



March 22, 2013

**ENGROSSED  
SENATE BILL No. 538**

DIGEST OF SB 538 (Updated March 20, 2013 12:18 pm - DI 96)

**Citations Affected:** IC 4-1; IC 5-2; IC 9-13; IC 9-14; IC 9-24; IC 9-27; IC 9-30; IC 33-37; IC 35-34; IC 35-44.2.

**Synopsis:** Various motor vehicle issues. Makes various changes to motor vehicles laws concerning credentials, convictions, restrictions, and suspensions. Amends related definitions. Amends certain requirements for various driver's licenses. Amends provisions concerning examinations and investigations for licenses. Specifies minimum terms of suspension of driving privileges for various offenses. Provides that a nonresident must be at least 16 years and 180 days of age to operate a motor vehicle on a highway. Changes the membership of the motorcycle operator safety education program advisory committee. Makes technical corrections and corresponding changes.

**Effective:** July 1, 2013.

**Wyss, Arnold J**

(HOUSE SPONSORS — SOLIDAY, DELANEY)

January 14, 2013, read first time and referred to Committee on Homeland Security, Transportation and Veterans Affairs.

January 31, 2013, amended, reported favorably — Do Pass.

February 7, 2013, read second time, amended, ordered engrossed.

February 8, 2013, engrossed.

February 11, 2013, read third time, passed. Yeas 42, nays 6.

**HOUSE ACTION**

February 26, 2013, read first time and referred to Committee on Roads and Transportation.

March 21, 2013, amended, reported — Do Pass.

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ES 538—LS 7224/DI 103+



March 22, 2013

First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 538

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

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

- 1 SECTION 1. IC 4-1-8-1, AS AMENDED BY P.L.35-2012,  
2 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2013]: Sec. 1. (a) No individual may be compelled by any  
4 state agency, board, commission, department, bureau, or other entity of  
5 state government (referred to as "state agency" in this chapter) to  
6 provide the individual's Social Security number to the state agency  
7 against the individual's will, absent federal requirements to the  
8 contrary. However, the provisions of this chapter do not apply to the  
9 following:  
10 (1) Department of state revenue.  
11 (2) Department of workforce development.  
12 (3) The programs administered by:  
13 (A) the division of family resources;  
14 (B) the division of mental health and addiction;  
15 (C) the division of disability and rehabilitative services;  
16 (D) the division of aging; and  
17 (E) the office of Medicaid policy and planning;

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- 1 of the office of the secretary of family and social services.  
 2 (4) Auditor of state.  
 3 (5) State personnel department.  
 4 (6) Secretary of state, with respect to the registration of  
 5 broker-dealers, agents, and investment advisors.  
 6 (7) The legislative ethics commission, with respect to the  
 7 registration of lobbyists.  
 8 (8) Indiana department of administration, with respect to bidders  
 9 on contracts.  
 10 (9) Indiana department of transportation, with respect to bidders  
 11 on contracts.  
 12 (10) Indiana professional licensing agency.  
 13 (11) Department of insurance, with respect to licensing of  
 14 insurance producers.  
 15 (12) The department of child services.  
 16 (13) A pension fund administered by the board of trustees of the  
 17 Indiana public retirement system.  
 18 (14) The state police benefit system.  
 19 (15) The alcohol and tobacco commission.  
 20 (16) The state department of health, for purposes of licensing  
 21 radiologic technologists under IC 16-41-35-29(c).  
 22 (b) The bureau of motor vehicles may, notwithstanding this chapter,  
 23 require the following:  
 24 (1) That an individual include the individual's Social Security  
 25 number in an application for an official certificate of title for any  
 26 vehicle required to be titled under IC 9-17.  
 27 (2) That an individual include the individual's Social Security  
 28 number on an application for registration.  
 29 (3) That a corporation, limited liability company, firm,  
 30 partnership, or other business entity include its federal tax  
 31 identification number on an application for registration.  
 32 **(4) That an individual include the individual's Social Security**  
 33 **number on an application for a license, a permit, or an**  
 34 **identification card.**  
 35 (c) The Indiana department of administration, the Indiana  
 36 department of transportation, and the Indiana professional licensing  
 37 agency may require an employer to provide its federal employer  
 38 identification number.  
 39 (d) The department of correction may require a committed offender  
 40 to provide the offender's Social Security number for purposes of  
 41 matching data with the Social Security Administration to determine  
 42 benefit eligibility.



