.

SECTION 227. IC 9-24-16-3, AS AMENDED BY P.L.118-2011, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) An identification card must have the same dimensions and shape as a driver's license, but the card must have markings sufficient to distinguish the card from a driver's license.

(b) Except as provided in subsection ~~(h),~~ **(g),** the front side of an identification card must contain the expiration date of the identification card and the following information about the individual to whom the card is being issued:

(1) Full legal name.

(2) The address of the principal residence.

(3) Date of birth.

(4) Date of issue and date of expiration.

(5) Unique identification number.

(6) Gender.

(7) Weight.

(8) Height.
(9) Color of eyes and hair.
(10) Reproduction of the signature of the individual identified.
(11) Whether the individual is blind (as defined in IC 12-7-2-21(1)).
(12) If the individual is less than eighteen (18) years of age at the time of issuance, the dates on which the individual will become:
(A) eighteen (18) years of age; and
(B) twenty-one (21) years of age.
(13) If the individual 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 individual will become twenty-one (21) years of age.
(14) Digital photograph of the individual.

(c) The information contained on the identification card as required by subsection (b)(12) or (b)(13) for an individual who is less than twenty-one (21) years of age at the time of issuance shall be printed prominently on the permit or license.

(d) If the individual:
(1) has indicated on the application that the individual is a veteran of the armed forces of the United States and wishes to have an indication of the applicant's veteran status appear on the identification card; and
(2) has provided proof of discharge;
an indication of the individual's veteran status shall be shown on the identification card.

(e) If the applicant for an identification card submits information to the bureau concerning the applicant's medical condition, the bureau shall place an identifying symbol on the face of the identification card to indicate that the applicant has a medical condition of note. The bureau shall include information on the identification card that briefly describes the medical condition of the holder of the card. The information must be printed in a manner that alerts a person reading the card to the existence of the medical condition. The applicant for an identification card 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) An identification card issued by the state that does not require a digital photograph must include a statement that the identification card may not be accepted by any federal agency for federal identification or any other federal purpose.~~

~~(g)~~ **(f)** An identification card 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 identification card. A temporary identification card issued under this subsection may not be renewed without the presentation of valid documentary evidence proving that the holder of the identification card's temporary status has been extended.

~~(h)~~ **(g)** For purposes of subsection (b), 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 228. IC 9-24-16-4, AS AMENDED BY P.L.162-2009, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) Except as provided in subsection (b), an identification card ~~issued:~~

~~(1) before January 1, 2006, expires on the fourth birthday of the applicant following the date of issue; and~~

~~(2) after December 31, 2005,~~ expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

(b) An identification card issued under this article ~~after December 31, 2007,~~ to an applicant who complies with section 3.5(1)(E) through 3.5(1)(J) of this chapter 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 229. IC 9-24-16-4.5, AS AMENDED BY P.L.109-2011, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 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, apply for a replacement identification card under section 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 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) **legal** 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 replacement identification card;

must apply in person at a license branch if the individual is not entitled to apply by mail or by electronic service under rules adopted under subsection (a).

SECTION 230. IC 9-24-16-5, AS AMENDED BY P.L.87-2010, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) An application for renewal of an identification card may be made not more than twelve (12) months before the expiration date of the card. However, when the applicant complies with section 3.5(1)(E) through 3.5(1)(J) of this chapter, an application for renewal of an identification card may be filed not more than one (1) month before the expiration date of the identification card held by the applicant. ~~A renewal application received after the date of expiration is considered to be a new application.~~

(b) Except as provided in subsection ~~(c),~~ **(d),** a renewed card is valid on the birth date of the holder and remains valid for six (6) years.

~~(c) If renewal has not been made within six (6) months after expiration, the bureau shall destroy all records pertaining to the former cardholder.~~

~~(d)~~ **(c)** Renewal may not be granted if the cardholder was issued a driver's license subsequent to the last issuance of an identification card.

~~(e)~~ **(d)** A renewed identification card issued under this article ~~after December 31, 2007,~~ to an applicant who complies with section 3.5(1)(E) through 3.5(1)(J) of this chapter 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 231. IC 9-24-16-10, AS AMENDED BY P.L.109-2011, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 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 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~~ **and eligible to vote in** the next general, municipal, or special election.

SECTION 232. IC 9-24-17-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The bureau shall verbally ask every individual who applies for a driver's license or an identification card issued under IC 9-24-16 whether the individual desires to make an anatomical gift.

(b) If the individual does desire to make an anatomical gift, the bureau shall ~~assist~~ **provide** the individual ~~in completing~~ the form by which the individual makes the gift.

SECTION 233. IC 9-24-17-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. The bureau shall make available ~~and publicize~~ the anatomical gift program in a separate brochure and by other means the bureau considers necessary.

SECTION 234. IC 9-24-17-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) Each anatomical gift made under this chapter must be made by the donor by acknowledging the making of the anatomical gift by signing the application form for the driver's license or identification card under section 1 of this chapter. If the donor cannot sign, the application form may be signed for the donor:

(1) at the donor's direction and in the donor's presence; and

(2) in the presence of two (2) witnesses who must sign the document in the donor's and each other's presence.

~~(b) The card must state that the document was signed in accordance with this section.~~

~~(c)~~ **(b)** The bureau shall place an identifying symbol on the face of the license or identification card to indicate that the person to whom the license or identification card is issued has acknowledged the making of an anatomical gift on the application form for the license or identification card as set forth in subsection (a).

~~(d)~~ **(c)** Revocation, suspension, or cancellation of the license or expiration of the license or identification card does not invalidate the anatomical gift.

~~(e)~~ **(d)** An anatomical gift is valid if the person acknowledges the making of the anatomical gift by signing the application form for a driver's license or identification card under subsection (a). No other acknowledgment is required to make an anatomical gift.

SECTION 235. IC 9-24-18-1, AS AMENDED BY P.L.100-2010, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) A person, except a person exempted under

IC 9-24-1-7, who knowingly or intentionally operates a motor vehicle upon a highway and has never received a valid driving license commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if the person has a prior unrelated conviction under this section.

(b) In addition to any other penalty imposed for a conviction under this section, the court shall recommend that the person be prohibited from receiving a valid driving license for a fixed period of at least ninety (90) days and not more than two (2) years.

(c) The court shall specify:

(1) the length of the fixed period of the prohibition; and

(2) the date the fixed period of the prohibition begins;

whenever the court makes a recommendation under subsection (b).

(d) The bureau shall, upon receiving a record of conviction of a person upon a charge of operating a motor vehicle while never having received a valid driving license, prohibit the person from receiving a driving license for a fixed period of at least ninety (90) days and not more than two (2) years. The bureau shall fix this period in accordance with the recommendation of the court that entered the conviction, as provided in subsection (c). **If the court fails to recommend a fixed term of suspension, the bureau shall impose the minimum period of suspension required under this chapter.**

(e) In a prosecution under this section, the burden is on the defendant to prove by a preponderance of the evidence that the defendant had been issued a driving license or permit that was valid at the time of the alleged offense.

SECTION 236. IC 9-24-18-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) A person that has a motor vehicle in the person's custody may not cause or knowingly permit a person to drive the vehicle upon a highway unless the person ~~obtains~~ **holds** a **valid** license or permit under this article.

(b) A person who violates this section commits a Class C infraction.

SECTION 237. IC 9-24-18-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. A person who counterfeits or falsely reproduces a ~~driving~~ **driver's** license with intent to use the license or to permit another person to use the license commits a Class B misdemeanor.

SECTION 238. IC 9-24-18-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) The bureau may establish a driving record for an Indiana resident who does not hold any type of valid driving license. The driving record shall be established for an unlicensed driver when an abstract of court conviction has been received by the bureau. ~~The record shall be maintained for not less than three (3) years for each unlicensed driver.~~

(b) If an unlicensed driver applies for and receives any type of driving license in Indiana, the person's driving record as an unlicensed driver shall be recorded on the permanent record file. An unlicensed driver who has had at least two (2) traffic violation convictions in Indiana within twenty-four (24) months before applying for any type of driving license may not be issued a license within one (1) year after the

date of the second traffic conviction as indicated on the abstract of court conviction record. If the bureau issues a license without knowledge of the second conviction, the bureau shall suspend the license upon learning of the second conviction and notify the person of the reason for the suspension and the term of the suspension.

(c) The bureau shall also certify traffic violation convictions on the driving record of an unlicensed driver who subsequently receives an Indiana driving license.

SECTION 239. IC 9-24-18-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. Upon receipt of a court order under IC 7.1-5-7-7 (minor possessing, consuming, or transporting alcohol or having alcohol present in a bodily substance), the bureau shall suspend the minor's ~~driver's license~~ **driving privileges** for the period ordered by the court.

SECTION 240. IC 9-24-19-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) In addition to any other penalty imposed for a conviction under this chapter, the court shall recommend that the person's driving privileges be suspended for a fixed period of not less than ninety (90) days and not more than two (2) years.

(b) The court shall specify:

(1) the length of the fixed period of suspension; and

(2) the date the fixed period of suspension begins;

whenever the court makes a recommendation under subsection (a).

(c) The bureau shall, upon receiving a record of conviction of a person upon a charge of driving a motor vehicle while the driving privileges, permit, or license of the person is suspended, fix the period of suspension in accordance with the recommendation of the court. If the court fails to recommend a fixed term of suspension, the bureau shall impose the minimum period of suspension required under this chapter.

SECTION 241. IC 9-24-19-6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 6. The bureau shall, upon receiving a record of conviction of a person upon a charge of driving a vehicle while the person's driving privilege, permit, or license was suspended, extend the period of suspension for a fixed period of not less than ninety (90) days and not more than two (2) years. The bureau shall fix this period in accordance with the recommendation of the court that entered the conviction, as provided in section 5 of this chapter.~~

SECTION 242. IC 9-25-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. This article does not apply to a judgment in a civil action. ~~or cause of action arising out of an accident occurring before July 1, 1943.~~

SECTION 243. IC 9-25-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. Whenever the proof of financial responsibility filed by a person under this article no longer fulfills the purpose for which the proof was required, the bureau shall require other proof of financial responsibility under this article and shall suspend the ~~operator's or chauffeur's license~~ **driving privileges** and **motor** vehicle registration of the person for whom other proof of financial responsibility is required.

SECTION 244. IC 9-25-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) This section does not apply to an electric personal assistive mobility device.

(b) A person may not:

(1) register a **motor** vehicle; or

(2) operate a **motor** vehicle on a public highway;

in Indiana if financial responsibility is not in effect with respect to the motor vehicle under section 4 of this chapter, **or the person is not otherwise insured in order to operate the motor vehicle.**

(c) A person who violates this section is subject to the suspension of the person's current driving ~~license~~ **privileges** or **motor** vehicle registration, or both, under this article.

SECTION 245. IC 9-25-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. Financial responsibility in one (1) of the forms required under this chapter must be continuously maintained as long as a motor vehicle is operated on a ~~road, street, or~~ **public** highway in Indiana.

SECTION 246. IC 9-25-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) For the purposes of this article, financial responsibility is in effect with respect to a motor vehicle if:

(1) a motor vehicle liability insurance policy issued with respect to the **motor** vehicle **or operator under IC 9-25-5-7;**

(2) a bond executed with respect to the **motor** vehicle under section 7 of this chapter; or

(3) the status of the owner or operator of the **motor** vehicle as a self-insurer, as recognized by the bureau through the issuance of a certificate of self-insurance under section 11 of this chapter;

provides the ability to respond in damages for liability arising out of the ownership, maintenance, or use of the motor vehicle in amounts at least equal to those set forth in section 5 or 6 of this chapter.

(b) A motor vehicle liability policy under this article must contain the terms, conditions, and provisions required by statute and must be approved by the state insurance commissioner.

SECTION 247. IC 9-25-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. Proof of financial responsibility **meeting the requirements set forth in this article** may be ~~made~~ **filed in a manner prescribed by the bureau** by ~~filing with the bureau the written certificate of~~ an insurance carrier ~~authorized to do business in Indiana certifying that the carrier has issued to or for the benefit~~ of the person ~~furnishing the~~ **for whom** proof ~~and named as the insured a motor vehicle liability policy meeting the requirements of this chapter and having the terms, conditions, and specifications that the bureau requires.~~ **is required.**

SECTION 248. IC 9-25-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) If a person is convicted of a traffic offense that requires a court appearance, the court shall require the person to show proof that financial responsibility was in force on the date of the violation in one (1) of the forms described in IC 9-25-4-4 or in the form of a certificate of self-insurance issued under

IC 9-25-4-11.

(b) If a person fails to provide proof of financial responsibility as required by this section, the court shall ~~do the following:~~

~~(1)~~ suspend the person's current driving ~~license~~ **privileges** or **motor** vehicle registration, or both.

~~(2) Order the person to immediately surrender the person's current driving license or vehicle registration to the court.~~

(c) A suspension under this section is subject to the same provisions concerning procedure for suspension, duration of suspension, and reinstatement applicable to other suspensions under this ~~chapter.~~ **article.**

SECTION 249. IC 9-25-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. Not more than forty-five (45) days after the bureau receives a copy of an accident report under IC 9-26, the bureau shall send to each person identified in the report as an operator of a **motor** vehicle involved in the accident a request for evidence of financial responsibility under section 3 of this chapter, unless the evidence has already been filed with the bureau. The request for evidence of financial responsibility shall be sent to each person identified in the report as an operator of a **motor** vehicle involved in the accident regardless of fault.

SECTION 250. IC 9-25-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) A request for evidence of financial responsibility must do the following:

(1) Direct a person identified under section 2 of this chapter to provide the bureau with evidence that financial responsibility was in effect with respect to the **motor** vehicle operated by the person on the date of the accident described in the accident report.

(2) Instruct the person on how to furnish the bureau with evidence of financial responsibility in compliance with this ~~chapter.~~ **article.**

(3) Warn the person that failure to furnish evidence of financial responsibility to the bureau will result in suspension of the person's current driving ~~license~~ **privileges** or **motor** vehicle registration, or both, under this article.

(b) The bureau shall mail a request for evidence of financial responsibility to a person identified under section 2 of this chapter by first class mail at the address appearing in the records of the bureau.

SECTION 251. IC 9-25-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) To avoid ~~a current driving license~~ suspension **of driving privileges** or **motor** vehicle registration suspension, **or both,** under this article, a person identified under section 2 of this chapter who receives a request for evidence of financial responsibility must ~~provide~~ **ensure that the insurance company of the person provides** the bureau with a certificate of compliance indicating that financial responsibility required by IC 9-25-4-1 was in effect with respect to the motor vehicle, **or the operation of the motor vehicle,** on the date of the accident described in the accident report. **It is the responsibility of the person who receives a request for evidence of financial responsibility to ensure that the insurance company of the person has provided a**

certificate of compliance.

(b) Proof that the bureau:

(1) did not receive a certificate of compliance ~~from~~ **for** a person presented with a request for evidence of financial responsibility under section 2 of this chapter within ~~forty-five (45)~~ **forty (40)** days after the date on which the person was presented with the request;

(2) received a certificate of compliance that did not indicate that financial responsibility was in effect with respect to the motor vehicle that the person was operating on the date of the accident described in the accident report; or

(3) suspended ~~a current~~ **the** driving ~~license or~~ **privileges or motor** vehicle registration, **or both,** under IC 9-25-6-3 after presenting a person with a request for evidence of financial responsibility under section 2 of this chapter;

is prima facie evidence in a civil action that the person presented with the request for evidence of financial responsibility did not have **an operator's or** a motor vehicle liability policy in effect with respect to the motor vehicle that the person was operating on the date of the accident described in the accident report.

SECTION 252. IC 9-25-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) A person who receives a request for evidence of financial responsibility under section 3 of this chapter shall **ensure that the insurance company of the person** set forth in the certificate of compliance **provides to the bureau** the following information concerning the form of financial responsibility that was in effect with respect to the motor vehicle on the date in question:

(1) If **an operator's or** a motor vehicle liability policy was in effect, the following:

(A) The name and address of the insurer.

(B) The limits of coverage of the policy.

(C) The identification number applying to the policy.

(D) Dates of coverage of the policy.

(E) Other information requested by the bureau.

(2) If a bond was in effect, the following:

(A) The name and address of the bond company or surety.

(B) The face amount of the bond.

(C) Dates the bond was in effect.

(D) Other information requested by the bureau.

(3) If self-insurance was in effect under IC 9-25-4-11, the following:

(A) The date on which the certificate of self-insurance was issued by the bureau.

(B) The name of the person to whom the certificate of self-insurance was issued.

(C) Other information requested by the bureau.

(b) A person who requests information or verification of coverage to complete a certificate of compliance under subsection (a) from:

(1) an insurance company; or

(2) an insurance producer;

is not required to give the company or the producer a reason for requesting the information unless the person has been involved in an accident.

SECTION 253. IC 9-25-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. A certificate of compliance that reports the existence of an insurance policy must be ~~signed~~ **executed** by an officer or agent of the insurer. A certificate of compliance that reports the existence of a bond must be ~~signed~~ **executed** by an officer of the bond company or surety.

SECTION 254. IC 9-25-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) An insurance carrier that has issued a motor vehicle liability policy or policies meeting the requirements of this article shall, upon request of the named insured,

~~(1) deliver to the insured for filing; or~~

~~(2)~~ file with the bureau

an appropriate certificate that meets the requirements of this ~~chapter~~ **article** and shows that a policy or policies have been issued.

(b) The issuance of a certificate to serve as proof of financial responsibility under this ~~chapter~~ **article** is conclusive evidence that a motor vehicle liability policy in the certificate cited conforms to all the requirements of this article.

SECTION 255. IC 9-25-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. Whenever an insurance carrier has certified a motor vehicle liability policy under this chapter for the purpose of furnishing evidence of future financial responsibility, the insurance carrier shall give ten (10) days written notice to the bureau before cancellation of the policy. The policy continues in full force and effect until the date of cancellation specified in the notice or until the policy's expiration. A policy subsequently procured and certified, on the effective date of the policy's certification, terminates the insurance previously certified with respect to a **motor** vehicle designated in both certificates.

SECTION 256. IC 9-25-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) A nonresident may give proof of financial responsibility in one (1) of the following ways:

(1) The nonresident owner of a foreign **motor** vehicle may give proof of financial responsibility by ~~filing with the bureau a written certificate of~~ **having** an insurance carrier authorized to transact business in the state in which the motor vehicle described in the certificate is registered **file a certificate of compliance with the bureau.**

(2) A nonresident who does not own a motor vehicle may give proof of financial responsibility by ~~filing with the bureau a written certificate of~~ **having** an insurance carrier authorized to transact business in the state in which the nonresident resides **file a certificate of compliance with the bureau.**

(b) A certificate **of compliance** filed under subsection (a) must

conform to this chapter.

~~(c) The bureau shall accept a certificate filed under subsection (a) if the insurance carrier complies with the following:~~

~~(1) Executes a power of attorney authorizing the bureau to accept service on the insurance carrier's behalf of notice of process in an action arising out of a motor vehicle accident in Indiana.~~

~~(2) Adopts a binding resolution declaring that the insurance carrier's policies are considered to comply with Indiana law relating to the terms of motor vehicle liability policies issued in Indiana.~~

~~(3) Agrees to accept as final and binding a judgment of a court of competent jurisdiction in Indiana rendered in an action arising out of a motor vehicle accident.~~

~~(d) If a foreign insurance carrier that has qualified to furnish proof of financial responsibility under subsection (c) defaults in an undertaking or agreement, the bureau may not accept a certificate of the defaulting foreign carrier as long as the default continues, whether the certificate was filed before or after the default.~~

SECTION 257. IC 9-25-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) If:

(1) the bureau receives a certificate of compliance ~~from~~ **for** a person identified under IC 9-25-5-2 within forty (40) days after the date on which the bureau mailed the request for evidence of financial responsibility to the person; and

(2) the certificate of compliance indicates that financial responsibility was in effect with respect to the **motor** vehicle **or the operation of the motor vehicle** at the time of the accident described in the accident report;

the bureau may not suspend the person's ~~current~~ driving ~~license.~~ **privileges.**

(b) If:

(1) the bureau receives a certificate of compliance from a person presented with a request for evidence of financial responsibility under IC 9-25-9-1 within forty (40) days after the date on which the person was presented with the request; and

(2) the certificate of compliance indicates that financial responsibility was in effect with respect to the motor vehicle **or the operation of the motor vehicle** that the person was operating when the person committed the violation described in the judgment or abstract received by the bureau under IC 9-25-9-1;

the bureau may not suspend the person's ~~current~~ driving ~~license.~~ **privileges.**

(c) If:

(1) the bureau receives a certificate of compliance for a person identified under IC 9-25-10 within forty (40) days after the date on which the bureau mailed the request for evidence of financial responsibility to the person; and

(2) the certificate of compliance indicates that financial responsibility was in effect with respect to the motor vehicle or the operation of the motor vehicle for the date requested under IC 9-25-10;

the bureau may not suspend the driving privileges of the person.

SECTION 258. IC 9-25-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) If the bureau finds that a statement as to the existence of financial responsibility in a certificate of compliance received ~~from:~~ **for**

~~(1)~~ a person identified under ~~IC 9-25-5-2; or~~

~~(2) a person presented with a request for evidence of financial responsibility under IC 9-25-9-1;~~ **IC 9-25**

is materially false, the bureau shall take action under subsection (b).

(b) Upon finding that the statement referred to in subsection (a) is false, the bureau shall ~~do the following:~~

~~(1)~~ immediately suspend the person's ~~current~~ driving ~~license or~~ **privileges or motor** vehicle registration, or both,

~~(2) Demand that the person immediately surrender the person's current driving license or vehicle registration, or both, to the bureau.~~ **for at least ninety (90) days and not more than one (1) year.**

SECTION 259. IC 9-25-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) If the bureau:

(1) does not receive a certificate of compliance ~~from~~ **for** a person identified under IC 9-25-5-2 within forty (40) days after the date on which the bureau mailed the request for evidence of financial responsibility to the person; or

(2) receives a certificate that does not indicate that financial responsibility was in effect with respect to the motor vehicle operated by the person on the date of the accident referred to in IC 9-25-5-2;

the bureau shall take action under subsection ~~(c).~~ **(d).**

(b) If the bureau:

(1) does not receive a certificate of compliance ~~from~~ **for** a person presented with a request for evidence of financial responsibility under IC 9-25-9-1 within forty (40) days after the date on which the person was presented with the request; or

(2) receives a certificate that does not indicate that financial responsibility was in effect with respect to the motor vehicle that the person was operating when the person committed the violation described in the judgment or abstract received by the bureau under IC 9-25-9-1;

the bureau shall take action under subsection ~~(c).~~ **(d).**

(c) If the bureau:

(1) does not receive a certificate of compliance for a person presented with a request under IC 9-25-10 not later than forty (40) days after the date on which the person was presented with the request; or

(2) receives a certificate that does not indicate that financial responsibility was in effect;

the bureau shall take action under subsection (d).

~~(c)~~ **(d)** Under the conditions set forth in subsection (a), ~~or~~ (b), **or (c),** the bureau shall ~~do the following:~~

~~(1)~~ immediately suspend the person's ~~current~~ driving ~~license~~

privileges or motor ~~or~~ vehicle registration, or both, **for at least ninety (90) days and not more than one (1) year.**

~~(2) Demand that the person immediately surrender the person's current driving license or vehicle registration, or both, to the bureau.~~

~~(d)~~ **(e)** Except as provided in subsection ~~(c),~~ **(f),** if subsection (a), ~~or~~ (b), **or (c)** applies to a person, the bureau shall suspend the ~~current~~ driving ~~license~~ **privileges** of the person irrespective of the following:

(1) The sale or other disposition of the motor vehicle by the owner.

(2) The cancellation or expiration of the registration of the motor vehicle.

(3) An assertion by the person that the person did not own the motor vehicle and therefore had no control over whether financial responsibility was in effect with respect to the motor vehicle.

~~(e)~~ **(f)** The bureau shall not suspend the ~~current~~ driving ~~license~~ **privileges** of a person to which subsection (a), ~~or subsection~~ (b), **or (c)** applies if the person, through a certificate of compliance or another communication with the bureau, establishes to the satisfaction of the bureau that the motor vehicle that the person was operating when the accident referred to in subsection (a) took place or when the violation referred to in subsection (b) was committed was:

(1) rented from a rental company; or

(2) owned by the person's employer and operated by the person in the normal course of the person's employment.

SECTION 260. IC 9-25-6-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3.5. If a person violates:

(1) IC 9-25-4;

(2) IC 9-25-5; ~~or~~

(3) section 2 or 3 of this chapter; **or**

(4) IC 9-25-10;

more than one (1) time within a three (3) year period, the person's driving ~~license~~ **privileges** or **motor** vehicle registration may be suspended for not more than one (1) year.

SECTION 261. IC 9-25-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) This section does not apply to judgments entered at least seven (7) years after the date of the accident.

(b) "Judgment", as used in this section, means a judgment in excess of two hundred dollars ($200) for bodily injury, death, or property damages arising out of the use of a motor vehicle upon a public highway.

(c) The bureau shall suspend for a period of not more than seven (7) years from the date of ~~written notification~~ **judgment** the ~~current~~ driving ~~license issued to~~ **privileges of** a person upon receiving a verified report that the person has failed for a period of ~~up to~~ ninety (90) days to satisfy a judgment.

SECTION 262. IC 9-25-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) The bureau may

not suspend ~~a license~~ **the driving privileges of a person** and shall reinstate ~~a license suspended~~ **the driving privileges of a person** following nonpayment of a judgment whenever a judgment debtor does the following:

(1) Gives proof ~~of~~ **that** the judgment ~~debtor's~~ **debtor will maintain** financial responsibility in the future **for at least three (3) years following reinstatement.**

(2) Obtains an order from the trial court in which the judgment was rendered permitting the payment of the judgment in installments, unless the payment of an installment is in default.

(b) A judgment debtor, upon five (5) days notice to the judgment creditor, may apply to the trial court in which the judgment was obtained for the privilege of paying the judgment in installments. The court, in the court's discretion and without prejudice to other legal remedies the judgment creditor may have, may order the payment of the judgment in installments, fixing the amounts and times of payment of the installments.

(c) Except as provided in subsection (d), if the judgment debtor fails to pay an installment as permitted by the order of the court, upon notice of the default the bureau shall suspend the ~~license~~ **driving privileges** of the judgment debtor. The bureau may not take action for failure to make installment payments for judgments entered at least seven (7) years after the date of the accident. ~~A~~ Suspended ~~license~~ **driving privileges** may not be reinstated until evidence of proof of **future** financial responsibility is presented.

(d) Notwithstanding a default by the judgment debtor in the payment of a judgment or the payment of an installment under subsection (b), whenever the judgment creditor consents in writing, in the form the bureau prescribes, that the judgment debtor be allowed ~~license~~ **driving privileges** and registration, the ~~license~~ **driving privileges** and registration may be allowed by the bureau at the bureau's discretion. The ~~license~~ **driving privileges** and registration may be ~~allowed for six (6) months from the date of a consent under this subsection and may be~~ renewed until the consent is revoked in writing if the judgment debtor furnishes proof under this article ~~of~~ **that** the judgment ~~debtor's~~ **debtor will maintain** financial responsibility in the future **for at least three (3) years following reinstatement.**

SECTION 263. IC 9-25-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. ~~(a)~~ Except as provided in sections 5 and 6 of this chapter, a suspension required in sections 4 and 6 of this chapter remains in effect and no other motor vehicle may be registered in the name of the judgment debtor or a new license issued to the judgment debtor, until the following occur:

(1) The judgment is satisfied or stayed.

(2) The judgment debtor gives proof of **future** financial responsibility ~~in the future~~ **for three (3) years,** as provided in this article.

~~(b) A discharge in bankruptcy following the rendering of a judgment does not relieve the judgment debtor from the requirements of this chapter.~~

SECTION 264. IC 9-25-6-8 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 8. (a) A court shall forward to the bureau a certified abstract of the record of the conviction of a person in the court for a violation of a law relating to motor vehicles.~~

~~(b) If in the opinion of the court a defendant should be deprived of the privilege to operate a motor vehicle upon a public highway, the court shall recommend the suspension of the convicted person's current driving license for a fixed period established by the court not exceeding one (1) year.~~

~~(c) The bureau shall comply with the court's recommendation.~~

~~(d) At the time of a conviction referred to in subsection (a) or IC 9-30-5-7, the court may obtain the defendant's current driving license and return the license to the department.~~

~~(e) An abstract provided for by this section must be in the form prescribed by the bureau and, when certified, shall be accepted by an administrative agency or a court as prima facie evidence of the conviction and all other action stated in the abstract.~~

SECTION 265. IC 9-25-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. The ~~clerk of a court, or the judge of a~~ court ~~that has no clerk,~~ shall forward to the bureau a certified abstract of the record of a judgment for damages if the rendering and nonpayment of the judgment requires the bureau to suspend or revoke the ~~current~~ driving ~~license in the name~~ **privileges** of the judgment debtor under this article. The abstract shall be forwarded to the bureau immediately upon the expiration of thirty (30) days after the judgment becomes final and has not been stayed or satisfied, as shown by the records of the court.

SECTION 266. IC 9-25-6-10 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 10. (a) If:~~

~~(1) a criminal proceeding for driving while intoxicated under IC 9-30-5 is deferred under IC 12-23-5-1 through IC 12-23-5-9; or~~

~~(2) a child alleged to be a delinquent child based upon the child's violation of IC 9-30-5 voluntarily attends or is ordered by the court under IC 31-37 (or IC 31-6-4 before its repeal) to attend an alcohol and drug services program;~~

~~the court, within ten (10) days after the defendant or child begins the program, shall forward to the bureau a certified abstract of program enrollment.~~

~~(b) The abstract must state the following:~~

~~(1) The defendant's or child's name, address, date of birth, and driver's license number.~~

~~(2) The name and location of the alcohol and drug services program that the defendant or child is attending.~~

SECTION 267. IC 9-25-6-11 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 11. If a license is revoked because of a conviction, the bureau may not accept a certificate of insurance unless the certificate covers each motor vehicle registered in the name of the person furnishing proof as the owner. An additional certificate is required before the subsequent registration of a motor vehicle in the name of the~~

~~person giving proof as the owner.~~

SECTION 268. IC 9-25-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. ~~(a)~~ Whenever ~~a certificate~~ **proof of financial responsibility** is filed showing that a policy has been issued covering all motor vehicles owned by an insured but not insuring the person when operating a motor vehicle not owned by the person, it is unlawful for the person to operate a motor vehicle not owned by the person or not covered by the certificate. ~~The bureau shall designate the restriction under this subsection upon the operator's or chauffeur's license of the person.~~

~~(b) If a person who owns a motor vehicle desires to be relieved of the restriction under subsection (a) and be permitted to drive another motor vehicle, the person who owns the motor vehicle may have the restriction removed upon filing a certificate showing that an operator's policy of liability insurance has been issued to the person.~~

SECTION 269. IC 9-25-6-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. A:

(1) nonresident may not operate a motor vehicle in Indiana; and

(2) motor vehicle owned by the nonresident may not be operated in Indiana;

until the nonresident or the owner of the motor vehicle has complied with the requirements of this article with respect to proof of financial responsibility. ~~covering the motor vehicle.~~

SECTION 270. IC 9-25-6-14, AS AMENDED BY P.L.210-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. (a) The bureau shall reinstate the ~~current~~ driving ~~license~~ **privileges** or **motor** vehicle registration, or both:

(1) subject to section 15 of this chapter, after ninety (90) days of suspension

~~(A) except as provided in sections 19, 20, and 21(b) of this chapter,~~ if the person has furnished the bureau with a certificate of compliance showing that financial responsibility is in effect with respect to the vehicle; or

~~(B) if the person is no longer an owner of the vehicle or the registration of the vehicle has been canceled or has expired;~~

~~(2) if the person is subject to section 21(b) of this chapter and to IC 9-29-10-1, after thirty (30) days of suspension;~~

~~(3) subject to section 15 of this chapter, when the person furnishes the bureau with a certificate of compliance showing that financial responsibility is in effect with respect to the vehicle if:~~

~~(A) subdivision (1)(B) does not apply; and~~

~~(B) the person fails to furnish the bureau with a certificate of compliance as described in subdivision (1)(A) within ninety (90) days after the current driving license of the person is suspended; or~~

~~(4)~~ **(2)** if financial responsibility was in effect with respect to a **motor** vehicle on the date ~~of the accident~~ **requested** but the ~~person does not provide the~~ bureau ~~with~~ **does not receive** a certificate of compliance indicating this fact until after the person's ~~current~~ driving ~~license is~~ **privileges are** suspended under

this ~~chapter;~~ **article,** the person's ~~current~~ driving ~~license~~ **privileges** shall be reinstated when the ~~person provides~~ **bureau receives** the certificate of compliance. ~~to the bureau and complies with section 15 of this chapter.~~

(b) Upon receipt of a certificate of compliance under this section, the bureau shall expunge from the bureau's data base the administrative suspension caused by the failure to notify the bureau that the person had financial responsibility in effect on the date of the violation.

SECTION 271. IC 9-25-6-15, AS AMENDED BY P.L.80-2010, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. ~~(a) Except as provided in subsection (b),~~ A person:

(1) whose ~~current~~ driving ~~license is~~ **privileges are** suspended under this ~~chapter;~~ **article;** and

(2) who seeks the reinstatement of the driving ~~license;~~ **privileges;**

must pay a reinstatement fee to the bureau as provided in IC 9-29-10-1.

~~(b) A person whose driver's license is suspended under section 19 or 20 of this chapter is not required to pay a reinstatement fee to have the person's driving license reinstated.~~

SECTION 272. IC 9-25-6-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. A person whose ~~current~~ driving ~~license is~~ **privileges are** suspended under this ~~chapter~~ **article** may seek a review of the suspension under IC 4-21.5-3-7.

SECTION 273. IC 9-25-6-17 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 17. If the bureau determines that a person who is required to give proof of financial responsibility in the future under this article because of a conviction, non-satisfaction of a judgment, or for any other reason is or becomes:~~

~~(1) a chauffeur or motor vehicle operator, however designated, in the employ of a person who owns a motor vehicle; or~~

~~(2) a member of the immediate family or household of a person who owns a motor vehicle; and~~

~~the period for which the person's suspension or revocation has elapsed, the bureau may accept proof of future financial responsibility given by the person who owns the motor vehicle instead of requiring proof from the person under a suspension or revocation if it appears that the proof offered will be sufficient to cover any number of persons coming within this classification. The bureau may designate the restrictions imposed by this section on the face of the operator's or chauffeur's license of the person who has been under suspension or revocation.~~

SECTION 274. IC 9-25-6-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18. A person who:

(1) forges or without authority signs **or approves** any certificate to serve as proof of financial responsibility as required by the bureau; or

(2) knowingly files or offers for filing a certificate described in subdivision (1);

commits a Class B misdemeanor.

SECTION 275. IC 9-25-6-19 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 19. (a) The bureau shall, upon receiving an order of a~~

~~court issued under IC 31-14-12-4 or IC 31-16-12-7 (or IC 31-1-11.5-13(j) or IC 31-6-6.1-16(j) before their repeal), suspend the driving license or permit of the person who is the subject of the order.~~

~~(b) The bureau may not reinstate a driving license or permit suspended under this section until the bureau receives an order allowing reinstatement from the court that issued the order for suspension.~~

~~(c) Upon receiving an order for suspension under subsection (a), the bureau shall promptly mail a notice to the last known address of the person who is the subject of the order, stating the following:~~

~~(1) That the person's driving privileges are suspended, beginning five (5) business days after the date the notice is mailed, and that the suspension will terminate ten (10) business days after the bureau receives an order allowing reinstatement from the court that issued the suspension order.~~

~~(2) That the person has the right to petition for reinstatement of driving privileges to the court that issued the order for suspension.~~

~~(3) That the person may be granted a restricted driving permit under IC 9-24-15-6.7 if the person can prove that public transportation is unavailable for travel by the person:~~

~~(A) to and from the person's regular place of employment;~~

~~(B) in the course of the person's regular employment;~~

~~(C) to and from the person's place of worship; or~~

~~(D) to participate in parenting time with the petitioner's children consistent with a court order granting parenting time.~~

~~(d) Unless a person whose driving license or permit is suspended under this section has been issued a restricted driving permit under IC 9-24-15 as a result of a suspension under this section, a person who operates a motor vehicle in violation of the section commits a Class A infraction.~~

SECTION 276. IC 9-25-6-19.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19.2. The bureau may suspend the registration of a **motor** vehicle owned by a registrant who provides the bureau with false evidence of financial responsibility under this article.

SECTION 277. IC 9-25-6-20 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 20. (a) If the bureau is advised by the Title IV-D agency that the obligor (as defined in IC 31-25-4-4) either requested a hearing under IC 31-25-4-33 and failed to appear or appeared and was found to be delinquent, the bureau shall promptly mail a notice to the obligor stating the following:~~

~~(1) That the obligor's driving privileges are suspended, beginning twenty (20) business days after the date the notice is mailed, and that the suspension will terminate after the bureau receives a notice from the Title IV-D agency that the obligor has:~~

~~(A) paid the obligor's child support arrearage in full; or~~

~~(B) established a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.~~

~~(2) That the obligor may be granted a restricted driving permit under IC 9-24-15-6.7 if the obligor can prove that public transportation is unavailable for travel by the obligor:~~

~~(A) to and from the obligor's regular place of employment;~~

~~(B) in the course of the obligor's regular employment;~~

~~(C) to and from the obligor's place of worship; or~~

~~(D) to participate in parenting time with the petitioner's children consistent with a court order granting parenting time.~~

~~(b) The bureau may not reinstate a driving license or permit suspended under this section until the bureau receives a notice from the Title IV-D agency that the obligor has:~~

~~(1) paid the obligor's child support arrearage in full; or~~

~~(2) established a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.~~

~~(c) Unless an obligor whose driving license or permit is suspended under this section has been issued a restricted driving permit under IC 9-24-15 as a result of a suspension under this section, an obligor who operates a motor vehicle in violation of the section commits a Class A infraction.~~

SECTION 278. IC 9-25-6-21 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 21. (a) Upon receiving an order issued by a court under IC 35-43-4-8(b) concerning a person convicted of fuel theft, the bureau shall do the following:~~

~~(1) Suspend under subsection (b) the driving privileges of the person who is the subject of the order, whether or not the person's current driving license accompanies the order.~~

~~(2) Mail to the last known address of the person who is the subject of the order a notice:~~

~~(A) stating that the person's driving license is being suspended for fuel theft;~~

~~(B) setting forth the date on which the suspension takes effect and the date on which the suspension terminates; and~~

~~(C) stating that the person may be granted a restricted driving permit under IC 9-24-15-6.7 if the person meets the conditions for obtaining a restricted driving permit.~~

~~(b) The suspension of the driving privileges of a person who is the subject of an order issued under IC 35-43-4-8(b):~~

~~(1) begins five (5) business days after the date on which the bureau mails the notice to the person under subsection (a)(2); and~~

~~(2) terminates thirty (30) days after the suspension begins.~~

~~(c) A person who operates a motor vehicle during a suspension of the person's driving privileges under this section commits a Class A infraction unless the person's operation of the motor vehicle is authorized by a restricted driving permit issued to the person under IC 9-24-15-6.7.~~

SECTION 279. IC 9-25-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) This section does not apply to a person who is a resident of Indiana or who operates a **motor** vehicle in Indiana.

(b) A person:

(1) whose ~~operator's~~ **driver's** license or registration was suspended and who is required to prove financial responsibility extending into the future in order to have the person's driving privileges reinstated; and

(2) who no longer operates a **motor** vehicle in Indiana and has become a resident of another state or foreign jurisdiction;

is not required to prove financial responsibility into the future in order to have the person's ~~license~~ **driving privileges** or registration temporarily reinstated to allow licensing or registration in the other state or foreign jurisdiction.

SECTION 280. IC 9-25-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. This chapter does not apply to the following:

(1) Persons who have obtained a certificate of self-insurance under IC 9-25-4-11.

(2) Operators of government owned vehicles.

(3) Persons who are exempt under IC 9-25-1-2.

~~(4) A resident of another state who is operating a vehicle that is registered in that person's state of residence.~~

SECTION 281. IC 9-25-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) A person who knowingly:

(1) operates; or

(2) permits the operation of;

a motor vehicle on a public highway in Indiana **without financial responsibility in effect as set forth in IC 9-25-4-4** commits a Class A infraction. ~~unless financial responsibility is in effect with respect to the motor vehicle under IC 9-25-4-4.~~ However, the offense is a Class C misdemeanor if the person knowingly or intentionally violates this section and has a prior unrelated conviction or judgment under this section.

(b) Subsection (a)(2) applies to:

(1) the owner of a rental company ~~that is referred to in IC 9-25-6-3(e)(1);~~ **under IC 9-25-6-3(f)(1);** and

(2) an employer ~~that is referred to in IC 9-25-6-3(e)(2).~~ **under IC 9-25-6-3(f)(2).**

(c) In addition to any other penalty imposed on a person for violating this section, the court may recommend the suspension of the person's driving privileges for **at least ninety (90) days but not more than** one (1) year. However, if, within the five (5) years preceding the conviction under this section, the person had a prior unrelated conviction under this section, the court shall recommend the suspension of the person's driving privileges for one (1) year.

(d) Upon receiving the recommendation of the court under subsection (c), the bureau shall suspend the person's driving privileges for the period recommended by the court. **If no suspension is recommended by the court, the bureau shall impose the minimum period of suspension required under this article.**

SECTION 282. IC 9-25-8-4 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. The commissioner is not required to notify the prosecuting attorney of a driver who has had ~~a~~ driving ~~license~~ **privileges** suspended for failure to prove financial responsibility under this article.

SECTION 283. IC 9-25-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) After the bureau receives:

(1) a certified abstract under ~~IC 9-25-6-8~~ **IC 9-30-13-0.5** of the record of conviction of a person for a violation of a law relating to motor vehicles; or

(2) a judgment or an abstract under IC 9-30-3-11 of a case resulting in a conviction, judgment, or forfeiture of security deposit;

the bureau shall determine whether the bureau is required under subsection (b) to send to the person named in the judgment or abstract a request for evidence of financial responsibility.

(b) The bureau shall send a request for evidence of financial responsibility to a person referred to in subsection (a) if at least one (1) of the following applies to the person:

(1) The judgment or abstract referred to in subsection (a) reports that the person committed a moving traffic violation for which points are assessed by the bureau under the point system, and, not more than one (1) year before the date of the violation referred to in the judgment or abstract, the person committed at least two (2) previous moving traffic violations for which points are assessed by the bureau under the point system.

(2) The judgment or abstract referred to in subsection (a) reports that the person was convicted of:

(A) a misdemeanor; or

(B) a felony;

involving a motor vehicle.

(3) The judgment or abstract referred to in subsection (a) reports that the person committed a moving traffic violation for which points are assessed by the bureau under the point system and the driver's license of the person was previously suspended for violation of the financial responsibility requirements of IC 9-25.

SECTION 284. IC 9-25-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The request for evidence of financial responsibility presented to a person under section 1 of this chapter must do the following:

(1) Direct the person to **ensure that the insurance company of the person** provide the bureau with evidence that financial responsibility was in effect with respect to the motor vehicle that the person was operating when the person committed the violation described in the judgment or abstract.

(2) Instruct the person on how to furnish the bureau with evidence of financial responsibility as specified in this ~~chapter.~~ **article.**

(3) Warn the person that failure **of the insurance company of the person** to ~~furnish~~ **provide** evidence of financial responsibility to the bureau will result in suspension of the person's current driving

~~license~~ **privileges** or **motor** vehicle registration, or both, under this article.

SECTION 285. IC 9-25-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. To avoid ~~a current driving license~~ suspension **of driving privileges** or **motor** vehicle registration suspension under this article, a person presented with a request for evidence of financial responsibility under section 1 of this chapter must ~~provide~~ **ensure that the insurance company of the person provides** the bureau with a certificate of compliance indicating that financial responsibility as required by IC 9-25-4-1 was in effect ~~with respect to the motor vehicle that the person was operating~~ when the person committed the violation described in the judgment or abstract.

SECTION 286. IC 9-25-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. A person who is presented with a request for evidence of financial responsibility under section 1 of this chapter shall **direct the insurance company of the person to** set forth in the certificate of compliance the following information concerning the form of financial responsibility that was in effect with respect to the motor vehicle:

(1) If a motor vehicle liability policy was in effect, the following:

(A) The name and address of the insurer.

(B) The limits of coverage of the policy.

(C) The identification number applying to the policy.

(D) A statement confirming that financial responsibility covering the motor vehicle and operator was in effect on the date applicable to section 1(b) of this chapter.

(2) If a bond was in effect, the following:

(A) The name and address of the bond company or surety.

(B) The face amount of the bond.

(3) If self-insurance was in effect under IC 9-25-4-11, the following:

(A) The date on which the certificate of self-insurance was issued by the bureau.

(B) The name of the person to whom the certificate of self-insurance was issued.

SECTION 287. IC 9-25-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) A certificate of compliance that is provided to the bureau under this ~~chapter~~ **article** and that reports the existence of an insurance policy must be signed by an officer or agent of the insurer.

(b) The portion of a request for evidence of financial responsibility that is presented to an officer or agent of an insurer to obtain a certificate of compliance under subsection (a) may not contain information concerning the violation that resulted in the request for evidence of financial responsibility.

(c) An officer or agent of an insurer may not request information concerning a violation that results in a request for evidence of financial responsibility under this ~~chapter.~~ **article.**

(d) A certificate of compliance that is provided to the bureau under

this ~~chapter~~ **article** and that reports the existence of a bond must be signed by an officer of the bond company or surety.

SECTION 288. IC 9-25-10-4, AS AMENDED BY P.L.1-2009, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. The bureau shall ~~not later than January 1, 2010,~~ establish an electronic registry of previously uninsured motorists to facilitate the random and periodic verification by the bureau of compliance with this article.

SECTION 289. IC 9-25-10-6, AS AMENDED BY P.L.1-2009, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. The failure by a previously uninsured motorist to respond **with proof of financial responsibility** to the bureau's request for verification of financial responsibility under this chapter constitutes prima facie evidence of operating a motor vehicle without financial responsibility in violation of this article.

SECTION 290. IC 9-25-10-7, AS AMENDED BY P.L.65-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) The bureau shall remove the name of a previously uninsured motorist from the registry not more than five (5) years after the date on which the:

(1) judgment;

(2) conviction; or

(3) administrative action by the bureau;

for which the **previously uninsured** motorist's name is maintained on the registry was entered against the **previously uninsured** motorist.

(b) If a previously uninsured motorist is convicted of a second or subsequent offense under this article or is subject to a second or subsequent administrative action by the bureau under this article, the bureau shall remove the **previously uninsured** motorist's name from the registry not more than five (5) years after the date on which the second or subsequent conviction or the second or subsequent administrative action by the bureau is entered.

SECTION 291. IC 9-26-1-0.5, AS ADDED BY P.L.94-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 0.5. For purposes of this chapter, an accident does not require proof of a collision between a driver's **motor** vehicle and another vehicle or another person if the accident involves serious bodily injury to or the death of a person.

SECTION 292. IC 9-26-1-1, AS AMENDED BY P.L.1-2009, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. **Except as provided in section 1.5 of this chapter,** the driver of a **motor** vehicle involved in an accident that results in the injury or death of a person or the entrapment of a person in a vehicle shall do the following:

(1) Immediately stop the driver's **motor** vehicle at the scene of the accident or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary.

(2) Immediately return to and remain at the scene of the accident until the driver does the following:

(A) Gives the driver's name and address and the registration

number of the **motor** vehicle the driver was driving.

(B) Upon request, exhibits the driver's license of the driver to the following:

(i) The person struck.

(ii) The driver or occupant of or person attending each vehicle involved in the accident.

(C) Subject to section 1.5(a) of this chapter, determines the need for and renders reasonable assistance to each person injured or entrapped in the accident, including the removal of, or the making of arrangements for the removal of:

(i) each injured person from the scene of the accident to a physician or hospital for medical treatment; and

(ii) each entrapped person from the vehicle in which the person is entrapped.

(3) Subject to section 1.5(b) of this chapter, immediately give notice of the accident by the quickest means of communication to one (1) of the following:

(A) The local police department, if the accident occurs within a municipality.

(B) The office of the county sheriff or the nearest state police post, if the accident occurs outside a municipality.

~~(4) Within ten (10) days after the accident, forward a written report of the accident to the:~~

~~(A) state police department, if the accident occurs before January 1, 2006; or~~

~~(B) bureau, if the accident occurs after December 31, 2005.~~

SECTION 293. IC 9-26-1-1.5, AS ADDED BY P.L.126-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.5. (a) If:

(1) the driver of a **motor** 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 **motor** 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 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 **motor** vehicle knows that the driver of the **motor** vehicle is physically incapable of determining the need for or rendering assistance to any injured or entrapped person;

the **motor** 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 **motor** 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 **motor** 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 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 **motor** vehicle knows that the driver of the **motor** vehicle is physically incapable of giving immediate notice of an accident;

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

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

SECTION 294. IC 9-26-1-2, AS AMENDED BY P.L.54-2009, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The driver of a **motor** vehicle involved in an accident that does not result in injury or death of a person or the entrapment of a person in a **motor** vehicle and that does not involve the transportation of hazardous materials but that does result in damage to a vehicle that is driven or attended by a person shall do the following:

(1) Immediately stop the **motor** vehicle at the scene of the accident or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary. If the accident occurs on a federal interstate highway, or on a ramp providing access to or from a federal interstate highway, the driver shall, as soon as safely possible, move the **motor** vehicle off the highway or ramp to a location as close to the accident as possible in a manner that does not obstruct traffic more than is necessary.

(2) Immediately return to and remain at the scene of the accident until the driver does the following upon request:

(A) Gives the driver's name and address and the registration number of the **motor** vehicle the driver was driving.

(B) Gives the names and addresses of the owner and any occupants of the **motor** vehicle the driver was driving, if the names or addresses are different from the name and address provided under clause (A).

(C) Provides proof of financial responsibility (as defined in IC 9-25-2-3) for the motor vehicle.

(D) Exhibits the driver's license of the driver to the driver or occupant of or person attending each vehicle involved in the accident.

~~(3) If the accident results in total property damage to an apparent extent of at least one thousand dollars ($1,000), forward a written report of the accident to the:~~

~~(A) state police department, if the accident occurs before January 1, 2006, or~~

~~(B) bureau, if the accident occurs after December 31, 2005,~~ ~~within ten (10) days after the accident.~~

SECTION 295. IC 9-26-1-2.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 2.5. Only the following must be included in the written report prepared under sections 1(4) and 2(3) of this chapter by the driver of a motor vehicle involved in an accident:~~

~~(1) The name and address of the driver preparing the report.~~

~~(2) The date of the accident.~~

~~(3) The names and addresses of the drivers of the other vehicles involved in the accident.~~

~~(4) If, on the date of the accident, a motor vehicle liability policy was in effect with respect to the motor vehicle driven by the driver preparing the report, the following:~~

~~(A) The policy number.~~

~~(B) The name of the insurance company that issued the policy.~~

~~(C) The name and signature of an agent of the insurance company, who by signing the report verifies that the policy was in effect with respect to the motor vehicle on the date of the accident.~~

SECTION 296. IC 9-26-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. The driver of a **motor** vehicle that collides with an unattended vehicle shall immediately stop and do one (1) of the following:

(1) Locate and notify the operator or owner of the vehicle of the name and address of the driver and owner of the **motor** vehicle striking the unattended vehicle.

(2) Leave in a conspicuous place ~~in~~ **on** the vehicle struck a written notice giving the name and address of the driver and the owner of the **motor** vehicle doing the striking and a statement of the circumstances of the accident.

SECTION 297. IC 9-26-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The driver of a **motor** vehicle that causes damage to the property of another person, other than damage to a vehicle, shall do the following:

(1) Immediately stop the **motor** vehicle at the scene of the accident or as close to the accident as possible in a manner that

does not obstruct traffic more than is necessary.

(2) Immediately return to and remain at the scene of the accident until the driver does the following:

(A) Takes reasonable steps to locate and notify the owner or person in charge of the property of the damage.

(B) Gives the person the driver's name and address and the registration number of the **motor** vehicle.

(C) Upon request, exhibits the driver's license of the driver. ~~if the driver is required to have a driving license to operate the vehicle.~~

(b) If after reasonable inquiry the driver of the **motor** vehicle cannot find the owner or person in charge of the damaged property, the driver of the **motor** vehicle shall do the following:

(1) Notify either the ~~sheriff~~ **sheriff's department** of the county in which the damaged property is located or a member of the state police department.

(2) Give the ~~sheriff~~ **sheriff's department** or state police department the information required by this section.

SECTION 298. IC 9-26-1-6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 6. (a) If:~~

~~(1) the driver of a vehicle is physically incapable of making a written report of an accident as required by this chapter; and~~

~~(2) there was another occupant in the vehicle at the time of the accident capable of making a written report;~~

~~the occupant shall make or cause to be made the report not made by the driver.~~

~~(b) If:~~

~~(1) the driver of a vehicle is physically incapable of making an immediate or a written report of an accident as required by this chapter;~~

~~(2) there was no other occupant; and~~

~~(3) the driver is not the owner of the vehicle;~~

~~the owner of the vehicle involved in the accident shall, within five (5) days after the accident, make the report not made by the driver.~~

SECTION 299. IC 9-26-1-7, AS AMENDED BY P.L.210-2005, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) A city or town may by ordinance require that the driver of a **motor** vehicle involved in an accident file with a designated city or town department

~~(1)~~ a report of the accident. ~~or~~

~~(2) a copy of a report required in this article to be filed with the:~~

~~(A) state police department; or~~

~~(B) bureau.~~

(b) An accident report required to be filed under subsection (a) is for the confidential use of the designated city or town department and subject to IC 9-26-3-4.

SECTION 300. IC 9-26-1-10 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 10. The bureau shall, after proper notice is given and a hearing held, revoke or suspend the driver's license of a person who fails to make a report required under section 1(4), 2(3), or 5 of this~~

~~chapter.~~

SECTION 301. IC 9-26-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The person in charge of a garage or repair shop to which a motor vehicle that shows evidence of having been struck by a bullet is brought shall report to the state police department, within twenty-four (24) hours after the motor vehicle is received, the following information:

(1) The engine number of the **motor** vehicle.

(2) The registration number of the **motor** vehicle.

(3) The name and address of the owner or operator of the **motor** vehicle.

SECTION 302. IC 9-26-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. A person removing a wrecked or damaged **motor** vehicle from a street or highway must remove any glass or other foreign material dropped upon the street or highway from the **motor** vehicle.

SECTION 303. IC 9-26-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) This section does not apply to the removal of a **motor** vehicle that constitutes a traffic hazard.

(b) The driver of a **motor** vehicle that is used to remove a **motor** vehicle that caused damage to real or personal property, except a **motor** vehicle of another person as described in IC 9-26-1-4, shall give the notification required by IC 9-26-1-4 before removing the **motor** vehicle that caused the damage.

SECTION 304. IC 9-27-6-5, AS ADDED BY P.L.145-2011, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) As used in this section, **"advisory** board" refers to the driver education advisory board established by subsection (b).

(b) The driver education advisory board is established to advise the commissioner in the administration of the policies of the commission and the bureau regarding driver education.

(c) The **advisory** board is composed of seven (7) individuals appointed by the commissioner as follows:

(1) Three (3) members must be driver education professionals endorsed by the bureau under section 8 of this chapter. In the selection of individuals for membership under this subdivision, consideration must be given to driver education instruction performed in urban and rural areas.

(2) One (1) member must be a traffic safety advocate.

(3) One (1) member must be a representative of the bureau.

(4) One (1) member must be a representative of higher education.

(5) One (1) member must be a representative of the insurance industry.

(d) A member of the **advisory** board serves a ~~three (3)~~ **two (2)** year term. A member may not serve more than two (2) consecutive full terms. Each member serves until the member's successor is appointed and qualified.

(e) A member of the **advisory** board may be removed for good

cause.

(f) A vacancy on the **advisory** board shall be filled by the appointment by the commissioner of an individual to fill the position to which the vacating member was appointed under subsection (c) for the vacating member's unexpired term.

~~(g) At the first meeting of the board each year, the members shall elect:~~

~~(1) one (1) member to be the board's chairperson;~~

~~(2) one (1) member to be the board's vice chairperson; and~~

~~(3) one (1) member to be the board's secretary.~~

~~The chairperson, vice chairperson, and secretary serve until their successors are elected and qualified.~~

~~(h) A vacancy in the office of chairperson, vice chairperson, or secretary shall be filled by vote of the members. The term of office of a board member chosen to fill a vacancy under this subsection expires at the first meeting of the board the following year.~~

~~(i) The driver education board shall meet at least two (2) times per year. Additional meetings may be convened at the call of the chairperson of the board or the written request of any three (3) members.~~

~~(j) Four (4) members of the board constitute a quorum for doing business. The majority vote of the members who constitute the quorum and are present and voting is required for the passage of a matter put to a vote of the board.~~

~~(k) The bureau shall provide staff and administrative support to the board.~~

~~(l)~~ **(g)** The **advisory** board ~~has the following powers:~~ **shall:**

(1) ~~To~~ consult with and advise the commissioner in the administration of the policies of the commission and the bureau regarding driver education; **and**

(2) ~~To~~ suggest rules regarding the education and training of persons to operate or drive motor vehicles or to prepare a person for an examination or validation for a driver's license.

~~(m)~~ **(h)** A member of the **advisory** board is not subject to liability in a civil action for bodily injury or property damage arising from or thought to have arisen from an action taken in good faith as a member of the **advisory** board.

SECTION 305. IC 9-28-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. The bureau may suspend ~~a driver's license issued to~~ **the driving privileges of** a driver licensed under IC 9-24 for failure to meet the conditions of a traffic citation of a jurisdiction in which the traffic offense occurred. This section does not apply if the jurisdiction has not entered into an agreement with Indiana as provided under section 7 of this chapter.

SECTION 306. IC 9-28-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) Upon written notification from a jurisdiction that is a party to an agreement entered into under this chapter, the bureau shall take appropriate action against a licensed driver for failure to meet the conditions set out in the citation of the jurisdiction in which the traffic offense occurred.

(b) The bureau shall notify the driver by first class mail of the request by the respective jurisdiction to have the driver's ~~license~~ **driving privileges** suspended. For the purposes of this chapter, a written notice sent to the driver's last registered address with the bureau meets the conditions of due notice.

(c) The driver has fifteen (15) days from the date of notice to satisfy the conditions of the citation issued by the jurisdiction or to request a hearing before a bureau hearing officer to show evidence or present information why the bureau should not suspend the ~~license~~ **driver's driving privileges** for failure to meet the terms of the citation.

(d) Upon holding the hearing, the bureau may suspend the driver's ~~license~~ **driving privileges** until the conditions of the citation are met or a release from the citing jurisdiction is obtained.

(e) If the bureau does not receive information from the driver concerning the notification, the bureau shall suspend the driver's ~~license~~ **driving privileges** until the conditions of the citation are met or a release is obtained.

(f) A driver ~~that has~~ **whose driving privileges have** been suspended for failure to meet the conditions of a citation is not eligible for a hardship license under IC 9-24-15.

(g) The bureau may not suspend ~~a driver's license~~ **driving privileges** under this section for a nonmoving traffic offense occurring in another jurisdiction.

SECTION 307. IC 9-28-5.1-1, AS ADDED BY P.L.93-2010, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. To facilitate the exchange of driver's licenses, the bureau ~~shall~~ **may** negotiate and enter into a reciprocal agreement with a foreign country. However, the bureau may not negotiate or enter into a reciprocal agreement with a country that is listed as a state sponsor of terrorism as determined by the Secretary of State of the United States.

SECTION 308. IC 9-28-5.1-3, AS ADDED BY P.L.93-2010, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. A written reciprocity agreement entered into under section 2 of this chapter must require an applicant from the foreign country for an operator's license to possess:

(1) a valid ~~operator's~~ **driver's** license **for the type of vehicle being operated** or the equivalent from the foreign country; or

(2) an international driving permit.

SECTION 309. IC 9-28-5.1-4 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 4. The bureau shall report annually in an electronic format under IC 5-14-6 regarding reciprocal agreements entered into under this chapter to the general assembly before February 1 of each year.~~

SECTION 310. IC 9-28-5.1-5, AS ADDED BY P.L.93-2010, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. The bureau ~~shall~~ **may** adopt rules under IC 4-22-2 to carry out this chapter.

SECTION 311. IC 9-29-3-0.3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 0.3. If P.L.291-2001 imposes an additional service fee~~

~~under section 4, 6, 7, 8, 9, 10, 11, 12, 14, or 18 of this chapter that is payable into a fund other than the state motor vehicle technology fund established by IC 9-29-16, the general assembly intends that both the service fees imposed under P.L.291-2001 and P.L.176-2001 shall be collected.~~

SECTION 312. IC 9-29-3-4, AS AMENDED BY P.L.63-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. ~~(a) The service charge for each of the first twelve thousand (12,000) original and renewed vehicle registrations at a license branch each year is one dollar and seventy-five cents ($1.75).~~

~~(b) The service charge for each of the next thirty-eight thousand (38,000) original and renewed vehicle registrations at that license branch each year is one dollar and fifty cents ($1.50).~~

~~(c)~~ **(a)** The **annual** service charge for each ~~additional original or~~ renewed vehicle registration ~~at that license branch each year~~ is one dollar and twenty-five cents ($1.25).

~~(d)~~ **(b)** 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.

~~(e)~~ **(c)** A service charge that is:

(1) originally imposed under this section; and

(2) increased by a rule adopted by the department;

applies to any original or renewed vehicle registration issued at a license branch.

SECTION 313. IC 9-29-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. The service charge for each title, including duplicate **or corrected** titles, is one dollar ($1).

SECTION 314. IC 9-29-5-11, AS AMENDED BY P.L.210-2005, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) This section does not apply to a vehicle or person exempted from registration under IC 9-18.

(b) The ~~license~~ **registration** fee for a piece of special machinery is five dollars ($5). The motor vehicle is exempt from other fees provided under IC 9-18 or this article.

(c) The owner of a vehicle listed in this section is not entitled to a reduction in the five dollar ($5) ~~license~~ **registration** fee because the license is granted at a time that the license period is less than a year.

SECTION 315. IC 9-29-5-12, AS AMENDED BY P.L.210-2005, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. A farm wagon or farm type dry or liquid fertilizer tank trailer or spreader used to transport bulk fertilizer between distribution point and farm and return is exempt from all ~~license~~ **registration** fees when the wagon, trailer, or spreader is drawn or towed on a highway by a:

(1) farm tractor; or

(2) properly registered motor vehicle.

SECTION 316. IC 9-29-5-13, AS AMENDED BY P.L.210-2005, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) This section does not apply to a vehicle or person exempt from registration under IC 9-18.

(b) The ~~license~~ **registration** fee for a motor vehicle, trailer, or semitrailer and tractor operated primarily as a farm truck, farm trailer, or farm semitrailer and tractor:

(1) having a declared gross weight of at least eleven thousand (11,000) pounds; and

(2) used by the owner or guest occupant in connection with agricultural pursuits usual and normal to the user's farming operation;

is fifty percent (50%) of the amount listed in this chapter for a truck, trailer, or semitrailer and tractor of the same declared gross weight.

SECTION 317. IC 9-29-5-13.5, AS AMENDED BY P.L.191-2007, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13.5. (a) This section applies to a truck, trailer, or semitrailer and tractor for which a ~~license~~ **registration** fee provided in section 13(b) of this chapter has been paid.

(b) Except as provided in subsections (d) and (e), if the owner of a truck, trailer, or semitrailer and tractor described in subsection (a) begins to operate the truck, trailer, or semitrailer and tractor in the conduct of a commercial enterprise or for the transportation of farm products after the commodities have entered the channels of commerce during a registration year for which the ~~license~~ **registration** fee under section 13(b) of this chapter has been paid, the owner shall pay the amount listed in this chapter for a truck, trailer, or semitrailer and tractor of the same declared gross weight reduced by a credit determined under subsection (c) to license the truck, trailer, or semitrailer and tractor.

(c) The credit provided in subsection (b) equals:

(1) the ~~license~~ **registration** fee paid under section 13(b) of this chapter; reduced by

(2) ~~ten~~ **eight and thirty-three hundredths** percent ~~(10%)~~ **(8.33%)** for each full or partial calendar month that has elapsed in the registration year for which the ~~license~~ **registration** fee has been paid.

The credit may not exceed ninety percent (90%) of the ~~license~~ **registration** fee paid under section 13(b) of this chapter.

(d) Notwithstanding subsections (b) and (e) and IC 9-18-2-4, a truck, trailer, or semitrailer and tractor described in subsection (a) may be operated intrastate for the transportation of seasonal, perishable fruit or vegetables to the first point of processing for a period that consists of not more than a thirty (30) day period in a registration year as provided by IC 9-21-21-4.3(a). Before a vehicle may be operated as provided in this subsection, the owner shall pay to the bureau:

(1) any ~~license~~ **registration** fee due under section 13(b) of this chapter; and

(2) eight and one-half percent (8.5%) of the ~~license~~ **registration** fee paid under section 13(b) of this chapter.

(e) Notwithstanding subsections (b) and (d) and IC 9-18-2-4, a truck, trailer, or semitrailer and tractor described in subsection (a) may be operated intrastate for the transportation of tomatoes or silage to the first point of processing for a period that consists of not more than one

(1) seventy-one (71) day period in a registration year as provided by IC 9-21-21-4.3(b). Before a vehicle may be operated as provided in this subsection, the owner shall pay to the bureau:

(1) any ~~license~~ **registration** fee due under section 13(b) of this chapter; and

(2) seventeen percent (17%) of the ~~license~~ **registration** fee paid under section 13(b) of this chapter.

SECTION 318. IC 9-29-5-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18. The fee for a recreational vehicle, **which does not include truck campers (as defined in IC 6-6-5.1-8),** is twenty dollars ($20).

SECTION 319. IC 9-29-5-26.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 26.5. The bureau may adopt rules under IC 4-22-2 to establish the fee for a temporary registration permit issued under IC 9-18-7-1.5. However, the amount of the fee may not exceed seventy-five dollars ($75).~~

SECTION 320. IC 9-29-5-34 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 34. A vehicle registered under IC 9-18-21 is subject to an annual registration fee and any other fee or tax required of a person registering a vehicle under this title.~~

SECTION 321. IC 9-29-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. Whenever a permit is issued by the ~~bureau~~ **Indiana department of transportation** under IC 9-20-6, the ~~bureau~~ **Indiana department of transportation** shall fix the fee to be paid. ~~and~~ Upon payment of the fee, the ~~bureau~~ **Indiana department of transportation** shall validate the permit. The revenue from the fee shall be credited to the state highway fund.

SECTION 322. IC 9-29-7-2.5, AS ADDED BY P.L.110-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.5. The fee for a duplicate **or corrected** certificate of salvage title is four dollars ($4).

SECTION 323. IC 9-30-2-0.1 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 0.1. The amendments made to sections 4 and 5 of this chapter by P.L.99-1996 apply to arrests made after June 30, 1996.~~

SECTION 324. IC 9-30-3-8, AS AMENDED BY P.L.206-2007, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) The court may issue a warrant for the arrest of a defendant who is an Indiana resident and who fails to appear or answer a traffic information and summons or a complaint and summons served upon the defendant. If the warrant is not executed within thirty (30) days after issue, the court shall promptly forward the court copy of the traffic information and summons or complaint and summons to the bureau indicating that the defendant failed to appear in court as ordered. The court shall then mark the case as failure to appear on the court's records.

(b) If a defendant who is not an Indiana resident fails to appear or answer a traffic summons served upon the defendant and upon which the information or complaint has been filed thirty (30) days after the return date of the information and summons or complaint and summons, the court shall promptly forward the court copy of the traffic

information and summons or complaint and summons to the bureau. The bureau shall notify the motor vehicle commission of the state of the nonresident defendant of the defendant's failure to appear and also of any action taken by the bureau relative to the Indiana driving privileges of the defendant. If the defendant fails to appear or otherwise answer within thirty (30) days, the court shall mark the case as failure to appear on the court's records.

(c) The court may suspend the driving privileges of a defendant who fails to satisfy a judgment entered against the defendant for:

(1) violation of a traffic ordinance; or

(2) commission of a traffic infraction;

by a date set by the court under IC 34-28-5-6. The court shall forward notice to the bureau indicating that the defendant failed to pay as ordered.

~~(c)~~ **(d)** If the bureau receives a copy of the traffic information and summons or complaint and summons for failure to appear in court **or a notice of failure to pay under subsection (c),** either on a form prescribed by the bureau or in an electronic format prescribed by the division of state court administration, the bureau shall suspend the driving privileges of the defendant until the defendant appears in court and the case has been disposed of, **or until the date payment is received by the court.** The order of suspension may be served upon the defendant by mailing the order by first class mail to the defendant at the last address shown for the defendant in the records of the bureau. The order takes effect on the date the order is mailed.

~~(d)~~ **(e)** For nonresidents of Indiana, the order of suspension shall be mailed to the defendant at the address given to the arresting officer **or the clerk of court** by the defendant as shown by the traffic information or complaint. The order takes effect on the date of mailing. A copy of the order shall also be sent to the motor vehicle bureau of the state of the nonresident defendant. If:

(1) the defendant's failure to appear in court has been certified to the bureau under this chapter; and

(2) the defendant subsequently appears in court to answer the charges against the defendant;

the court shall proceed to hear and determine the case in the same manner as other cases pending in the court. Upon final determination of the case, the court shall notify the bureau of the determination either in an electronic format or upon forms prescribed by the bureau. The notification shall be made by the court within ten (10) days after the final determination of the case, and information from the original copy of the traffic information and summons or complaint and summons must accompany the notification.

SECTION 325. IC 9-30-3-11, AS AMENDED BY P.L.206-2007, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) Before accepting a plea of guilty to a misdemeanor traffic offense, the court shall inform the defendant of the defendant's rights, including the right to:

(1) engage counsel;

(2) a reasonable continuance to engage counsel to subpoena

witnesses;

(3) have process issued by the court, without expense to the defendant, to compel the attendance of witnesses in the defendant's behalf;

(4) testify or not to testify in the defendant's own behalf;

(5) a trial by jury; and

(6) appeal.

(b) The court shall inform each defendant charged with a traffic offense other than a nonmoving traffic offense, if the defendant is convicted or judgment is entered against the defendant, that a record of the conviction or judgment will be sent to the bureau or the motor vehicle bureau of the state where the defendant received a license to drive to become a part of the defendant's driving record.

(c) The court shall keep a full record of every case in which a person is charged with a traffic offense other than a nonmoving traffic offense. Within ten (10) days after the conviction, judgment, or forfeiture of security deposit of a person, the court shall forward a copy of the judgment in an electronic format or an abstract as prescribed by ~~IC 9-25-6-8.~~ **IC 9-30-13-0.5.** The abstract comprises the original copy of the traffic information and summons or complaint and summons if the conviction, judgment, or forfeiture of security deposit has been entered on that copy. However, instead of the original copy, the court may, subject to the approval of the bureau, send the information in an electronic format or in the form of a chemical based, magnetic, or machine readable media. Records of nonmoving traffic offenses are not required to be forwarded to the bureau.

(d) One (1) year after the abstract has been forwarded, the court may destroy the remaining court copies of the information and summons or complaint and summons and related pleadings if an order book entry of the copy has been made and the original copy has been sent to the bureau. ~~of motor vehicles.~~

(e) Upon the failure of a court officer to comply with subsection (c), the officer is liable on the officer's official bond for a civil penalty of one hundred dollars ($100) accruing to the state, which may be recovered, together with the costs of the suit, in a civil action brought by the attorney general in the name of the state on relation of the attorney general. Each failure by an officer constitutes a separate cause of action.

SECTION 326. IC 9-30-3-12, AS AMENDED BY P.L.106-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) If during any twelve (12) month period a person has committed moving traffic violations for which the person has:

(1) been convicted of at least two (2) traffic misdemeanors;

(2) had at least two (2) traffic judgments entered against the person; or

(3) been convicted of at least one (1) traffic misdemeanor and has had at least one (1) traffic judgment entered against the person;

the bureau may require the person to attend and satisfactorily complete a defensive driving school program **approved by the bureau.** The

person shall pay all applicable fees required by the bureau.

(b) This subsection applies to an individual who holds a probationary license under ~~IC 9-24-11-3 or~~ IC 9-24-11-3.3 or is less than eighteen (18) years of age. An individual is required to attend and satisfactorily complete a defensive driving school program **approved by the bureau** if either of the following occurs at least twice or if both of the following have occurred when the individual was less than eighteen (18) years of age:

(1) The individual has been convicted of a moving traffic offense (as defined in section 14(a) of this chapter), other than an offense that solely involves motor vehicle equipment.

(2) The individual has been the operator of a motor vehicle involved in an accident for which a report is required to be filed under IC 9-26-2.

The individual shall pay all applicable fees required by the bureau.

(c) The bureau may suspend the driving ~~license~~ **privileges** of any person who:

(1) fails to attend a defensive driving school program; or

(2) fails to satisfactorily complete a defensive driving school program;

as required by this section.

(d) Notwithstanding IC 33-37-4-2, any court may suspend one-half (1/2) of each applicable court cost (including fees) for which a person is liable due to a traffic violation if the person enrolls in and completes a defensive driving school or a similar school conducted by an agency of the state or local government.

SECTION 327. IC 9-30-3-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. In a proceeding, prosecution, or hearing where the prosecuting attorney must prove that the defendant had a prior conviction for an offense under this title, the relevant portions of a certified computer printout or electronic copy as set forth in IC 9-14-3-4 made from the records of the bureau are admissible as prima facie evidence of the prior conviction. However, the prosecuting attorney must establish that the document identifies the defendant by the defendant's ~~driving~~ **driver's** license number or by any other identification method utilized by the bureau.

SECTION 328. IC 9-30-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. (a) If a person has been found to have committed a traffic offense, the court may do the following:

(1) Require the person to attend and satisfactorily complete a driver improvement course that has been approved by the court and the bureau or by the bureau.

(2) Place the person on probation for up to one (1) year.

(3) Suspend the person's ~~driver's license~~ **driving privileges** for up to thirty (30) days.

(b) A driver improvement course required under subsection (a) may be financed by assessing a reasonable charge as determined by the course provider and approved by the bureau.

SECTION 329. IC 9-30-4-3 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) A person aggrieved by an order or act of the bureau under section 1 or 2 of this chapter may, within fifteen (15) days after notice is given, file a petition in the circuit or superior court of the county in which the person resides. If the person is a nonresident, the person may file a petition for review in the Marion **County** circuit court.

(b) The petitioner must state facts showing how the order or act of the bureau is wrongful or unlawful, but the filing of a petition does not suspend the order or act unless a stay is allowed by a judge of the court pending final determination of the review on a showing of reasonable probability that the order or act is wrongful or unlawful.

(c) The court shall, within six (6) months of the date of the filing of the petition, hear the petition, take testimony, and examine the facts of the case. The court may, in disposing of the issues, modify, affirm, or reverse the order or act of the bureau in whole or in part and shall make an appropriate order. If the petition has not been heard within six (6) months from the date of the filing, the original order or act of the bureau shall be reinstated in full force and effect.

SECTION 330. IC 9-30-4-6, AS AMENDED BY P.L.100-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) Whenever the bureau suspends or revokes the current driver's license upon receiving a record of the conviction of a person for any offense under the motor vehicle laws not enumerated under subsection (b), the bureau may also suspend any of the certificates of registration and license plates issued for any motor vehicle registered in the name of the person so convicted. However, the bureau may not suspend the evidence of registration, unless otherwise required by law, if the person has given or gives and maintains during the three (3) years following the date of suspension or revocation proof of financial responsibility in the future in the manner specified in this section.

(b) The bureau shall suspend or revoke without notice or hearing the current driver's license and all certificates of registration and license plates issued or registered in the name of a person who is convicted of any of the following:

(1) Manslaughter or reckless homicide resulting from the operation of a motor vehicle.

(2) Perjury or knowingly making a false affidavit to the department under this chapter or any other law requiring the registration of motor vehicles or regulating motor vehicle operation upon the highways.

(3) A felony under Indiana motor vehicle laws or felony in the commission of which a motor vehicle is used.

(4) Three (3) charges of criminal recklessness involving the use of a motor vehicle within the preceding twelve (12) months.

(5) Failure to stop and give information or assistance or failure to stop and disclose the person's identity at the scene of an accident that has resulted in death, personal injury, or property damage in excess of two hundred dollars ($200).

(6) Possession, distribution, manufacture, cultivation, transfer,

use, or sale of a controlled substance or counterfeit substance, or attempting or conspiring to possess, distribute, manufacture, cultivate, transfer, use, or sell a controlled substance or counterfeit substance.

(c) The license of a person shall also be suspended upon conviction in another jurisdiction for any offense described in subsections (b)(1), (b)(2), (b)(3), (b)(4), and (b)(5), except if property damage is less than two hundred dollars ($200), the bureau may determine whether the driver's license and certificates of registration and license plates shall be suspended or revoked. The license of a person shall also be suspended upon conviction in another jurisdiction for any offense described in subsection (b)(6).

(d) A suspension or revocation remains in effect and a new or renewal license may not be issued to the person and a motor vehicle may not be registered in the name of the person as follows:

(1) Except as provided in subdivisions (2), (3), (4), and (5), and subject to section 6.5 of this chapter, for six (6) months from the date of conviction or on the date on which the person is otherwise eligible for a license, whichever is later. Except as provided in IC 35-48-4-15, this includes a person convicted of a crime for which the person's license is suspended or revoked under subsection (b)(6).

(2) Subject to section 6.5 of this chapter, upon conviction of an offense described in subsection (b)(1), for a fixed period of not less than two (2) years and not more than five (5) years, to be fixed by the bureau based upon recommendation of the court entering a conviction. A new or reinstated license may not be issued to the person unless that person, within the three (3) years following the expiration of the suspension or revocation, gives and maintains in force at all times during the effective period of a new or reinstated license proof of financial responsibility in the future in the manner specified in this chapter. However, the liability of the insurance carrier under a motor vehicle liability policy that is furnished for proof of financial responsibility in the future as set out in this chapter becomes absolute whenever loss or damage covered by the policy occurs, and the satisfaction by the insured of a final judgment for loss or damage is not a condition precedent to the right or obligation of the carrier to make payment on account of loss or damage, but the insurance carrier has the right to settle a claim covered by the policy. If the settlement is made in good faith, the amount shall be deductive from the limits of liability specified in the policy. A policy may not be canceled or annulled with respect to a loss or damage by an agreement between the carrier and the insured after the insured has become responsible for the loss or damage, and a cancellation or annulment is void. The policy may provide that the insured or any other person covered by the policy shall reimburse the insurance carrier for payment made on account of any loss or damage claim or suit involving a breach of the terms, provisions, or conditions of the policy. If the policy provides for limits in

excess of the limits specified in this chapter, the insurance carrier may plead against any plaintiff, with respect to the amount of the excess limits of liability, any defenses that the carrier may be entitled to plead against the insured. The policy may further provide for prorating of the insurance with other applicable valid and collectible insurance. An action does not lie against the insurance carrier by or on behalf of any claimant under the policy until a final judgment has been obtained after actual trial by or on behalf of any claimant under the policy.

(3) Subject to section 6.5 of this chapter, for the period ordered by a court under IC 35-48-4-15.

(4) Subject to section 6.5 of this chapter, if the person is convicted of a felony involving the use of a motor vehicle under IC 35-44-3-3(b) and the person:

(A) exceeded the speed limit by at least twenty (20) miles per hour;

(B) committed criminal recklessness with a vehicle (IC 35-42-2-2)); or

(C) engaged in aggressive driving (as defined in IC 9-21-8-55(b));

while committing the felony, for one (1) year after the date the person was convicted. The convicted person has the burden of applying for a new or renewal license and establishing that the one (1) year period described in this subdivision and subject to section 6.5 of this chapter has elapsed.

(5) Subject to section 6.5 of this chapter, if the person is convicted of a felony involving the use of a motor vehicle under IC 35-44-3-3(b), the person:

(A) exceeded the speed limit by at least twenty (20) miles per hour;

(B) committed criminal recklessness with a vehicle (IC 35-42-2-2); or

(C) engaged in aggressive driving (as defined in IC 9-21-8-55(b);

while committing the felony, and the person has a prior unrelated conviction for a felony under IC 35-44-3-3(b), for two (2) years after the date the person was convicted. The convicted person has the burden of applying for a new or renewal license and establishing that the two (2) year period described in this subdivision and subject to section 6.5 of this chapter has elapsed.

(e) The bureau may take action as required in this section upon receiving satisfactory evidence of a conviction of a person in another state.

(f) For the purpose of this chapter, "conviction" includes any of the following:

(1) A conviction upon a plea of guilty.

(2) A determination of guilt by a jury or court, even if:

(A) no sentence is imposed; or

(B) a sentence is suspended.

(3) A forfeiture of bail, bond, or collateral deposited to secure the

defendant's appearance for trial, unless the forfeiture is vacated.

(4) A payment of money as a penalty or as costs in accordance with an agreement between a moving traffic violator and a traffic violations bureau.

(g) A suspension or revocation under this section or under ~~IC 9-25-6-8~~ **IC 9-30-13-0.5** stands pending appeal of the conviction to a higher court and may be set aside or modified only upon the receipt by the bureau of the certificate of the court reversing or modifying the judgment that the cause has been reversed or modified. However, if the suspension or revocation follows a conviction in a court of no record in Indiana, the suspension or revocation is stayed pending appeal of the conviction to a court of record.

(h) A person aggrieved by an order or act of the bureau under this section or ~~IC 9-25-6-8~~ **IC 9-30-13-0.5** may file a petition for a court review.

SECTION 331. IC 9-30-4-6.5, AS ADDED BY P.L.100-2010, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6.5. If a person receives a sentence that includes:

(1) a term of incarceration; and

(2) ~~a license~~ suspension **of the person's driving privileges** under this chapter;

the ~~license~~ suspension **of driving privileges** begins on the date the person is released from incarceration and not on the date the person is convicted.

SECTION 332. IC 9-30-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) A person whose certificate of registration has been suspended or revoked, with restoration or the issuance of a new certificate being contingent upon the furnishing of proof of financial responsibility, and who, during the suspension or revocation or in the absence of full authorization from the bureau, operates the motor vehicle upon a highway or knowingly permits the motor vehicle to be operated by another person upon a highway except as permitted under this chapter commits a Class C misdemeanor.

(b) A person with ~~a~~ restricted ~~license issued by the bureau~~ **driving privileges** who operates a motor vehicle upon a highway in violation of the terms and conditions specified ~~on~~ **for** the restricted ~~license~~ **driving privileges** commits a Class C misdemeanor.

SECTION 333. IC 9-30-4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) Upon the filing of a complaint in writing with the bureau against a person holding a current driver's license or **permit or** applying for a ~~current~~ driver's license, **permit,** or ~~a~~ renewal, the bureau may cite the person for a hearing to consider the suspension or revocation of the **person's** license, **permit, or driving privileges** upon any of the following charges:

(1) That the person has committed an offense for the conviction of which mandatory revocation of license is provided.

(2) That the person has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in

death or injury to any other person or property damage.

(3) That the person is incompetent to drive a motor vehicle or is afflicted with mental or physical infirmities or disabilities rendering it unsafe for the person to drive a motor vehicle.

(4) That the person is a reckless or negligent driver of a motor vehicle or has committed a violation of a motor vehicle law.

(b) Whenever the bureau issues a citation upon a complaint in writing for any of the reasons set out in this section, the bureau shall immediately notify the licensee or permit holder ~~of the time and place~~ of the hearing. ~~and afford the person an opportunity of a hearing in the county in which the person so cited and against whom the complaint is filed resides before the bureau or a deputy or an agent of the bureau designated for the purpose of the hearing.~~ The citation must state the time, date, and place where the hearing will be held and that the licensee or permit holder has the right to appear and to be heard. At the hearing the bureau or the deputy or agent may issue an order of suspension or revocation **of,** or decline to suspend **or** revoke, ~~or issue~~ the license, ~~or~~ permit, **or driving privileges of the person.**

(c) The bureau or the deputy or agent may suspend or revoke the ~~current~~ driver's license, **permit, or driving privileges** of a person and any of the certificates of registration and license plates for a motor vehicle or require the person cited to operate for a period of one (1) year under ~~a~~ restricted ~~license~~ **driving privileges** and make the reports the bureau requires.

(d) The bureau or the deputy or agent may subpoena witnesses, administer oaths, and take testimony. The failure of the defendant to appear at the time and place of the hearing after notice as provided in this section does not prevent the hearing, the taking of testimony, and the determination of the matter.

(e) Testimony or a record of suspension or revocation of a ~~current~~ driver's license, **a permit, or driving privileges** in the custody of the bureau following a hearing is not admissible as evidence:

(1) in any court in any action at law for negligence; or

(2) in any civil action brought against a person so cited by the bureau under this chapter.

(f) The bureau may suspend or revoke the license, **permit, or driving privileges** of an Indiana resident for a period of not more than one (1) year upon receiving notice of the conviction of the person in another state of an offense that, if committed in Indiana, would be grounds for the suspension or revocation of the license, **permit, or driving privileges.** The bureau may, upon receiving a record of the conviction in Indiana of a nonresident driver of a motor vehicle of an offense under Indiana motor vehicle laws, forward a certified copy of the record to the motor vehicle administrator in the state where the person convicted is a resident.

(g) The bureau may not suspend a ~~current~~ driver's license, **a permit, or driving privileges** for more than one (1) year and upon ~~suspending or~~ revoking any license **or permit** shall require that the license **or permit** be surrendered to the bureau.

(h) A suspension or revocation under this section stands pending

any proceeding for review of an action of the bureau taken under this section.

(i) In addition to any other power, the bureau may modify, amend, or cancel any order or determination during the time within which a judicial review could be had. A person aggrieved by the order or act may have a judicial review under sections 10 and 11 of this chapter.

SECTION 334. IC 9-30-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) Whenever the bureau is authorized or required to give notice under this chapter or any other law regulating the operation of vehicles, unless a different method of giving notice is otherwise expressly prescribed, the notice may be given either by personal delivery to the person to be notified or by deposit with the United States Postal Service of the notice by first class mail.

(b) A person who, after notification, fails to return or surrender to the bureau upon demand a suspended, revoked, or ~~canceled current~~ **invalidated** driver's license, ~~or~~ **permit,** certificate of registration, **or license plate** commits a Class C misdemeanor. The bureau may file ~~an affidavit~~ with the prosecuting attorney of the county in which the person resides **an affidavit** charging the person with the offense.

SECTION 335. IC 9-30-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) A person who causes serious bodily injury to another person when operating a ~~motor~~ vehicle:

(1) with an alcohol concentration equivalent to at least eight-hundredths (0.08) 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;

(2) with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's body; or

(3) while intoxicated;

commits a Class D felony. However, the offense is a Class C felony if the person has a previous conviction of operating while intoxicated within the five (5) years preceding the commission of the offense.

(b) A person who violates subsection (a) commits a separate offense for each person whose serious bodily injury is caused by the violation of subsection (a).

(c) It is a defense under subsection (a)(2) that the accused person consumed the controlled substance under a valid prescription or order of a practitioner (as defined in IC 35-48-1) who acted in the course of the practitioner's professional practice.

SECTION 336. IC 9-30-5-5, AS AMENDED BY P.L.102-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) A person who causes the death of another person when operating a ~~motor~~ vehicle:

(1) with an alcohol concentration equivalent to at least eight-hundredths (0.08) 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;

(2) with a controlled substance listed in schedule I or II of

IC 35-48-2 or its metabolite in the person's blood; or

(3) while intoxicated;

commits a Class C felony. However, the offense is a Class B felony if the person has a previous conviction of operating while intoxicated within the five (5) years preceding the commission of the offense, or if the person operated the ~~motor~~ vehicle when the person knew that the person's driver's license, driving privilege, or permit is suspended or revoked for a previous conviction for operating a vehicle while intoxicated.

(b) A person at least twenty-one (21) years of age who causes the death of another person when operating a ~~motor~~ vehicle:

(1) with an alcohol concentration equivalent to at least fifteen-hundredths (0.15) 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

(2) with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's blood;

commits a Class B felony.

(c) A person who causes the death of a law enforcement animal (as defined in IC 35-46-3-4.5) when operating a ~~motor~~ vehicle:

(1) with an alcohol concentration equivalent to at least eight-hundredths (0.08) 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

(2) with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's blood;

commits a Class D felony.

(d) A person who violates subsection (a), (b), or (c) commits a separate offense for each person or law enforcement animal whose death is caused by the violation of subsection (a), (b), or (c).

(e) It is a defense under subsection (a)(2), (b)(2), or (c)(2) that the accused person consumed the controlled substance under a valid prescription or order of a practitioner (as defined in IC 35-48-1) who acted in the course of the practitioner's professional practice.

SECTION 337. IC 9-30-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) A person who operates a vehicle in violation of any term of a probationary license issued under this chapter, IC 9-30-6, or IC 9-30-9 commits a Class C infraction.

(b) In addition to any other penalty imposed under this section, the court may suspend the person's driving privileges for a period of not more than one (1) year.

~~(c) The bureau shall send notice of a judgment entered under this section to the court that granted the defendant probationary driving privileges.~~

SECTION 338. IC 9-30-5-9.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9.5. ~~After June 30, 2005,~~ Probationary driving privileges under this chapter do not apply to ~~a person who holds~~ a commercial driver's license in accordance with the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA)

(Public Law 106-159.113 Stat. 1748).

SECTION 339. IC 9-30-5-10, AS AMENDED BY SEA 154-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) In addition to a criminal penalty imposed for an offense under this chapter, IC 35-46-9, or IC 14-15-8 (before its repeal), the court shall, after reviewing the person's bureau driving record and other relevant evidence, recommend the suspension of the person's driving privileges for the fixed period of time specified under this section. The court may require that a period of suspension recommended under this section be imposed, if applicable, before a period of incarceration or after a period of incarceration, or both before and after a period of incarceration, as long as the suspension otherwise complies with the periods established in this section.

(b) If the court finds that the person:

(1) does not have a previous conviction of operating a vehicle or a motorboat while intoxicated; or

(2) has a previous conviction of operating a vehicle or a motorboat while intoxicated that occurred at least ten (10) years before the conviction under consideration by the court;

the court shall recommend the suspension of the person's driving privileges for at least ninety (90) days but not more than two (2) years.

(c) If the court finds that the person has a previous conviction of operating a vehicle or a motorboat while intoxicated and the previous conviction occurred more than five (5) years but less than ten (10) years before the conviction under consideration by the court, the court shall recommend the suspension of the person's driving privileges for at least one hundred eighty (180) days but not more than two (2) years. The court may stay the execution of that part of the suspension that exceeds the minimum period of suspension and grant the person probationary driving privileges for a period of time equal to the length of the stay.

(d) If the court finds that the person has a previous conviction of operating a vehicle or a motorboat while intoxicated and the previous conviction occurred less than five (5) years before the conviction under consideration by the court, the court shall recommend the suspension of the person's driving privileges for at least one (1) year but not more than two (2) years. The court may stay the execution of that part of the suspension that exceeds the minimum period of suspension and grant the person probationary driving privileges for a period of time equal to the length of the stay. If the court grants probationary driving privileges under this subsection, the court shall order that the probationary driving privileges include the requirement that the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8. However, the court may grant probationary driving privileges under this subsection without requiring the installation of an ignition interlock device if the person is successfully participating in a court supervised alcohol treatment program in which the person is taking disulfiram or a similar substance that the court determines is effective in treating alcohol abuse. The person granted probationary driving privileges under this subsection

shall pay all costs associated with the installation of an ignition interlock device unless the sentencing court determines that the person is indigent.

(e) If the conviction under consideration by the court is for an offense under:

(1) section 4 of this chapter;
(2) section 5 of this chapter;
(3) IC 14-15-8-8(b) (before its repeal);
(4) IC 14-15-8-8(c) (before its repeal);
(5) IC 35-46-9-6(b); or
(6) IC 35-46-9-6(c);

the court shall recommend the suspension of the person's driving privileges for at least two (2) years but not more than five (5) years.

(f) If the conviction under consideration by the court is for an offense involving the use of a controlled substance listed in schedule I, II, III, IV, or V of IC 35-48-2, in which a vehicle was used in the offense, the court shall recommend the suspension or revocation of the person's driving privileges for at least six (6) months.

(g) The bureau shall fix the period of suspension in accordance with the recommendation of the court under this section and in accordance with IC 9-30-6-9. If the court fails to recommend a fixed period of suspension, the bureau shall impose the minimum period of suspension required under this section.

SECTION 340. IC 9-30-5-11, AS AMENDED BY P.L.153-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) If a court grants a person probationary driving privileges under section 12 of this chapter, the person may operate a vehicle only as follows:

(1) To and from the person's place of employment.
(2) For specific purposes in exceptional circumstances.
(3) To and from a court-ordered treatment program.

(b) If the court grants the person probationary driving privileges under section 12(a) of this chapter, that part of the court's order granting probationary driving privileges does not take effect until the person's driving privileges have been suspended for at least thirty (30) days under IC 9-30-6-9.

(c) The court shall notify a person who is granted probationary driving privileges of the following:

(1) That the probationary driving period commences when the bureau issues the probationary ~~license.~~ **driving privileges.**
(2) That the bureau may not issue ~~a~~ probationary ~~license~~ **driving privileges** until the bureau receives a reinstatement fee from the person, if applicable, and the person otherwise qualifies for ~~a license.~~ **valid driving privileges.**

SECTION 341. IC 9-30-5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) An order for probationary driving privileges granted under this chapter must include the following:

(1) A requirement that the person may not violate a traffic law.
(2) A restriction of a person's driving privileges providing for

automatic execution of the suspension of driving privileges if an order is issued under subsection (b).

(3) A written finding by the court that the court has reviewed the person's driving record and other relevant evidence and found that the person qualifies for ~~a~~ probationary ~~license~~ **driving privileges** under this chapter.

(4) Other reasonable terms of probation.

(b) If the court finds that the person has violated the terms of the order granting probationary driving privileges, the court shall order execution of that part of the sentence concerning the suspension of the person's driving privileges.

SECTION 342. IC 9-30-5-18 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 18. (a) If:**

(1) a criminal proceeding for driving while intoxicated under IC 9-30-5 is deferred under IC 12-23-5-1 through IC 12-23-5-9; or

(2) a child alleged to be a delinquent child based upon the child's violation of IC 9-30-5 voluntarily attends or is ordered by the court under IC 31-37 to attend an alcohol and drug services program;

the court, within ten (10) days after the defendant or child begins the program, shall forward to the bureau a certified abstract of program enrollment.

(b) The abstract must state the following:

(1) The defendant's or child's name, address, date of birth, and driver's license number.

(2) The name and location of the alcohol and drug services program that the defendant or child is attending.

SECTION 343. IC 9-30-6-4.3, AS AMENDED BY P.L.1-2007, SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4.3. (a) This section applies only to a person whose motor vehicle has been seized under IC 34-24-1-1(15).

(b) If the bureau receives an order from a court recommending that the bureau not register a motor vehicle in the name of a person whose motor vehicle has been seized under IC 34-24-1-1(15), the bureau may not register a motor vehicle in the name of the person whose motor vehicle has been seized until the person proves that the person possesses a ~~current driving~~ **driver's** license **with valid driving privileges.**

SECTION 344. IC 9-30-6-8, AS AMENDED BY SEA 154-2012, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) Whenever a judicial officer has determined that there was probable cause to believe that a person has violated IC 9-30-5, IC 35-46-9, or IC 14-15-8 (before its repeal), the clerk of the court shall forward:

(1) a copy of the affidavit; and

(2) a bureau certificate as described in section 16 of this chapter;

to the bureau.

(b) The probable cause affidavit required under section 7(b)(2) of this chapter must do the following:

(1) Set forth the grounds for the arresting officer's belief that there was probable cause that the arrested person was operating a vehicle in violation of IC 9-30-5 or a motorboat in violation of IC 35-46-9 or IC 14-15-8 (before its repeal).

(2) State that the person was arrested for a violation of IC 9-30-5 or operating a motorboat in violation of IC 35-46-9 or IC 14-15-8 (before its repeal).

(3) State whether the person:

(A) refused to submit to a chemical test when offered; or

(B) submitted to a chemical test that resulted in prima facie evidence that the person was intoxicated.

(4) Be sworn to by the arresting officer.

(c) Except as provided in subsection (d), if it is determined under subsection (a) that there was probable cause to believe that a person has violated IC 9-30-5, IC 35-46-9, or IC 14-15-8 (before its repeal), at the initial hearing of the matter held under IC 35-33-7-1

~~(1)~~ the court shall recommend immediate suspension of the person's driving privileges to take effect on the date the order is entered,

~~(2) the court shall order the person to surrender all driver's licenses, permits, and receipts;~~ and

~~(3) the clerk shall~~ forward ~~the following~~ to the bureau

~~(A) The person's license or permit surrendered under this section or section 3 or 7 of this chapter.~~

~~(B)~~ a copy of the order recommending immediate suspension of driving privileges.

(d) If it is determined under subsection (a) that there is probable cause to believe that a person violated IC 9-30-5, the court may, as an alternative to ~~a license~~ suspension **of the person's driving privileges** under subsection ~~(c)(1),~~ **(c),** issue an order recommending that the person be prohibited from operating a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8 until the bureau is notified by a court that the criminal charges against the person have been resolved.

SECTION 345. IC 9-30-6-9, AS AMENDED BY P.L.94-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) This section does not apply if an ignition interlock device order is issued under section 8(d) of this chapter.

(b) If the affidavit under section 8(b) of this chapter states that a person refused to submit to a chemical test, the bureau shall suspend the driving privileges of the person:

(1) for:

(A) one (1) year; or

(B) if the person has at least one (1) previous conviction for operating while intoxicated, two (2) years; or

(2) until the suspension is ordered terminated under IC 9-30-5.

(c) If the affidavit under section 8(b) of this chapter states that a chemical test resulted in prima facie evidence that a person was intoxicated, the bureau shall suspend the driving privileges of the person:

(1) for one hundred eighty (180) days; or

(2) until the bureau is notified by a court that the charges have been disposed of;

whichever occurs first.

(d) Whenever the bureau is required to suspend a person's driving privileges under this section, the bureau shall immediately do the following:

(1) Mail a notice to the person's last known address that must state that the person's driving privileges will be suspended for a specified period, commencing:

(A) five (5) days after the date of the notice; or

(B) on the date the court enters an order recommending suspension of the person's driving privileges under section 8(c) of this chapter;

whichever occurs first.

(2) Notify the person of the right to a judicial review under section 10 of this chapter.

(e) Notwithstanding IC 4-21.5, an action that the bureau is required to take under this article is not subject to any administrative adjudication under IC 4-21.5.

(f) If a person is granted probationary driving privileges under IC 9-30-5 and the bureau has not received the probable cause affidavit described in section 8(b) of this chapter, the bureau shall suspend the person's driving privileges for a period of thirty (30) days. After the thirty (30) day period has elapsed, the bureau shall, upon receiving a reinstatement fee, if applicable, from the person who was granted probationary driving privileges, issue the **person** probationary ~~license~~ **driving privileges** if the person otherwise qualifies. ~~for a license.~~

(g) If the bureau receives an order granting probationary driving privileges to a person who, **according to the records of the bureau,** has a prior conviction for operating while intoxicated, the bureau shall do the following:

(1) Issue the person ~~a~~ probationary ~~license~~ **driving privileges** and notify the prosecuting attorney of the county from which the order was received that the person is not eligible for ~~a~~ probationary ~~license.~~ **driving privileges.**

(2) Send a certified copy of the person's driving record to the prosecuting attorney.

The prosecuting attorney shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order. If the bureau does not receive a corrected order within sixty (60) days, the bureau shall notify the attorney general, who shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order.

SECTION 346. IC 9-30-6-12, AS AMENDED BY P.L.109-2011, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 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~~ **fix the period of suspension in accordance** 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~~ **If** the court ~~all licenses, permits, or receipts issued to the person, and the court shall immediately forward the licenses, permits, or receipts to~~ **fails to recommend a fixed period of suspension,** the bureau ~~with~~ **shall impose** the ~~abstract~~ **minimum period** of ~~conviction or judgment.~~ **suspension required by statute.**

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

(c) If a court recommends suspension of a person's driving privileges for a conviction under IC 9-30-5, during the three (3) years following the termination of the suspension the person's driving privileges remain suspended until the person provides proof of future financial responsibility in force under IC 9-25. However, if a court recommends suspension of the driving privileges of a person who is arrested for or charged with an offense committed under IC 9-30-5, the person is not required to provide proof of future financial responsibility under IC 9-25 unless the person is convicted under IC 9-30-5.

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

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

SECTION 347. IC 9-30-6-13, AS AMENDED BY P.L.42-2011, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. If a court orders the bureau to rescind an ignition interlock device requirement or reinstate a person's driving privileges under this article, the bureau shall comply with the order. Unless the order for reinstatement is issued under section 11(a)(2) of this chapter, the bureau shall also do the following:

(1) Remove any record of the ignition interlock device requirement or suspension from the ~~bureau's recordkeeping system.~~ **official driving record of the person.**

(2) Reinstate the privileges without cost to the person.

SECTION 348. IC 9-30-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. As used in this chapter, "license" includes any type of license or permit ~~to operate a motor vehicle~~ issued by the bureau **to operate the type of vehicle being driven.**

SECTION 349. IC 9-30-10-4, AS AMENDED BY P.L.28-2010, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) A person who has accumulated at least two (2) judgments within a ten (10) year period for any of the following violations, singularly or in combination, **and** not arising out of the same incident, ~~and with at least one (1) violation occurring after March 31, 1984,~~ is a habitual violator:

(1) Reckless homicide resulting from the operation of a motor vehicle.
(2) Voluntary or involuntary manslaughter resulting from the operation of a motor vehicle.
(3) Failure of the driver of a motor vehicle involved in an accident resulting in death or injury to any person to stop at the scene of the accident and give the required information and assistance.
(4) Operation of a vehicle while intoxicated resulting in death.
(5) Before July 1, 1997, operation of a vehicle with at least ten-hundredths percent (0.10%) alcohol in the blood resulting in death.
(6) After June 30, 1997, and before July 1, 2001, operation of a vehicle with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per:
(A) one hundred (100) milliliters of the blood; or
(B) two hundred ten (210) liters of the breath;
resulting in death.
(7) After June 30, 2001, operation of a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:
(A) one hundred (100) milliliters of the blood; or
(B) two hundred ten (210) liters of the breath;
resulting in death.

(b) A person who has accumulated at least three (3) judgments within a ten (10) year period for any of the following violations, singularly or in combination, **and** not arising out of the same incident, ~~and with at least one (1) violation occurring after March 31, 1984,~~ is a habitual violator:
(1) Operation of a vehicle while intoxicated.
(2) Before July 1, 1997, operation of a vehicle with at least ten-hundredths percent (0.10%) alcohol in the blood.
(3) After June 30, 1997, and before July 1, 2001, operation of a vehicle with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per:
(A) one hundred (100) milliliters of the blood; or
(B) two hundred ten (210) liters of the breath.
(4) After June 30, 2001, operation of a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:
(A) one hundred (100) milliliters of the blood; or
(B) two hundred ten (210) liters of the breath.
(5) Operating a motor vehicle while the person's license to do so has been suspended or revoked as a result of the person's conviction of an offense under IC 9-1-4-52 (repealed July 1, 1991), IC 9-24-18-5(b) (repealed July 1, 2000), **IC 9-24-19-2, or** IC 9-24-19-3. ~~or IC 9-24-19-5.~~
(6) Operating a motor vehicle without ever having obtained a license to do so.
(7) Reckless driving.
(8) Criminal recklessness involving the operation of a motor

vehicle.

(9) Drag racing or engaging in a speed contest in violation of law.

(10) Violating IC 9-4-1-40 (repealed July 1, 1991), IC 9-4-1-46 (repealed July 1, 1991), IC 9-26-1-1(1), IC 9-26-1-1(2), ~~IC 9-26-1-1(4),~~ IC 9-26-1-2(1), IC 9-26-1-2(2), IC 9-26-1-3, or IC 9-26-1-4.

(11) Any felony under an Indiana motor vehicle statute or any felony in the commission of which a motor vehicle is used.

A judgment for a violation enumerated in subsection (a) shall be added to the violations described in this subsection for the purposes of this subsection.

(c) A person who has accumulated at least ten (10) judgments within a ten (10) year period for any traffic violation, except a parking or an equipment violation, of the type required to be reported to the bureau, singularly or in combination, **and** not arising out of the same incident, ~~and with at least one (1) violation occurring after March 31, 1984,~~ is a habitual violator. However, at least one (1) of the judgments must be for a violation enumerated in subsection (a) or (b). A judgment for a violation enumerated in subsection (a) or (b) shall be added to the judgments described in this subsection for the purposes of this subsection.

(d) For purposes of this section, a judgment includes a judgment in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of the offenses described in subsections (a) and (b).

(e) For purposes of this section, the offense date is used when determining the number of judgments accumulated within a ten (10) year period.

SECTION 350. IC 9-30-10-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) A person who has received a notice under section 5 of this chapter may notify the bureau, in writing, ~~on forms provided by the bureau,~~ that the bureau's records contain a material error with respect to the person's driving record. If a person so notifies the bureau, the bureau shall, within thirty (30) days after the date the notice was received by the bureau, determine whether a material error was made with respect to the person's driving record.

(b) If the bureau determines that a material error was made with respect to the person's driving record, the bureau shall:

(1) prevent the suspension of; or

(2) reinstate;

the person's driving privileges.

(c) The bureau shall notify the prosecuting attorney of the county where the record originated that the bureau has determined that a material error exists. The prosecuting attorney is entitled to respond to the bureau's determination.

(d) An action taken or a determination made by the bureau under this chapter is not subject to IC 4-21.5. However, the person may file a petition for judicial review under this chapter.

SECTION 351. IC 9-30-10-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) If a person files

a petition for judicial review under section 6 of this chapter, the court shall promptly hold a hearing. The petition must be filed and the hearing must be held in accordance with section 7 of this chapter.

(b) If the court finds that the petitioner is not a habitual violator, the court shall order the bureau to reinstate the driving privileges of the person.

(c) If the court finds that the petitioner is a habitual violator, the person's driving privileges remain suspended, unless the court places the person on probation under section 9 of this chapter.

(d) The findings of the court under this section constitute a final judgment from which either party may appeal. An appeal does not act as a stay of the findings and orders of the court.

SECTION 352. IC 9-30-10-9, AS AMENDED BY P.L.109-2011, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 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 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 **or**

~~(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)~~ **(2)** shall ~~place~~ **order the bureau to issue** the person ~~on probation~~ **probationary driving privileges** for a fixed period of not less than three (3) years and not more than ten (10) years;

~~(6)~~ **(3)** 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)~~ **(4)** shall require the person to submit to reasonable monitoring requirements;

~~(8)~~ **(5)** shall order the person to file proof of **future** financial responsibility for three (3) years following the date of being placed on probation; and

~~(9)~~ **(6)** 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(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.

(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 **the conditions described in** subsection ~~(d)~~ **(d)(1) through (d)(5).**

(f) If the bureau receives an order granting probationary driving privileges to a person who, according to the records of the bureau, does not qualify under this chapter, the bureau shall do the following:

(1) Issue the person probationary driving privileges and notify the prosecuting attorney of the county from which the order was received that the person is not eligible for the rescission and reinstatement.

(2) Send a certified copy of the person's driving record to the prosecuting attorney.

The prosecuting attorney shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order. If the bureau does not receive a corrected order within sixty (60) days, the bureau shall notify the attorney general, who shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order.

SECTION 353. IC 9-30-10-10 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 10. The court's findings under sections 8 and 9 of this chapter constitute a final judgment from which either party may appeal. An appeal does not act as a stay of the court's findings and orders.~~

SECTION 354. IC 9-30-10-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) Upon the filing of a petition for revocation of probation, the court shall do the following:

(1) Set a date for a hearing upon the petition that is not earlier than twenty (20) days nor later than forty-five (45) days from the date of the filing of the petition for review.

(2) Hold a hearing on the date set, unless the proceeding is continued by order of the court.

(3) Cause notice of the hearing date to be sent to all parties.

(b) At the hearing, the prosecuting attorney must bear the burden of proof by a preponderance of the evidence to prevail.

(c) If the court finds that the person has violated any terms of the probation, the court shall do the following:

(1) Record each of its findings in writing.

(2) Obtain the person's **driver's** license.

(3) Order the bureau to suspend the person's driving privileges for a period equal to the period of suspension originally imposed under section 5 of this chapter.

(4) Not place the person on probation under section 9 of this chapter.

(d) If the court finds that the person has not violated any of the terms of the person's probation, the court shall do the following:

(1) Record each of the court's findings in writing.

(2) Continue the person on probation for the remainder of the probationary period.

(e) The court's findings under subsection (c) or (d) constitute a final judgment from which either party may appeal. An appeal does not act as a stay of the court's findings and orders.

SECTION 355. IC 9-30-10-13, AS AMENDED BY P.L.109-2011, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) The bureau may ~~issue a license to operate a motor vehicle~~ **issue driving privileges** to a habitual violator whose driving privileges 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~~ **termination of suspension,** proof of **future** financial responsibility in accordance with IC 9-25.

(4) **If the person has a prior conviction for operating while intoxicated,** 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.

(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:

(A) files with the bureau; and

(B) maintains for three (3) years after ~~filing;~~ **rescission of the suspension;**

proof of **future** financial responsibility in accordance with IC 9-25.

(6) **If the person has a prior conviction for operating while intoxicated,** 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.

(d) The bureau shall not issue driving privileges to a person who does not satisfy all of the requirements set forth in subsections (a) and (b).

SECTION 356. IC 9-30-10-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. (a) Except as provided in subsection (e), a person whose driving privileges have been suspended for life may petition a court in a civil action for a rescission of the suspension order and reinstatement of driving privileges if the following conditions exist:

(1) Ten (10) years have elapsed since the date on which an order for the lifetime suspension of the person's driving privileges was issued.

(2) The person has never been convicted of a violation described in section 4(a) of this chapter.

(3) The person has never been convicted of an offense under section 17 of this chapter.

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

(b) A petition for rescission and reinstatement under this section must meet the following conditions:

(1) Be verified by the petitioner.

(2) State the petitioner's age, date of birth, and place of residence.

(3) Describe the circumstances leading up to the lifetime suspension of the petitioner's driving privileges.

(4) Aver a substantial change in the petitioner's circumstances of the following:

(A) That indicates the petitioner would no longer pose a risk to the safety of others if the petitioner's driving privileges are reinstated.

(B) That makes the lifetime suspension of the petitioner's driving privileges unreasonable.

(C) Indicates it is in the best interests of society for the petitioner's driving privileges to be reinstated.

(5) Aver that the requisite amount of time has elapsed since the date on which the order for the lifetime suspension of the person's driving privileges was issued as required under subsections (a) and (e).

~~(5)~~ **(6)** Aver that the petitioner has never been convicted of an offense under section 17 of this chapter.

~~(6)~~ **(7)** Aver that the petitioner has not been convicted of an offense under section 16 of this chapter more than one (1) time.

~~(7)~~ **(8)** Aver that the petitioner has never been convicted of a violation described in section 4(a) of this chapter.

~~(8)~~ **(9)** Be filed in a circuit or superior court having jurisdiction in

the county where the petitioner resides.

~~(9)~~ **(10)** If the petition is being filed under subsection (e), aver the existence of the conditions listed in subsection (e)(1) through (e)(3).

(c) The petitioner shall serve the prosecuting attorney of the county where the petitioner resides and the bureau with a copy of the petition described in subsection (b). A responsive pleading is not required.

(d) The prosecuting attorney of the county where the petitioner resides shall represent the state in the matter.

(e) A person whose driving privileges have been suspended for life may petition a court in a civil action for a rescission of the suspension order and reinstatement of driving privileges if all of the following conditions exist:

(1) Three (3) years have elapsed since the date on which the order for lifetime suspension of the petitioner's driving privileges was issued.

(2) The petitioner's lifetime suspension was the result of driving on a suspended license that was suspended for commission of infractions only or for driving on a suspended license.

(3) The petitioner has never been convicted of a violation described in section 4(a) or 4(b) of this chapter, with the exception of a ~~judgement~~ **judgment** or conviction under section 4(b)(3) of this chapter.

(4) The petitioner has never been convicted of an offense under section 17 of this chapter.

(5) The petitioner has not been convicted of an offense under section 16 of this chapter more than one (1) time.

SECTION 357. IC 9-30-10-15, AS AMENDED BY P.L.28-2010, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. (a) Upon receiving a petition filed under section 14 of this chapter, a court shall set a date for hearing the matter and direct the clerk of the court to provide notice of the hearing date to the following:

(1) The petitioner.

(2) The prosecuting attorney of the county where the petitioner resides.

(3) The bureau.

(b) A court may order the rescission of the order that required the suspension of the petitioner's driving privileges for life and may order the bureau to reinstate the driving privileges of a petitioner whose driving privileges have been suspended for life if, after the hearing of the matter, the court makes the following written findings and conclusions, based on clear and convincing evidence:

(1) That the petitioner has never been convicted of a violation described in section 4(a) of this chapter.

(2) That the petitioner has never been convicted of an offense under section 17 of this chapter.

(3) That the petitioner has not been convicted of an offense under section 16 of this chapter more than one (1) time.

(4) If the person is petitioning the court under section 14(a) of this

chapter that ten (10) years have elapsed since the date on which an order was issued that required the suspension of the petitioner's driving privileges for life.

(5) That there has been a substantial change in the petitioner's circumstances indicating the petitioner would no longer pose a risk to the safety of others if the petitioner's driving privileges were reinstated.

(6) That there has been a substantial change in the petitioner's circumstances indicating that the suspension of the petitioner's driving privileges for life has become unreasonable.

(7) That it is in the best interests of society for the petitioner's driving privileges to be reinstated.

(8) If the person is petitioning the court under section 14(e) of this chapter:

(A) that three (3) years have elapsed since the date the order was issued that required the suspension of the petitioner's driving privileges for life; and

(B) that the conditions listed under section 14(e) of this chapter are satisfied.

(c) The petitioner has the burden of proof under this section and an order issued under subsection (b) is a final order, appealable by any party to the action.

(d) In an order for reinstatement of driving privileges issued under this section, the court may require the bureau to issue ~~to~~ the prevailing petitioner:

(1) ~~a license to operate a motor vehicle~~ **driving privileges** under section 13(b) of this chapter; or

(2) ~~a~~ restricted driving ~~license~~ **privileges** for a time and subject to conditions specified by the court, 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) Specified hours during which the person may drive.

(B) 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 intoxicated (as defined under IC 9-13-2-86).

(C) 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).

(D) 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 orders the bureau to issue ~~a~~ restricted **or probationary** driving ~~license~~ **privileges** to a petitioner under subsection (d), the court shall specify the conditions under which the petitioner may be issued ~~a license~~ **driving privileges** to operate a motor vehicle under section 13(b) of this chapter. After the expiration date of the restricted ~~license~~ **or probationary driving privileges** and upon:

(1) fulfillment by the petitioner of the conditions specified by the court; and

(2) the expiration of the restricted ~~license~~ issued **driving privileges** under subsection (d)(2);

the bureau shall issue ~~to~~ the petitioner ~~a license~~ **driving privileges** to operate a motor vehicle under section 13(b) of this chapter.

(f) If the bureau receives an order granting a rescission of the suspension order and reinstatement of driving privileges to a person who, according to the records of the bureau, does not qualify under this chapter, the bureau shall do the following:

(1) Issue the person probationary driving privileges and notify the prosecuting attorney of the county from which the order was received that the person is not eligible for the rescission and reinstatement.

(2) Send a certified copy of the person's driving record to the prosecuting attorney.

The prosecuting attorney shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order. If the bureau does not receive a corrected order within sixty (60) days, the bureau shall notify the attorney general, who shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order.

SECTION 358. IC 9-30-10-17.5, AS ADDED BY P.L.28-2010, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17.5. A person who operates a vehicle or motorized bicycle in violation of conditions of ~~a~~ restricted ~~license~~ **driving privileges** ordered by a court under ~~IC 9-30-10-9(d)(9)~~ **section 9(d)(6)** or ~~IC 9-30-10-15(d)(2)~~ **15(d)(2) of this chapter** commits a Class A misdemeanor.

SECTION 359. IC 9-30-11-6, AS AMENDED BY P.L.153-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. The bureau shall reinstate motor vehicle

registration that is suspended under this chapter if the following occur:

(1) ~~Any person~~ **The court** presents the bureau ~~or a bureau license branch~~ with adequate proof that all unpaid judgments with respect to the motor vehicle have been paid.

(2) A reinstatement fee under IC 9-29 is paid to the bureau, if applicable.

SECTION 360. IC 9-30-11-7 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 7. If the bureau suspends a motor vehicle registration under section 5 of this chapter, the bureau shall send a notice of the suspension to the clerk who sent the referral. Upon receipt of a notice, a clerk shall inform each of the law enforcement agencies that are listed on the referral of the following:~~

~~(1) That the motor vehicle's registration has been suspended.~~

~~(2) That any law enforcement agency may remove the license plate of the motor vehicle fifteen (15) days after the motor vehicle's registration was suspended unless the judgments have been paid.~~

SECTION 361. IC 9-30-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. **(a)** The bureau may suspend or revoke the ~~driver's license or permit~~ **driving privileges** of an individual who ~~pays the fee required for~~ **makes payment to** the ~~driver's license or permit~~ **bureau** with ~~a check~~ **funds** that:

~~(1) is~~ **are** not honored. ~~by the financial institution on which the check is drawn; or~~

~~(2) has had payment stopped by the maker of the check.~~

(b) In addition to the penalties in subsection (a), the bureau may do the following:

(1) Revoke the driver's license or permit of an individual who makes payment to the bureau for a driver's license or permit with funds that are not honored.

(2) Invalidate the title or registration of an individual who makes payment to the bureau for a driver's license or permit with funds that are not honored.

SECTION 362. IC 9-30-12-2, AS AMENDED BY P.L.153-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The bureau may:

(1) reinstate a license, ~~or~~ **a** permit, **or driving privileges** revoked or suspended under section 1 of this chapter; or

(2) revalidate a title or registration that has been invalidated under section ~~3~~ **1** of this chapter;

if the obligation has been satisfied, including the payment of service, collection, and reinstatement fees, if applicable.

SECTION 363. IC 9-30-12-3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 3. The bureau may invalidate a title or registration that has been issued by the bureau and the applicable fees have been paid with a check that:~~

~~(1) is not honored by the financial institution on which the check is drawn; or~~

~~(2) has had payment stopped by the maker of the check.~~

SECTION 364. IC 9-30-12-4 IS REPEALED [EFFECTIVE JULY

1, 2012]. ~~Sec. 4. The bureau may suspend or revoke the driver's license or permit of an individual who pays the fee required for a vehicle title or registration with a check that:~~

~~(1) is not honored by the financial institution on which the check is drawn; or~~

~~(2) has had payment stopped by the maker of the check.~~

SECTION 365. IC 9-30-13-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. (a) A court shall forward to the bureau a certified abstract of the record of the conviction of a person in the court for a violation of a law relating to motor vehicles.**

(b) If in the opinion of the court a defendant should be deprived of the privilege to operate a motor vehicle upon a public highway, the court shall recommend the suspension of the convicted person's driving privileges for a fixed period established by the court not exceeding one (1) year.

(c) The bureau shall comply with the court's recommendation.

(d) At the time of a conviction referred to in subsection (a) or under IC 9-30-5-7, the court may obtain and destroy the defendant's current driver's license.

(e) An abstract required by this section must be in the form prescribed by the bureau and, when certified, shall be accepted by an administrative agency or a court as prima facie evidence of the conviction and all other action stated in the abstract.

SECTION 366. IC 9-30-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. For a person who uses a motor vehicle to commit recklessness under IC 35-42-2-2, the judge of the court in which the person is convicted shall recommend that the ~~current driver's license~~ **driving privileges** of the person be suspended for not less than sixty (60) days and not more than two (2) years. **If the court fails to recommend a fixed term of suspension, the bureau shall impose the minimum period of suspension required under this section.**

SECTION 367. IC 9-30-13-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. For a person who uses a motor vehicle to commit obstruction of traffic under IC 35-42-2-4, the judge of the court in which the person is convicted may recommend that the ~~current driver's license~~ **driving privileges** of the person be suspended for not less than sixty (60) days and not more than two (2) years.

SECTION 368. IC 9-30-13-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. For a person who uses a motor vehicle to commit criminal mischief under IC 35-43-1-2, the judge of the court in which the person is convicted may recommend that the ~~current driver's license~~ **driving privileges** of the person be suspended for not less than sixty (60) days and not more than two (2) years.

SECTION 369. IC 9-30-13-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. **(a)** If a person commits any of the following offenses, the court that convicted the

person shall recommend the suspension of the person's driving privileges for a fixed period of at least two (2) years and not more than five (5) years:

(1) Involuntary manslaughter resulting from the operation of a motor vehicle (IC 35-42-1-4).

(2) Reckless homicide resulting from the operation of a motor vehicle (IC 35-42-1-5).

(b) If the court fails to recommend a fixed term of suspension, the bureau shall impose the minimum period of suspension required under this section.

SECTION 370. IC 9-30-13-5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 5. If a court fails to recommend a fixed term of suspension for an offense described under section 4 of this chapter, the bureau shall suspend the driver's license of the convicted person under IC 9-30-4-6 for two (2) years.~~

SECTION 371. IC 9-30-13-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 6. (a) The bureau shall, upon receiving an order of a court issued under IC 31-14-12-4 or IC 31-16-12-7, suspend the driving privileges of the person who is the subject of the order.**

(b) The bureau may not reinstate driving privileges suspended under this section until the bureau receives an order allowing reinstatement from the court that issued the order for suspension.

(c) Upon receiving an order for suspension under subsection (a), the bureau shall promptly mail a notice to the last known address of the person who is the subject of the order, stating the following:

(1) That the person's driving privileges are suspended, beginning five (5) business days after the date the notice is mailed, and that the suspension will terminate ten (10) business days after the bureau receives an order allowing reinstatement from the court that issued the suspension order.

(2) That the person has the right to petition for reinstatement of driving privileges to the court that issued the order for suspension.

(3) That the person may be granted restricted driving privileges under IC 9-24-15-6.7 if the person otherwise qualifies and can prove that public transportation is unavailable for travel by the person:

(A) to and from the person's regular place of employment;

(B) in the course of the person's regular employment;

(C) to and from the person's place of worship; or

(D) to participate in parenting time with the petitioner's children consistent with a court order granting parenting time.

(d) A person who operates a motor vehicle in violation of this section commits a Class A infraction, unless:

(1) the person's driving privileges are suspended under this section; and

(2) the person has been granted restricted driving privileges under IC 9-24-15 as a result of the suspension under this

section.

SECTION 372. IC 9-30-13-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 7. (a) If the bureau is advised by the Title IV-D agency that the obligor (as defined in IC 31-25-4-4) either requested a hearing under IC 31-25-4-33 and failed to appear or appeared and was found to be delinquent, the bureau shall promptly mail a notice to the obligor stating the following:**

(1) That the obligor's driving privileges are suspended, beginning eighteen (18) business days after the date the notice is mailed, and that the suspension will terminate after the bureau receives a notice from the Title IV-D agency that the obligor has:

(A) paid the obligor's child support arrearage in full; or

(B) established a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-0.5 or IC 31-16-15-2.5.

(2) That the obligor may be granted restricted driving privileges under IC 9-24-15-6.7 if the obligor can prove that public transportation is unavailable for travel by the obligor:

(A) to and from the obligor's regular place of employment;

(B) in the course of the obligor's regular employment;

(C) to and from the obligor's place of worship; or

(D) to participate in parenting time with the petitioner's children consistent with a court order granting parenting time.

(b) The bureau may not reinstate driving privileges suspended under this section until the bureau receives a notice from the Title IV-D agency that the obligor has:

(1) paid the obligor's child support arrearage in full; or

(2) established a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-0.5 or IC 31-16-15-2.5.

(c) An obligor who operates a motor vehicle in violation of this section commits a Class A infraction, unless:

(1) the obligor's driving privileges are suspended under this section; and

(2) the obligor has been granted restricted driving privileges under IC 9-24-15 as a result of the suspension under this section.

SECTION 373. IC 9-30-13-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 8. (a) Upon receiving an order issued by a court under IC 35-43-4-8(b) concerning a person convicted of fuel theft, the bureau shall do the following:**

(1) Suspend under subsection (b) the driving privileges of the person who is the subject of the order, whether or not the person's current driver's license accompanies the order.

(2) Mail to the last known address of the person who is the subject of the order a notice:

(A) stating that the person's driving privileges are being suspended for fuel theft;

(B) setting forth the date on which the suspension takes effect and the date on which the suspension terminates; and

(C) stating that the person may be granted restricted driving privileges under IC 9-24-15-6.7 if the person meets the conditions for obtaining restricted driving privileges.

(b) The suspension of the driving privileges of a person who is the subject of an order issued under IC 35-43-4-8(b):

(1) begins five (5) business days after the date on which the bureau mails the notice to the person under subsection (a)(2); and

(2) terminates thirty (30) days after the suspension begins.

(c) A person who operates a motor vehicle during a suspension of the person's driving privileges under this section commits a Class A infraction unless the person's operation of the motor vehicle is authorized by restricted driving privileges granted to the person under IC 9-24-15-6.7.

SECTION 374. IC 9-30-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. As used in this chapter, "covered offense" means the following:

(1) An offense:

(A) for which the offender's ~~current~~ driving ~~license~~ **privileges** may be suspended under IC 9-30-13; and

(B) that involved the obstruction of traffic with or the operation of a motor vehicle with alcohol or a controlled substance listed in schedule I or II under IC 35-48-2 in the person's blood.

(2) An offense described under IC 9-30-5 that involved operation of a ~~motor~~ vehicle with alcohol or a controlled substance listed under schedule I or II under IC 35-48-2.

SECTION 375. IC 9-31-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. The bureau shall receive payments of:

(1) the ~~use tax~~ **taxes** on watercraft that ~~is~~ **are** required by ~~IC 6-2.5-3-2~~ **IC 6-2.5-3 and IC 6-6-11;** and ~~IC 6-2.5-3-6.~~

(2) any other taxes applicable to watercraft as imposed by Indiana law.

SECTION 376. IC 9-31-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. The bureau may utilize the services and facilities of license branches to carry out the bureau's responsibilities under this article. However, an additional charge may not be imposed for the services of license branches under this ~~article.~~ **chapter.**

SECTION 377. IC 9-31-1-7 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 7. (a) On January 1, 1992, the employees of the department of natural resources who administer the watercraft registration and title programs are transferred to the bureau of motor vehicles.~~

~~(b) The employees who are transferred under subsection (a) are entitled to have the employees' service with the department of natural~~

~~resources included for the purpose of computing all applicable employment benefits and will not be adversely affected by the transfer.~~

SECTION 378. IC 9-31-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. This chapter does not apply to the following:

(1) A watercraft from a jurisdiction other than Indiana ~~temporarily~~ using the waters of Indiana **for less than sixty (60) consecutive days.**

(2) A ship's lifeboat.

(3) Watercraft other than motorboats unless the owner voluntarily desires to become subject to this chapter.

(4) A watercraft that is a Class 5 or lower motorboat or sailboat under ~~IC 6-6-11-11~~ **IC 6-6-11-10** (the boat excise tax), unless the owner voluntarily desires to become subject to this chapter.

(5) A watercraft that is propelled by an internal combustion, steam, or electrical inboard or outboard motor or engine or by any mechanical means, including sailboats that are equipped with such a motor or engine when the sailboat is in operation whether or not the sails are hoisted, if:

(A) the watercraft was made by an individual for the use of the individual and not for resale; and

(B) the owner does not voluntarily desire to become subject to this chapter.

SECTION 379. IC 9-31-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) A manufacturer, importer, dealer, or other person may not sell or otherwise dispose of a new watercraft to a dealer, to be used by the dealer for purposes of display and resale, without delivering to the dealer a manufacturer's or importer's certificate executed under this section and with those assignments on the certificate as are necessary to show title in the purchaser of the watercraft. A dealer may not purchase or acquire a new watercraft without obtaining from the seller of the watercraft the manufacturer's or importer's certificate.

(b) A manufacturer's or importer's certificate of the origin of a watercraft must contain the following information along with ~~the~~ **any** additional information the bureau requires:

(1) A description of the watercraft, including, if applicable, the make, year, length, dry weight, series or model, horsepower rating, hull type, and hull identification number.

(2) Certification of the date of transfer of the watercraft to a distributor, dealer, or other transferee and the name and address of the transferee.

(3) Certification that this is the first transfer of the new watercraft in ordinary trade and commerce.

(4) The signature and address of a representative of the transferor.

(c) An assignment of a manufacturer's or importer's certificate shall be printed on the reverse side of the manufacturer's or importer's certificate. The assignment form must include the following:

(1) The name and address of the transferee.

(2) A certification that the watercraft is new.

(3) A warranty that the title at the time of delivery is subject only to the liens and encumbrances that are set forth and described in full in the assignment.

SECTION 380. IC 9-31-2-6, AS AMENDED BY P.L.83-2008, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) Except as provided in subsection (b), an application for a certificate of title shall be filed with the bureau within thirty-one (31) days after the date of purchase or transfer. The application must be accompanied by the fee prescribed in IC 9-29-15-1.

(b) This subsection applies only to a watercraft acquired by a conveyance subject to section 30 of this chapter. An application for a certificate of title shall be filed with the bureau within sixty (60) days after the date of the transfer under section 30 of this chapter. The application must be accompanied by the fee prescribed in IC 9-29-15-1 **and any other applicable fees and service charges.**

SECTION 381. IC 9-31-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. An application for a certificate of title must be certified by the owner or purchaser of the watercraft and must contain the following information, along with the additional information the bureau requires:

(1) The name and address of the applicant.

~~(2) A statement of how the watercraft was acquired.~~

~~(3)~~ **(2)** The name and address of the previous owner.

~~(4)~~ **(3)** A statement of liens, mortgages, or other encumbrances on the watercraft and the name and address of the holder of the liens, mortgages, or other encumbrances.

~~(5)~~ **(4)** If a lien, mortgage, or other encumbrance is not outstanding, a statement of that fact.

~~(6)~~ **(5)** A description of the watercraft, including, if applicable, the make, year, length, dry weight, series or model, horsepower rating, hull type, and hull identification number.

(6) Any other information that the bureau requires.

SECTION 382. IC 9-31-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. If a watercraft contains a permanent hull identification number placed on the watercraft by the manufacturer of the watercraft, the number shall be used as the hull identification number. If there is no manufacturer's hull identification number or if the manufacturer's hull identification number has been removed or obliterated, the bureau shall, upon a prescribed application that includes information indicating proof of ownership, assign a hull identification number to the watercraft. The assigned hull identification number shall be permanently affixed to or imprinted by the applicant at the place and in the manner designated by the bureau upon the watercraft to which the hull identification number is assigned. The fee prescribed under IC 9-29-15-2 **and any other applicable fees and service charges** shall be paid to the bureau for assigning a hull identification number.

SECTION 383. IC 9-31-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. If a certificate of title was not previously issued in Indiana for the watercraft, the application

must be accompanied by one (1) of the following:

(1) A manufacturer's or importer's certificate.

~~(2) A sworn statement of ownership as prescribed by the bureau.~~

~~(3)~~ **(2)** A certificate of registration issued under IC 9-31-3, if purchased by the applicant before January 1, 1986.

~~(4)~~ **(3)** A certificate of title or bill of sale.

~~(5)~~ **(4)** Other evidence of ownership required by the law of another state from which the watercraft is brought into Indiana.

SECTION 384. IC 9-31-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. **(a)** The bureau shall:

(1) retain the evidence of title presented by ~~an applicant on~~ **a person upon** which ~~a~~ **the Indiana** certificate of title is issued **in accordance with applicable document and record retention requirements;** and ~~shall~~

(2) use reasonable diligence in ascertaining whether the facts in the application are true by checking the application and documents accompanying the application with the records of watercraft in the bureau.

(b) An authorized employee of the bureau may inspect a watercraft to determine whether a certificate of title should be issued.

(c) The bureau may reject an application if the bureau is not satisfied:

(1) of the genuineness, regularity, or legality of the application or the truth of a statement made on the application; or

(2) for any other reason authorized by law.

SECTION 385. IC 9-31-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) ~~The bureau shall file each application received.~~ If the bureau is satisfied:

(1) of the genuineness and regularity of an application;

(2) that no tax imposed by ~~IC 6-2.5~~ **Indiana law** is owed as evidenced by the receipt for payment or determination of exemption from the department of state revenue; and

(3) that the applicant is entitled to the issuance of a certificate of title;

the bureau shall issue a certificate of title containing the information required in the application for a certificate of title, as prescribed by section 7 of this chapter, as well as space for the notation and cancellation of a lien, a mortgage, or an encumbrance.

(b) A form for the assignment of the certificate of title must appear on the reverse side of the certificate of title. The assignment form must include a warranty that the signer is the owner of the watercraft and that a mortgage, a lien, or an encumbrance is not on the watercraft except as noted on the face of the certificate of title.

SECTION 386. IC 9-31-2-13 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 13. The bureau shall do the following:~~

~~(1) Prescribe a uniform method of numbering certificates of title.~~

~~(2) Maintain in the office of the bureau indexes for the certificates of title.~~

SECTION 387. IC 9-31-2-14 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 14. The bureau may destroy a certificate of title or supporting evidence of a certificate of title covering a watercraft that was on file for ten (10) years after the date of filing.~~

SECTION 388. IC 9-31-2-16, AS AMENDED BY P.L.83-2008, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. (a) If the transfer of ownership of a watercraft is by operation of law (such as upon inheritance, devise, bequest, transfer on death designation in accordance with section 30 of this chapter, order in bankruptcy, insolvency, replevin, ~~or~~ execution of sale, **or under an order of court),** if a watercraft is sold to satisfy a storage or repair charge, or if repossession is had upon default in performance of the terms of a security agreement, the bureau shall issue to the applicant a certificate of title to the watercraft upon: ~~the following:~~

(1) ~~Compliance with any of the following:~~

~~(A) The surrender of the prior certificate of title.~~

~~(B) The surrender of the manufacturer's or importer's certificate.~~

~~(C) Both of the following:~~

~~(i) The surrender of a certificate of title designating a transfer on death beneficiary.~~

~~(ii) The submission of proof of the death of the transferor.~~

~~(D) the~~ presentation of satisfactory proof to the bureau of ownership and a right of possession ~~to~~ **of** the watercraft;

(2) payment of the fee prescribed under IC 9-29-15-1 **and any other applicable fees and service charges; and**

(3) presentation of an application for certificate of title.

~~(b) A certification by the person or agent of the person to whom possession of the watercraft passed setting forth the facts entitling the person to possession and ownership, together with a copy of the journal entry, court order, or instrument upon which the claim of possession and ownership is founded, is satisfactory proof of ownership and right of possession.~~

~~(c)~~ **(b)** If an applicant cannot produce proof of ownership, the applicant may apply to the bureau and submit evidence of ownership. If the bureau finds the evidence sufficient, the bureau may issue a certificate of title. If, from the records of the ~~department,~~ **bureau,** a lien appears to be on the watercraft, the certificate of title must contain a statement of the lien, unless the application is accompanied by proper evidence of the ~~extinction~~ **satisfaction** of the lien.

SECTION 389. IC 9-31-2-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. (a) If a watercraft is dismantled, destroyed, or changed in a manner that the watercraft loses the character of a watercraft or changed in a manner that the watercraft is not the watercraft described in the certificate of title, an owner of the watercraft ~~and a person mentioned as owner in the last certificate of title~~ shall surrender the certificate of title to the bureau. The bureau shall, ~~with~~ **upon notification to** the ~~consent of a~~ holder of a lien noted on the certificate of title, enter a cancellation upon the lienholder's records.

(b) Upon the cancellation of a certificate of title in the manner prescribed by subsection (a), the bureau may cancel and destroy the certificates **of title.**

SECTION 390. IC 9-31-2-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 20. (a) If a certificate of title is lost or mutilated or becomes illegible, the owner of the watercraft shall apply to the bureau for a duplicate certificate of title upon a form prescribed by the bureau and accompanied by the fee prescribed by IC 9-29-15-1 **and any other applicable fees and service charges.** The person making the application shall certify the application **for the duplicate certificate of title.** Upon receipt of the application, the bureau shall issue a duplicate certificate of title to the person entitled to receive the certificate of title under this chapter. Upon the issuance of a duplicate certificate of title, the previously issued certificate of title becomes void.

(b) Each duplicate certificate of title ~~must contain~~ **shall have** the ~~legend "This is a duplicate certificate.".~~ **word "duplicate" printed or stamped on the certificate of title.** The duplicate certificate of title shall be delivered to the person entitled to possession **of the certificate of title.**

(c) If an original certificate of title is recovered by the owner, the owner shall immediately surrender the original certificate of title to the bureau for cancellation.

SECTION 391. IC 9-31-2-21 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 21. (a) The bureau may provide a commercial lookup service of watercraft title records on a fee basis per transaction and use fee revenues received from the service for necessary expenses.~~

~~(b) The bureau shall furnish information on a title without charge to law enforcement and conservation officers when engaged in official duties.~~

SECTION 392. IC 9-31-2-22 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 22. Manufacturers and importers shall appoint and authorize agents to sign manufacturer's or importer's certificates. The bureau may require that a certified copy of a list containing the names and the facsimile signatures of authorized agents be furnished to the bureau.~~

SECTION 393. IC 9-31-2-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 23. (a) Upon receiving knowledge of a stolen watercraft, a law enforcement agency shall immediately furnish the sheriff's department of the county from which the watercraft was stolen, the department of natural resources, law enforcement division, and the bureau with full information concerning the theft.

~~(b) The bureau shall file the record in the numerical order of the manufacturer's hull identification number or assigned hull identification number with the index records of the watercraft. The bureau shall prepare a list of watercraft stolen and recovered as disclosed by the reports submitted to the bureau. The bureau shall distribute the lists as the bureau considers advisable.~~

~~(c)~~ **(b)** If a stolen or converted watercraft is recovered, the owner or

recovering agency shall immediately notify the law enforcement agency that received the initial theft report. The law enforcement agency shall immediately notify the bureau, the department of natural resources, the sheriff of the county from which the watercraft was stolen, and other law enforcement agencies in the county. The bureau shall remove the record of the theft or conversion from the file in which the report is recorded.

SECTION 394. IC9-31-2-25 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 25. The bureau shall use due diligence in examining and determining the genuineness, regularity, and legality of every application for a certificate of title for a watercraft and may do the following:~~

~~(1) Make the investigations that are determined necessary or require additional information. An authorized employee of the bureau may inspect a watercraft to determine whether a certificate of title should be issued.~~

~~(2) Reject an application:~~

~~(A) if not satisfied of:~~

~~(i) the application's genuineness, regularity, or legality; or~~

~~(ii) the truth of a statement contained on the application; or~~

~~(B) for any other reason authorized by law.~~

SECTION 395. IC 9-31-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. Except as provided in sections 5 and 7 of this chapter, **and in addition to section 4 of this chapter,** a person may not operate or give permission for the operation of a motorboat on the waters of Indiana unless the motorboat is:

(1) registered and numbered under this chapter;

(2) in accordance with applicable federal law; ~~or~~

(3) legally registered in another state; **or**

(4) a boat for which any applicable taxes have been paid under IC 6-6-11.

SECTION 396. IC 9-31-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. Except as provided in sections 5 and 7 of this chapter, **and in addition to section 3 of this chapter,** a motorboat may only be operated on the waters of Indiana if the following conditions are met:

(1) The registration number awarded to the motorboat is in full force and effect.

(2) The identifying number set forth in the certificate of registration is displayed on each side of the bow of the motorboat. However, a motorboat that has a valid marine document issued by the United States Bureau of Customs is not required to display the registration number.

(3) The decals indicating the year and month of expiration of registration and class of boat are attached to the motorboat as provided under IC 6-6-11.

SECTION 397. IC 9-31-3-15 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 15. All records of the bureau made or kept under this chapter are public records and open to inspection by the public and any authorized law enforcement agency of the state.~~

SECTION 398. IC 9-31-3-17 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 17. (a) The owner of a motorboat, within fifteen (15) days, shall furnish the bureau notice of any of the following:~~

~~(1) The transfer of all or any part of the owner's interest, other than the creation of a security interest in a motorboat registered in Indiana under section 5 or 7 of this chapter.~~

~~(2) The destruction or abandonment of a motorboat.~~

~~(b) Except as provided in subsection (c), a transfer, destruction, or abandonment terminates the certificate of registration for the motorboat.~~

~~(c) If a transfer of a part interest does not affect the owner's right to operate the motorboat, the transfer does not terminate the certificate of registration.~~

SECTION 399. IC 10-11-2-26, AS AMENDED BY P.L.26-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 26. (a) The superintendent may assign qualified persons who are not state police officers to supervise or operate permanent or portable weigh stations. A person assigned under this section may stop, inspect, and issue citations to operators of trucks and trailers having a declared gross weight of at least ten thousand one (10,001) pounds and buses at a permanent or portable weigh station or while operating a clearly marked Indiana state police vehicle for violations of the following:

(1) IC 6-1.1-7-10.
(2) IC 6-6-1.1-1202.
(3) IC 6-6-2.5.
(4) IC 6-6-4.1-12.
(5) IC 8-2.1.
(6) IC 9-18.
(7) IC 9-19.
(8) IC 9-20.
(9) IC 9-21-7-2 through IC 9-21-7-11.
(10) IC 9-21-8-41 pertaining to the duty to obey an official traffic control device for a weigh station.
(11) IC 9-21-8-45 through IC 9-21-8-48.
(12) IC 9-21-9.
(13) IC 9-21-15.
(14) IC 9-21-21.
(15) IC 9-24-1-1 through ~~IC 9-24-1-2.~~ **IC 9-24-1-1.5.**
(16) IC 9-24-1-7.
(17) Except as provided in subsection (c), IC 9-24-1-6, IC 9-24-6-16, IC 9-24-6-17, and IC 9-24-6-18, commercial driver's license.
(18) IC 9-24-4.
(19) IC 9-24-5.
(20) IC 9-24-11-4.
(21) IC 9-24-13-3.
(22) IC 9-24-18-1 through IC 9-24-18-2.
(23) IC 9-25-4-3.
(24) IC 9-28-4.

(25) IC 9-28-5.
(26) IC 9-28-6.
(27) IC 9-29-5-11 through IC 9-29-5-13.
(28) IC 9-29-5-42.
(29) IC 9-29-6-1.
(30) IC 10-14-8.
(31) IC 13-17-5-1, IC 13-17-5-2, IC 13-17-5-3, or IC 13-17-5-4.
(32) IC 13-30-2-1.

(b) For the purpose of enforcing this section, a person assigned under this section may detain a person in the same manner as a law enforcement officer under IC 34-28-5-3.

(c) A person assigned under this section may not enforce IC 9-24-6-14 or IC 9-24-6-15.

SECTION 400. IC 11-12-3.7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. As used in this chapter, "violent offense" means one (1) or more of the following offenses:

(1) Murder (IC 35-42-1-1).
(2) Attempted murder (IC 35-41-5-1).
(3) Voluntary manslaughter (IC 35-42-1-3).
(4) Involuntary manslaughter (IC 35-42-1-4).
(5) Reckless homicide (IC 35-42-1-5).
(6) Aggravated battery (IC 35-42-2-1.5).
(7) Battery (IC 35-42-2-1) as a Class A felony, Class B felony, or Class C felony.
(8) Kidnapping (IC 35-42-3-2).
(9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8 that is a Class A felony, Class B felony, or Class C felony.
(10) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A felony or Class B felony.
(11) Incest (IC 35-46-1-3).
(12) Robbery as a Class A felony or a Class B felony (IC 35-42-5-1).
(13) Burglary as a Class A felony or a Class B felony (IC 35-43-2-1).
(14) Carjacking (IC 35-42-5-2).
(15) Assisting a criminal as a Class C felony (IC 35-44-3-2).
(16) Escape (IC 35-44-3-5) as a Class B felony or Class C felony.
(17) Trafficking with an inmate as a Class C felony (IC 35-44-3-9).
(18) Causing death when operating a ~~motor~~ vehicle (IC 9-30-5-5).
(19) Criminal confinement (IC 35-42-3-3) as a Class B felony.
(20) Arson (IC 35-43-1-1) as a Class A or Class B felony.
(21) Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1).
(22) Terroristic mischief (IC 35-47-12-3) as a Class B felony.
(23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
(24) A violation of IC 35-47.5 (Controlled explosives) as a Class A or Class B felony.
(25) A crime under the laws of another jurisdiction, including a

military court, that is substantially similar to any of the offenses listed in this subdivision.

(26) Any other crimes evidencing a propensity or history of violence.

SECTION 401. IC 14-15-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. As used in this chapter, "Indiana driver's license" means:

(1) an operator's license;

(2) a chauffeur's license; or

(3) a public passenger chauffeur's license;

that is issued to an individual by the bureau of motor vehicles under ~~IC 9-24-3.~~ **IC 9-24.**

SECTION 402. IC 20-33-8-33, AS ADDED BY P.L.231-2005, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 33. Before February 1 and before October 1 of each year, except when a hearing has been requested to determine financial hardship under IC 9-24-2-1(a)(4), a principal shall submit to the bureau of motor vehicles the pertinent information concerning an individual's ineligibility under IC 9-24-2-1 to be issued a driver's license or learner's permit, or concerning the ~~invalidation~~ **suspension** of ~~a license or permit~~ **driving privileges** under IC 9-24-2-4.

SECTION 403. IC 27-7-5-2, AS AMENDED BY P.L.116-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) Except as provided in subsections (d) and (f), the insurer shall make available, in each automobile liability or motor vehicle liability policy of insurance which is delivered or issued for delivery in this state with respect to any motor vehicle registered or principally garaged in this state, insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person and for injury to or destruction of property to others arising from the ownership, maintenance, or use of a motor vehicle, or in a supplement to such a policy, the following types of coverage:

(1) in limits for bodily injury or death and for injury to or destruction of property not less than those set forth in IC 9-25-4-5 under policy provisions approved by the commissioner of insurance, for the protection of persons insured under the policy who are legally entitled to recover damages from owners or operators of uninsured or underinsured motor vehicles because of bodily injury, sickness or disease, including death, and for the protection of persons insured under the policy who are legally entitled to recover damages from owners or operators of uninsured motor vehicles for injury to or destruction of property resulting therefrom; or

(2) in limits for bodily injury or death not less than those set forth in IC 9-25-4-5 under policy provisions approved by the commissioner of insurance, for the protection of persons insured under the policy provisions who are legally entitled to recover damages from owners or operators of uninsured or underinsured motor vehicles because of bodily injury, sickness or disease, including death resulting therefrom.

The uninsured and underinsured motorist coverages must be provided by insurers for either a single premium or for separate premiums, in limits at least equal to the limits of liability specified in the bodily injury liability provisions of an insured's policy, unless such coverages have been rejected in writing by the insured. However, underinsured motorist coverage must be made available in limits of not less than fifty thousand dollars ($50,000). At the insurer's option, the bodily injury liability provisions of the insured's policy may be required to be equal to the insured's underinsured motorist coverage. Insurers may not sell or provide underinsured motorist coverage in an amount less than fifty thousand dollars ($50,000). Insurers must make underinsured motorist coverage available to all existing policyholders on the date of the first renewal of existing policies that occurs on or after January 1, 1995, and on any policies newly issued or delivered on or after January 1, 1995. Uninsured motorist coverage or underinsured motorist coverage may be offered by an insurer in an amount exceeding the limits of liability specified in the bodily injury and property damage liability provisions of the insured's policy.

(b) A named insured of an automobile or motor vehicle liability policy has the right, in writing, to:

(1) reject both the uninsured motorist coverage and the underinsured motorist coverage provided for in this section; or

(2) reject either the uninsured motorist coverage alone or the underinsured motorist coverage alone, if the insurer provides the coverage not rejected separately from the coverage rejected.

A rejection of coverage under this subsection by a named insured is a rejection on behalf of all other named insureds, all other insureds, and all other persons entitled to coverage under the policy. No insured may have uninsured motorist property damage liability insurance coverage under this section unless the insured also has uninsured motorist bodily injury liability insurance coverage under this section. Following rejection of either or both uninsured motorist coverage or underinsured motorist coverage, unless later requested in writing, the insurer need not offer uninsured motorist coverage or underinsured motorist coverage in or supplemental to a renewal or replacement policy issued to the same insured by the same insurer or a subsidiary or an affiliate of the originally issuing insurer. Renewals of policies issued or delivered in this state which have undergone interim policy endorsement or amendment do not constitute newly issued or delivered policies for which the insurer is required to provide the coverages described in this section.

(c) A rejection under subsection (b) must specify:

(1) that the named insured is rejecting:

(A) the uninsured motorist coverage;

(B) the underinsured motorist coverage; or

(C) both the uninsured motorist coverage and the underinsured motorist coverage;

that would otherwise be provided under the policy; and

(2) the date on which the rejection is effective.

(d) An insurer is not required to make available the coverage

described in subsection (a) in a commercial umbrella or excess liability policy, including a commercial umbrella or excess liability policy that is issued or delivered to a motor carrier (as defined in IC 8-2.1-17-10) that is in compliance with the minimum levels of financial responsibility set forth in 49 CFR Part 387.

(e) A rejection under subsection (b) of uninsured motorist coverage or underinsured motorist coverage in an underlying commercial policy of insurance is also a rejection of uninsured motorist coverage or underinsured motorist coverage in a commercial umbrella or excess liability policy.

(f) An insurer is not required to make available the coverage described in subsection (a) in connection with coverage that:

(1) is related to or included in a commercial policy of property and casualty insurance described in Class 2 or Class 3 of IC 27-1-5-1; and

(2) covers a loss related to a motor vehicle:

(A) of which the insured is not the owner; ~~(as defined in IC 9-13-2-121(a));~~ and

(B) that is used:

(i) by the insured or an agent of the insured; and

(ii) for purposes authorized by the insured.

(g) For purposes of subsection (f), "owner" means:

(1) a person who holds the legal title to a motor vehicle;

(2) a person who rents or leases a motor vehicle and has exclusive use of the motor vehicle for more than thirty (30) days;

(3) the conditional vendee or lessee under an agreement for the conditional sale or lease of a motor vehicle; or

(4) the mortgagor under an agreement for the conditional sale or lease of a motor vehicle under which the mortgagor has:

(A) the right to purchase; and

(B) an immediate right of possession of;

the motor vehicle upon the performance of the conditions stated in the agreement.

SECTION 404. IC 31-37-4-3, AS AMENDED BY P.L.3-2008, SECTION 240, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) This section applies if a child is arrested or taken into custody for allegedly committing an act that would be any of the following crimes if committed by an adult:

(1) Murder (IC 35-42-1-1).

(2) Attempted murder (IC 35-41-5-1).

(3) Voluntary manslaughter (IC 35-42-1-3).

(4) Involuntary manslaughter (IC 35-42-1-4).

(5) Reckless homicide (IC 35-42-1-5).

(6) Aggravated battery (IC 35-42-2-1.5).

(7) Battery (IC 35-42-2-1).

(8) Kidnapping (IC 35-42-3-2).

(9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8.

(10) Sexual misconduct with a minor (IC 35-42-4-9).

(11) Incest (IC 35-46-1-3).

(12) Robbery as a Class A felony or a Class B felony (IC

35-42-5-1).
(13) Burglary as a Class A felony or a Class B felony (IC 35-43-2-1).
(14) Carjacking (IC 35-42-5-2).
(15) Assisting a criminal as a Class C felony (IC 35-44-3-2).
(16) Escape (IC 35-44-3-5) as a Class B felony or Class C felony.
(17) Trafficking with an inmate as a Class C felony (IC 35-44-3-9).
(18) Causing death when operating a ~~motor~~ vehicle (IC 9-30-5-5).
(19) Criminal confinement (IC 35-42-3-3) as a Class B felony.
(20) Arson (IC 35-43-1-1) as a Class A or Class B felony.
(21) Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1).
(22) Terroristic mischief (IC 35-47-12-3) as a Class B felony.
(23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
(24) A violation of IC 35-47.5 (controlled explosives) as a Class A or Class B felony.
(25) A controlled substances offense under IC 35-48.
(26) A criminal gang offense under IC 35-45-9.

(b) If a child is taken into custody under this chapter for a crime or act listed in subsection (a), the law enforcement agency that employs the law enforcement officer who takes the child into custody shall notify the chief administrative officer of the primary or secondary school, including a public or nonpublic school, in which the child is enrolled or, if the child is enrolled in a public school, the superintendent of the school district in which the child is enrolled:
(1) that the child was taken into custody; and
(2) of the reason why the child was taken into custody.

(c) The notification under subsection (b) must occur within forty-eight (48) hours after the child is taken into custody.

(d) A law enforcement agency may not disclose information that is confidential under state or federal law to a school or school district under this section.

SECTION 405. IC 31-37-19-17.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17.2. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be a theft or criminal conversion described in IC 35-43-4-8 (fuel theft).

(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, order the bureau of motor vehicles to:
(1) suspend the child's ~~operator's license;~~ **driving privileges;** or
(2) invalidate the child's ~~learner's permit;~~ **driving privileges;**
under ~~IC 9-25-6-21~~ **IC 9-30-13-8** in the same manner as the bureau of motor vehicles is required to suspend the driving privileges of a person convicted of fuel theft.

SECTION 406. IC 31-37-19-18, AS AMENDED BY P.L.109-2011, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18. If the court orders invalidation or denial of issuance of ~~a driver's license or permit~~ **driving privileges** as described

in IC 31-37-5-7 or section 4, 13, 14, 15, 16, 17, or 17.3 of this chapter (or IC 31-6-4-15.9(c), IC 31-6-4-15.9(d), IC 31-6-4-15.9(e), or IC 31-6-4-15.9(f) before the repeal of IC 31-6-4-15.9):

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

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

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

SECTION 407. IC 31-40-2-1.7, AS ADDED BY P.L.2-2005, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.7. (a) A person may pay a monthly probation user's fee under section 1 or 1.5 of this chapter before the date the payment is required to be made without obtaining the prior approval of a court or a probation department. However, if a delinquent child is discharged from probation before the date the delinquent child was scheduled to be released from probation, any monthly probation user's fee paid in advance for the delinquent child may not be refunded.

(b) A probation department may petition a court to:

(1) impose a probation user's fee on a person; or

(2) increase a person's probation user's fee;

under section 1 or 1.5 of this chapter if the financial ability of the person to pay a probation user's fee changes while the person is on probation.

(c) An order to pay a probation user's fee under section 1 or 1.5 of this chapter:

(1) is a judgment lien that:

(A) attaches to the property of the person subject to the order;

(B) may be perfected;

(C) may be enforced to satisfy any payment that is delinquent under section 1 or 1.5 of this chapter; and

(D) expires;

in the same manner as a judgment lien created in a civil proceeding;

(2) is not discharged by the completion of the person's probationary period or other sentence imposed on the person; and

(3) is not discharged by the liquidation of a person's estate by a receiver under IC 32-30-5.

(d) A delinquent child placed on probation for more than one (1) delinquent act:

(1) may be required to pay more than one (1) initial probation user's fee; and

(2) may not be required to pay more than one (1) monthly probation user's fee per month;

to either the probation department or the clerk of the court.

(e) If a court orders a person to pay a probation user's fee under section 1 or 1.5 of this chapter, the court may garnish the wages, salary,

and other income earned by the person to enforce the order.

(f) If:

(1) a person is delinquent in paying the person's probation user's fees required under section 1 or 1.5 of this chapter; and

(2) the person's **driving privileges or** driver's license or permit has been suspended or revoked or the person has never been issued a driver's license or permit;

the court may order the bureau of motor vehicles to not issue a driver's license or permit to the person until the person has paid the person's delinquent probation user's fees.

SECTION 408. IC 32-17-13-1, AS AMENDED BY P.L.36-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) As used in this chapter, "nonprobate transfer" means a valid transfer, effective at death, by a transferor:

(1) whose last domicile was in Indiana; and

(2) who immediately before death had the power, acting alone, to prevent transfer of the property by revocation or withdrawal and:

(A) use the property for the benefit of the transferor; or

(B) apply the property to discharge claims against the transferor's probate estate.

(b) The term does not include a transfer at death (other than a transfer to or from the decedent's probate estate) of:

(1) a survivorship interest in a tenancy by the entireties real estate;

(2) a life insurance policy or annuity;

(3) the death proceeds of a life insurance policy or annuity;

(4) an individual retirement account or a similar account or plan; or

(5) benefits under an employee benefit plan.

(c) With respect to a nonprobate transfer involving a multiple party account, a nonprobate transfer occurs if the last domicile of the depositor whose interest is transferred under IC 32-17-11 was in Indiana.

(d) With respect to a motor vehicle or a watercraft, a nonprobate transfer occurs if the transferee obtains a certificate of title in Indiana for:

(1) the motor vehicle under IC 9-17-2-2(b); or

(2) the watercraft as required by ~~IC 9-31-2-16(a)(1)(C).~~ **IC 9-31-2-16(a).**

(e) A transfer on death transfer completed under IC 32-17-14 is a nonprobate transfer.

SECTION 409. IC 32-33-10-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. This chapter may not be construed to repeal, modify, or amend ~~IC 9-22-5-14~~ **IC 9-22-6-1** or ~~IC 9-22-5-15.~~ **IC 9-22-6-2.**

SECTION 410. IC 33-39-1-8, AS AMENDED BY P.L.101-2009, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (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) This section does not apply to a person arrested for or charged with:

(1) an offense under IC 9-30-5-1 through IC 9-30-5-5; or

(2) if a person was arrested or charged with an offense under IC 9-30-5-1 through IC 9-30-5-5, an offense involving:

(A) intoxication; or

(B) the operation of a ~~motor~~ vehicle;

if the offense involving intoxication or the operation of a ~~motor~~ vehicle was part of the same episode of criminal conduct as the offense under IC 9-30-5-1 through IC 9-30-5-5.

(c) This section does not apply to a person:

(1) who is arrested for or charged with an offense under:

(A) IC 7.1-5-7-7(a), if the alleged offense occurred while the person was operating a motor vehicle;

(B) IC 9-30-4-8(a), if the alleged offense occurred while the person was operating a motor vehicle;

(C) IC 35-42-2-2(c)(1);

(D) IC 35-42-2-4(b)(1); or

(E) IC 35-43-1-2(a), if the alleged offense occurred while the person was operating a motor vehicle; and

(2) who held a probationary license (as defined in ~~IC 9-24-11-3(b) or~~ IC 9-24-11-3.3(b)) and was less than eighteen (18) years of age at the time of the alleged offense.

(d) A prosecuting attorney may withhold prosecution against an accused person if:

(1) the person is charged with a misdemeanor;

(2) the person agrees to conditions of a pretrial diversion program offered by the prosecuting attorney;

(3) the terms of the agreement are recorded in an instrument signed by the person and the prosecuting attorney and filed in the court in which the charge is pending; and

(4) the prosecuting attorney electronically transmits information required by the prosecuting attorneys council concerning the withheld prosecution to the prosecuting attorneys council, in a manner and format designated by the prosecuting attorneys council.

(e) An agreement under subsection (d) may include conditions that the person:

(1) pay to the clerk of the court an initial user's fee and monthly user's fees in the amounts specified in IC 33-37-4-1;

(2) work faithfully at a suitable employment or faithfully pursue a course of study or career and technical education that will equip the person for suitable employment;

(3) undergo available medical treatment or counseling and remain in a specified facility required for that purpose;

(4) support the person's dependents and meet other family

responsibilities;

(5) make restitution or reparation to the victim of the crime for the damage or injury that was sustained;

(6) refrain from harassing, intimidating, threatening, or having any direct or indirect contact with the victim or a witness;

(7) report to the prosecuting attorney at reasonable times;

(8) answer all reasonable inquiries by the prosecuting attorney and promptly notify the prosecuting attorney of any change in address or employment; and

(9) participate in dispute resolution either under IC 34-57-3 or a program established by the prosecuting attorney.

(f) An agreement under subsection (d)(2) may include other provisions reasonably related to the defendant's rehabilitation, if approved by the court.

(g) The prosecuting attorney shall notify the victim when prosecution is withheld under this section.

(h) All money collected by the clerk as user's fees under this section shall be deposited in the appropriate user fee fund under IC 33-37-8.

(i) If a court withholds prosecution under this section and the terms of the agreement contain conditions described in subsection (e)(6):

(1) the clerk of the court shall comply with IC 5-2-9; and

(2) the prosecuting attorney shall file a confidential form prescribed or approved by the division of state court administration with the clerk.

SECTION 411. IC 34-24-1-1, AS AMENDED BY SEA 26-2012, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The following may be seized:

(1) All vehicles (as defined by IC 35-31.5-2-346), if they are used or are intended for use by the person or persons in possession of them to transport or in any manner to facilitate the transportation of the following:

(A) A controlled substance for the purpose of committing, attempting to commit, or conspiring to commit any of the following:

(i) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).

(ii) Dealing in methamphetamine (IC 35-48-4-1.1).

(iii) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(iv) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

(v) Dealing in a schedule V controlled substance (IC 35-48-4-4).

(vi) Dealing in a counterfeit substance (IC 35-48-4-5).

(vii) Possession of cocaine or a narcotic drug (IC 35-48-4-6).

(viii) Possession of methamphetamine (IC 35-48-4-6.1).

(ix) Dealing in paraphernalia (IC 35-48-4-8.5).

(x) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid (IC 35-48-4-10).

(B) Any stolen (IC 35-43-4-2) or converted property (IC

35-43-4-3) if the retail or repurchase value of that property is one hundred dollars ($100) or more.

(C) Any hazardous waste in violation of IC 13-30-10-1.5.

(D) A bomb (as defined in IC 35-31.5-2-31) or weapon of mass destruction (as defined in IC 35-31.5-2-354) used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism (as defined by IC 35-31.5-2-329).

(2) All money, negotiable instruments, securities, weapons, communications devices, or any property used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism or commonly used as consideration for a violation of IC 35-48-4 (other than items subject to forfeiture under IC 16-42-20-5 or IC 16-6-8.5-5.1 before its repeal):

(A) furnished or intended to be furnished by any person in exchange for an act that is in violation of a criminal statute;

(B) used to facilitate any violation of a criminal statute; or

(C) traceable as proceeds of the violation of a criminal statute.

(3) Any portion of real or personal property purchased with money that is traceable as a proceed of a violation of a criminal statute.

(4) A vehicle that is used by a person to:

(A) commit, attempt to commit, or conspire to commit;

(B) facilitate the commission of; or

(C) escape from the commission of;

murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense under IC 35-47 as part of or in furtherance of an act of terrorism.

(5) Real property owned by a person who uses it to commit any of the following as a Class A felony, a Class B felony, or a Class C felony:

(A) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).

(B) Dealing in methamphetamine (IC 35-48-4-1.1).

(C) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(D) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

(E) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid (IC 35-48-4-10).

(6) Equipment and recordings used by a person to commit fraud under IC 35-43-5-4(10).

(7) Recordings sold, rented, transported, or possessed by a person in violation of IC 24-4-10.

(8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as defined by IC 35-45-6-1) that is the object of a corrupt business influence violation (IC 35-45-6-2).

(9) Unlawful telecommunications devices (as defined in IC 35-45-13-6) and plans, instructions, or publications used to commit an offense under IC 35-45-13.

(10) Any equipment, including computer equipment and cellular telephones, used for or intended for use in preparing, photographing, recording, videotaping, digitizing, printing, copying, or disseminating matter in violation of IC 35-42-4.

(11) Destructive devices used, possessed, transported, or sold in violation of IC 35-47.5.

(12) Tobacco products that are sold in violation of IC 24-3-5, tobacco products that a person attempts to sell in violation of IC 24-3-5, and other personal property owned and used by a person to facilitate a violation of IC 24-3-5.

(13) Property used by a person to commit counterfeiting or forgery in violation of IC 35-43-5-2.

(14) After December 31, 2005, if a person is convicted of an offense specified in IC 25-26-14-26(b) or IC 35-43-10, the following real or personal property:

(A) Property used or intended to be used to commit, facilitate, or promote the commission of the offense.

(B) Property constituting, derived from, or traceable to the gross proceeds that the person obtained directly or indirectly as a result of the offense.

(15) Except as provided in subsection (e), a ~~motor~~ vehicle used by a person who operates the ~~motor~~ vehicle:

(A) while intoxicated, in violation of IC 9-30-5-1 through IC 9-30-5-5, if in the previous five (5) years the person has two (2) or more prior unrelated convictions:

(i) for operating a motor vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or

(ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction; or

(B) on a highway while the person's ~~driver's license is~~ **driving privileges are** suspended in violation of IC 9-24-19-2 through IC 9-24-19-4, if in the previous five (5) years the person has two (2) or more prior unrelated convictions:

(i) for operating a ~~motor~~ vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or

(ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction.

If a court orders the seizure of a ~~motor~~ vehicle under this subdivision, the court shall transmit an order to the bureau of motor vehicles recommending that the bureau not permit a ~~motor~~ vehicle to be registered in the name of the person whose ~~motor~~ vehicle was seized until the person possesses a current driving license (as defined in IC 9-13-2-41).

(16) The following real or personal property:

(A) Property used or intended to be used to commit, facilitate, or promote the commission of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or

IC 30-2-13-38(f).

(B) Property constituting, derived from, or traceable to the gross proceeds that a person obtains directly or indirectly as a result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or IC 30-2-13-38(f).

(b) A vehicle used by any person as a common or contract carrier in the transaction of business as a common or contract carrier is not subject to seizure under this section, unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a).

(c) Equipment under subsection (a)(10) may not be seized unless it can be proven by a preponderance of the evidence that the owner of the equipment knowingly permitted the equipment to be used to engage in conduct that subjects it to seizure under subsection (a)(10).

(d) Money, negotiable instruments, securities, weapons, communications devices, or any property commonly used as consideration for a violation of IC 35-48-4 found near or on a person who is committing, attempting to commit, or conspiring to commit any of the following offenses shall be admitted into evidence in an action under this chapter as prima facie evidence that the money, negotiable instrument, security, or other thing of value is property that has been used or was to have been used to facilitate the violation of a criminal statute or is the proceeds of the violation of a criminal statute:

(1) IC 35-48-4-1 (dealing in or manufacturing cocaine or a narcotic drug).

(2) IC 35-48-4-1.1 (dealing in methamphetamine).

(3) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled substance).

(4) IC 35-48-4-3 (dealing in a schedule IV controlled substance).

(5) IC 35-48-4-4 (dealing in a schedule V controlled substance) as a Class B felony.

(6) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a Class A felony, Class B felony, or Class C felony.

(7) IC 35-48-4-6.1 (possession of methamphetamine) as a Class A felony, Class B felony, or Class C felony.

(8) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid) as a Class C felony.

(e) A ~~motor~~ vehicle operated by a person who is not:

(1) an owner of the ~~motor~~ vehicle; or

(2) the spouse of the person who owns the ~~motor~~ vehicle;

is not subject to seizure under subsection (a)(15) unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a)(15).

SECTION 412. IC 34-28-5-1, AS AMENDED BY SEA 26-2012, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) As used in this section, "probationary license" refers to a license described in ~~IC 9-24-11-3(b) or~~ IC 9-24-11-3.3(b).

(b) An action to enforce a statute defining an infraction shall be brought in the name of the state of Indiana by the prosecuting attorney for the judicial circuit in which the infraction allegedly took place. However, if the infraction allegedly took place on a public highway (as defined in IC 9-25-2-4) that runs on and along a common boundary shared by two (2) or more judicial circuits, a prosecuting attorney for any judicial circuit sharing the common boundary may bring the action.

(c) An action to enforce an ordinance shall be brought in the name of the municipal corporation. The municipal corporation need not prove that it or the ordinance is valid unless validity is controverted by affidavit.

(d) Actions under this chapter (or IC 34-4-32 before its repeal):

(1) shall be conducted in accordance with the Indiana Rules of Trial Procedure; and

(2) must be brought within two (2) years after the alleged conduct or violation occurred.

(e) The plaintiff in an action under this chapter must prove the commission of an infraction or ordinance violation by a preponderance of the evidence.

(f) The complaint and summons described in IC 9-30-3-6 may be used for any infraction or ordinance violation.

(g) Subsection (h) does not apply to an individual holding a probationary license who is alleged to have committed an infraction under any of the following when the individual was less than eighteen (18) years of age at the time of the alleged offense:

IC 9-19
IC 9-21
IC 9-24
IC 9-25
IC 9-26
IC 9-30-5
IC 9-30-10
IC 9-30-15.

(h) This subsection does not apply to an offense or violation under IC 9-24-6 involving the operation of a commercial motor vehicle. The prosecuting attorney or the attorney for a municipal corporation may establish a deferral program for deferring actions brought under this section. Actions may be deferred under this section if:

(1) the defendant in the action agrees to conditions of a deferral program offered by the prosecuting attorney or the attorney for a municipal corporation;

(2) the defendant in the action agrees to pay to the clerk of the court an initial user's fee and monthly user's fee set by the prosecuting attorney or the attorney for the municipal corporation in accordance with IC 33-37-4-2(e);

(3) the terms of the agreement are recorded in an instrument signed by the defendant and the prosecuting attorney or the attorney for the municipal corporation;

(4) the defendant in the action agrees to pay a fee of seventy dollars ($70) to the clerk of court if the action involves a moving

traffic offense (as defined in IC 9-13-2-110);

(5) the agreement is filed in the court in which the action is brought; and

(6) if the deferral program is offered by the prosecuting attorney, the prosecuting attorney electronically transmits information required by the prosecuting attorneys council concerning the withheld prosecution to the prosecuting attorneys council, in a manner and format designated by the prosecuting attorneys council.

When a defendant complies with the terms of an agreement filed under this subsection (or IC 34-4-32-1(f) before its repeal), the prosecuting attorney or the attorney for the municipal corporation shall request the court to dismiss the action. Upon receipt of a request to dismiss an action under this subsection, the court shall dismiss the action. An action dismissed under this subsection (or IC 34-4-32-1(f) before its repeal) may not be refiled.

(i) If a judgment is entered against a defendant in an action to enforce an ordinance, the defendant may perform community restitution or service (as defined in IC 35-31.5-2-50) instead of paying a monetary judgment for the ordinance violation as described in section 4(e) of this chapter if:

(1) the:

(A) defendant; and

(B) attorney for the municipal corporation;

agree to the defendant's performance of community restitution or service instead of the payment of a monetary judgment;

(2) the terms of the agreement described in subdivision (1):

(A) include the amount of the judgment the municipal corporation requests that the defendant pay under section 4(e) of this chapter for the ordinance violation if the defendant fails to perform the community restitution or service provided for in the agreement as approved by the court; and

(B) are recorded in a written instrument signed by the defendant and the attorney for the municipal corporation;

(3) the agreement is filed in the court where the judgment was entered; and

(4) the court approves the agreement.

If a defendant fails to comply with an agreement approved by a court under this subsection, the court shall require the defendant to pay up to the amount of the judgment requested in the action under section 4(e) of this chapter as if the defendant had not entered into an agreement under this subsection.

SECTION 413. IC 34-30-2-32.5, AS ADDED BY P.L.145-2011, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 32.5. (a) This section applies after December 31, 2011.

(b) ~~IC 9-27-6-5(m)~~ **IC 9-27-6-5(h)** (Concerning members of the driver education advisory board).

SECTION 414. IC 35-43-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) A conviction for

an offense under section 2 of this chapter or section 3 of this chapter that involves exerting unauthorized control over gasoline or motor vehicle fuel:

(1) by operation of a motor vehicle to leave the premises of an establishment at which gasoline or motor vehicle fuel is offered for sale after the gasoline or motor vehicle fuel has been dispensed into the fuel tank of the motor vehicle; and

(2) without payment or authorization of payment by a credit card, debit card, charge card, or similar method of payment;

shall result in the suspension of the driving privileges of the person.

(b) The court imposing **a** sentence for a violation under subsection (a) shall issue an order to the bureau of motor vehicles:

(1) stating that the person has been convicted of an offense under section 2 of this chapter or section 3 of this chapter involving the unauthorized taking of gasoline or motor vehicle fuel; and

(2) ordering the suspension of the person's driving privileges under ~~IC 9-25-6-21.~~ **IC 9-30-13-8.**

The suspension of a person's driving privileges under this section is in addition to other penalties prescribed by IC 35-50-3-2 for a Class A misdemeanor or by IC 35-50-2-7 for a Class D felony.

SECTION 415. IC 35-48-4-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. (a) If a person is convicted of an offense under section 1, 2, 3, 4, 5, 6, 7, 10, or 11 of this chapter, or conspiracy to commit an offense under section 1, 2, 3, 4, 5, 6, 7, 10, or 11 of this chapter, and the court finds that a motor vehicle was used in the commission of the offense, the court shall, in addition to any other order the court enters, order that the person's:

(1) ~~operator's~~ **driver's** license be suspended;

(2) existing motor vehicle registrations be suspended; and

(3) ability to register motor vehicles be suspended;

by the bureau of motor vehicles for a period specified by the court of at least six (6) months but not more than two (2) years.

(b) If a person is convicted of an offense described in subsection (a) and the person does not hold ~~an operator's~~ **a driver's** license or a learner's permit, the court shall order that the person may not receive ~~an operator's~~ **a driver's** license or a learner's permit from the bureau of motor vehicles for a period of not less than six (6) months.

SECTION 416. IC 35-50-1-2, AS AMENDED BY P.L.126-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) As used in this section, "crime of violence" means the following:

(1) Murder (IC 35-42-1-1).

(2) Attempted murder (IC 35-41-5-1).

(3) Voluntary manslaughter (IC 35-42-1-3).

(4) Involuntary manslaughter (IC 35-42-1-4).

(5) Reckless homicide (IC 35-42-1-5).

(6) Aggravated battery (IC 35-42-2-1.5).

(7) Kidnapping (IC 35-42-3-2).

(8) Rape (IC 35-42-4-1).

(9) Criminal deviate conduct (IC 35-42-4-2).

(10) Child molesting (IC 35-42-4-3).
(11) Sexual misconduct with a minor as a Class A felony under IC 35-42-4-9(a)(2) or a Class B felony under IC 35-42-4-9(b)(2).
(12) Robbery as a Class A felony or a Class B felony (IC 35-42-5-1).
(13) Burglary as a Class A felony or a Class B felony (IC 35-43-2-1).
(14) Operating a ~~motor~~ vehicle while intoxicated causing death (IC 9-30-5-5).
(15) Operating a ~~motor~~ vehicle while intoxicated causing serious bodily injury to another person (IC 9-30-5-4).
(16) Resisting law enforcement as a felony (IC 35-44-3-3).

(b) As used in this section, "episode of criminal conduct" means offenses or a connected series of offenses that are closely related in time, place, and circumstance.

(c) Except as provided in subsection (d) or (e), the court shall determine whether terms of imprisonment shall be served concurrently or consecutively. The court may consider the:
(1) aggravating circumstances in IC 35-38-1-7.1(a); and
(2) mitigating circumstances in IC 35-38-1-7.1(b);
in making a determination under this subsection. The court may order terms of imprisonment to be served consecutively even if the sentences are not imposed at the same time. However, except for crimes of violence, the total of the consecutive terms of imprisonment, exclusive of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10, to which the defendant is sentenced for felony convictions arising out of an episode of criminal conduct shall not exceed the advisory sentence for a felony which is one (1) class of felony higher than the most serious of the felonies for which the person has been convicted.

(d) If, after being arrested for one (1) crime, a person commits another crime:
(1) before the date the person is discharged from probation, parole, or a term of imprisonment imposed for the first crime; or
(2) while the person is released:
(A) upon the person's own recognizance; or
(B) on bond;
the terms of imprisonment for the crimes shall be served consecutively, regardless of the order in which the crimes are tried and sentences are imposed.

(e) If the factfinder determines under IC 35-50-2-11 that a person used a firearm in the commission of the offense for which the person was convicted, the term of imprisonment for the underlying offense and the additional term of imprisonment imposed under IC 35-50-2-11 must be served consecutively.

SECTION 417. IC 35-51-9-1, AS ADDED BY P.L.70-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The following statutes define crimes in IC 9:
IC 9-14-3.5-15 (Concerning bureau of motor vehicles).
IC 9-14-5-9 (Concerning parking placards for persons with physical disabilities).

IC 9-17-2-15 (Concerning certificates of title).
IC 9-17-2-16 (Concerning certificates of title).
IC 9-17-3-3.2 (Concerning certificates of title).
IC 9-17-3-7 (Concerning certificates of title).
IC 9-17-4-6 (Concerning certificates of title).
IC 9-18-2-42 (Concerning motor vehicle registration and license plates).
IC 9-18-2-44 (Concerning motor vehicle registration and license plates).
IC 9-18-2-45 (Concerning motor vehicle registration and license plates).
IC 9-18-4-8 (Concerning motor vehicle registration and license plates).
IC 9-18-8-11 (Concerning motor vehicle registration and license plates).
IC 9-18-8-12 (Concerning motor vehicle registration and license plates).
IC 9-18-8-13 (Concerning motor vehicle registration and license plates).
IC 9-18-8-14 (Concerning motor vehicle registration and license plates).
IC 9-18-8-15 (Concerning motor vehicle registration and license plates).
IC 9-18-13-9 (Concerning motor vehicle registration and license plates).
IC 9-18-22-6 (Concerning motor vehicle registration and license plates).
IC 9-18-26-11 (Concerning motor vehicle registration and license plates).
IC 9-18-26-13 (Concerning motor vehicle registration and license plates).
IC 9-18-27-9 (Concerning motor vehicle registration and license plates).
IC 9-19-9-5 (Concerning motor vehicle equipment).
IC 9-19-10.5-4 (Concerning motor vehicle equipment).
IC 9-19-10.5-5 (Concerning motor vehicle equipment).
IC 9-20-18-4 (Concerning motor vehicle size and weight regulation).
IC 9-21-5-13 (Concerning traffic regulation).
IC 9-21-6-3 (Concerning traffic regulation).
IC 9-21-8-50 (Concerning traffic regulation).
IC 9-21-8-52 (Concerning traffic regulation).
IC 9-21-8-55 (Concerning traffic regulation).
IC 9-21-8-56 (Concerning traffic regulation).
IC 9-21-8-58 (Concerning traffic regulation).
IC 9-21-12-9 (Concerning traffic regulation).
IC 9-21-12-11 (Concerning traffic regulation).
IC 9-22-1-21.5 (Concerning liens for vehicles).
IC 9-22-3-31 (Concerning abandoned, salvaged, and scrap vehicles).

IC 9-22-3-32 (Concerning abandoned, salvaged, and scrap vehicles).
IC 9-22-3-33 (Concerning abandoned, salvaged, and scrap vehicles).
~~IC 9-22-5-17 (Concerning abandoned, salvaged, and scrap vehicles).~~
IC 9-22-6-3 (Concerning mechanic's liens for vehicles).
IC 9-23-6-1 (Concerning vehicle manufacturers, distributors, and dealers).
IC 9-24-1-8 (Concerning driver's licenses).
IC 9-24-6-16 (Concerning driver's licenses).
IC 9-24-6-17 (Concerning driver's licenses).
IC 9-24-11-8 (Concerning driver's licenses).
IC 9-24-15-11 (Concerning driver's licenses).
IC 9-24-16-12 (Concerning driver's licenses).
IC 9-24-16-13 (Concerning driver's licenses).
IC 9-24-18-1 (Concerning driver's licenses).
IC 9-24-18-2 (Concerning driver's licenses).
IC 9-24-18-7 (Concerning driver's licenses).
IC 9-24-19-2 (Concerning driver's licenses).
IC 9-24-19-3 (Concerning driver's licenses).
IC 9-24-19-4 (Concerning driver's licenses).
IC 9-25-6-18 (Concerning financial responsibility).
IC 9-25-8-2 (Concerning financial responsibility).
IC 9-26-1-8 (Concerning accidents and accident reports).
IC 9-26-1-9 (Concerning accidents and accident reports).
IC 9-26-6-4 (Concerning accidents and accident reports).
IC 9-30-4-7 (Concerning licenses and registrations).
IC 9-30-4-8 (Concerning licenses and registrations).
IC 9-30-4-13 (Concerning licenses and registrations).
IC 9-30-5-1 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-2 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-3 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-4 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-5 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-7 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-8 (Concerning operating a vehicle while intoxicated).
IC 9-30-6-8.7 (Concerning implied consent).
IC 9-30-9-7.5 (Concerning alcohol abuse deterrent programs).
IC 9-30-10-16 (Concerning habitual violator of traffic laws).
IC 9-30-10-17 (Concerning habitual violator of traffic laws).
IC 9-30-10-17.5 (Concerning habitual violator of traffic laws).
IC 9-31-2-26 (Concerning watercraft titling and registration).
IC 9-31-2-27 (Concerning watercraft titling and registration).
IC 9-31-2-28 (Concerning watercraft titling and registration).

SECTION 418. [EFFECTIVE JULY 1, 2012] **(a) As used in this SECTION, "bureau" refers to the bureau of motor vehicles created by IC 9-14-1-1.**

(b) As used in this SECTION, "committee" refers to the interim study committee on special group recognition license plates established by this SECTION.

(c) As used in this SECTION, "special group recognition license plate" refers to a license plate that is issued under IC 9-18-25.

(d) There is established the interim study committee on special group recognition license plates.

(e) The committee consists of the following members:

(1) Two (2) members of the majority party of the senate appointed by the president pro tempore of the senate.

(2) Two (2) members of the minority party of the senate appointed by the minority leader of the senate.

(3) Two (2) members of the majority party of the house of representatives appointed by the speaker of the house of representatives.

(4) Two (2) members of the minority party of the house of representatives appointed by the minority leader of the house of representatives.

(5) Two (2) members appointed by the governor, one (1) of whom must have expertise in auditing nonprofit organizations.

(f) The committee shall review policies and procedures concerning the issuance of special group recognition license plates.

(g) The committee shall operate under the rules and guidelines of the legislative council for interim study committees.

(h) Each member of the committee who is not a state employee or is not a member of the general assembly is entitled to the following:

(1) The salary per diem provided under IC 4-10-11-2.1(b).

(2) Reimbursement for traveling expenses as provided under IC 4-13-1-4.

(3) Other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(i) Each member of the committee who is a state employee but not a member of the general assembly is entitled to the following:

(1) Reimbursement for traveling expenses as provided under IC 4-13-1-4.

(2) Other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(j) Each member of the committee who is a member of the general assembly is entitled to the:

(1) per diem;

(2) mileage; and

(3) travel allowances;

paid to legislative members of interim study committees established by the legislative council.

(k) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure, including final reports.

(l) The committee shall submit a final report to the governor

and the legislative council in an electronic format under IC 5-14-6 not later than December 1, 2012.

(m) This SECTION expires December 31, 2012.

SECTION 419. **An emergency is declared for this act**.

(Reference is to ESB 257 as reprinted February 22, 2012.)

Conference Committee Report
on
Engrossed Senate Bill 257

Signed by:

Senator Wyss Chairperson	Representative Soliday
Senator Merritt	Representative Burton
Senate Conferees	**House Conferees**