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1 (e) The Indiana gaming commission may, notwithstanding this  
2 chapter, require the following:

3 (1) That an individual include the individual's Social Security  
4 number:

5 (A) in any application for a riverboat owner's license,  
6 supplier's license, or occupational license; or

7 (B) in any document submitted to the commission in the  
8 course of an investigation necessary to ensure that gaming  
9 under IC 4-32.2, IC 4-33, and IC 4-35 is conducted with  
10 credibility and integrity.

11 (2) That a sole proprietorship, a partnership, an association, a  
12 fiduciary, a corporation, a limited liability company, or any other  
13 business entity include its federal tax identification number on an  
14 application for a riverboat owner's license or supplier's license.

15 (f) Notwithstanding this chapter, the department of education  
16 established by IC 20-19-3-1 may require an individual who applies to  
17 the department for a license or an endorsement to provide the  
18 individual's Social Security number. The Social Security number may  
19 be used by the department only for conducting a background  
20 investigation, if the department is authorized by statute to conduct a  
21 background investigation of an individual for issuance of the license or  
22 endorsement.

23 SECTION 2. IC 5-2-6-3, AS AMENDED BY P.L.133-2012,  
24 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25 JULY 1, 2013]: Sec. 3. The institute is established to do the following:

26 (1) Evaluate state and local programs associated with:

27 (A) the prevention, detection, and solution of criminal  
28 offenses;

29 (B) law enforcement; and

30 (C) the administration of criminal and juvenile justice.

31 (2) Improve and coordinate all aspects of law enforcement,  
32 juvenile justice, and criminal justice in this state.

33 (3) Stimulate criminal and juvenile justice research.

34 (4) Develop new methods for the prevention and reduction of  
35 crime.

36 (5) Prepare applications for funds under the Omnibus Act and the  
37 Juvenile Justice Act.

38 (6) Administer victim and witness assistance funds.

39 (7) Administer the traffic safety functions assigned to the institute  
40 under IC 9-27-2.

41 (8) Compile and analyze information and disseminate the  
42 information to persons who make criminal justice decisions in this

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- 1 state.
- 2 (9) Serve as the criminal justice statistical analysis center for this
- 3 state.
- 4 (10) Identify grants and other funds that can be used by the
- 5 department of correction to carry out its responsibilities
- 6 concerning sex or violent offender registration under IC 11-8-8.
- 7 (11) Administer the application and approval process for
- 8 designating an area of a consolidated or second class city as a
- 9 public safety improvement area under IC 36-8-19.5.
- 10 (12) Develop and maintain a meth watch program to inform
- 11 retailers and the public about illicit methamphetamine production,
- 12 distribution, and use in Indiana.
- 13 (13) Establish, maintain, and operate, subject to specific
- 14 appropriation by the general assembly, a web site containing a list
- 15 of properties (as defined in IC 5-2-6-19(b)) that have been used
- 16 as the site of a methamphetamine laboratory.
- 17 (14) Develop and manage the gang crime witness protection
- 18 program established by section 21 of this chapter.
- 19 (15) Identify grants and other funds that can be used to fund the
- 20 gang crime witness protection program.
- 21 ~~(16) After December 31, 2008, administer the licensing of:~~
- 22 ~~(A) commercial driver training schools; and~~
- 23 ~~(B) instructors at commercial driver training schools.~~
- 24 ~~(17) (16) Administer any sexual offense services.~~
- 25 ~~(18) (17) Administer domestic violence programs.~~
- 26 ~~(19) (18) Administer assistance to victims of human sexual~~
- 27 ~~trafficking offenses as provided in IC 35-42-3.5-4.~~
- 28 ~~(20) (19) Administer the domestic violence prevention and~~
- 29 ~~treatment fund under IC 5-2-6.7.~~
- 30 ~~(21) (20) Administer the family violence and victim assistance~~
- 31 ~~fund under IC 5-2-6.8.~~
- 32 SECTION 3. IC 9-13-2-4 IS AMENDED TO READ AS FOLLOWS
- 33 [EFFECTIVE JULY 1, 2013]: Sec. 4. "Approved driver education
- 34 course" means a course offered by a high school or driver education
- 35 school that the ~~superintendent of public instruction~~ **bureau** periodically
- 36 designates as approved, after taking into consideration the standards
- 37 and methods of instruction necessary to ensure adequate training for
- 38 the operation of a motor vehicle.
- 39 SECTION 4. IC 9-13-2-5, AS AMENDED BY P.L.145-2011,
- 40 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 41 JULY 1, 2013]: Sec. 5. ~~(a) This subsection expires December 31, 2011.~~
- 42 "Approved motorcycle driver education and training course" means:

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- 1 (1) a course offered by a public or private secondary school; a
- 2 new motorcycle dealer; or other driver education school offering
- 3 motorcycle driver training as developed and approved by the state
- 4 superintendent of public instruction and the bureau; or
- 5 (2) a course that is offered by a commercial driving school or new
- 6 motorcycle dealer and that is approved by the bureau:

7 (b) This subsection applies after December 31, 2011. "Approved  
 8 motorcycle driver education and training course" means:

- 9 (1) a course offered by a public or private secondary school, a
- 10 new motorcycle dealer, or another driver education school
- 11 offering motorcycle driver training as developed and approved by
- 12 the bureau; or
- 13 (2) a course that is:
- 14 (A) offered by a commercial driving school or new motorcycle
- 15 dealer; and
- 16 (B) approved by the bureau.

17 SECTION 5. IC 9-13-2-16 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 16. "Bureau", **unless**  
 19 **otherwise indicated**, refers to the bureau of motor vehicles.

20 SECTION 6. IC 9-13-2-21, AS AMENDED BY P.L.125-2012,  
 21 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2013]: Sec. 21. (a) "Chauffeur", except as provided in  
 23 subsection (b), means a person:

- 24 (1) operating a motor vehicle registered as having a gross weight
- 25 of **at least** sixteen thousand (16,000) pounds **or more but not**
- 26 **more than twenty-six thousand (26,000) pounds** for the purpose
- 27 of transporting property for hire; or
- 28 (2) operating a private bus.
- 29 (b) "Chauffeur", for purposes of IC 9-25, means a person:
- 30 (1) who is employed for hire for the principal purpose of
- 31 operating a motor vehicle upon the highways;
- 32 (2) who operates a motor vehicle while in use as a carrier of
- 33 passengers or property for hire; or
- 34 (3) who drives or operates a motor vehicle while in use as a
- 35 school bus for the transportation of pupils to or from school.

36 SECTION 7. IC 9-13-2-28.5 IS REPEALED [EFFECTIVE JULY  
 37 1, 2013]. Sec. 28.5: "~~Commercial driver training school~~", for purposes  
 38 of ~~IC 9-27-6~~, has the meaning set forth in ~~IC 9-27-6-3~~.

39 SECTION 8. IC 9-13-2-47.2 IS ADDED TO THE INDIANA CODE  
 40 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 41 1, 2013]: Sec. 47.2. "**Driver training school**", for purposes of  
 42 **IC 9-27-6**, has the meaning set forth in **IC 9-27-6-3**.

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1 SECTION 9. IC 9-13-2-48, AS AMENDED BY P.L.125-2012,  
 2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2013]: Sec. 48. (a) Except as provided in subsection (b),  
 4 "driver's license" means any type of license issued by the state  
 5 authorizing an individual to operate a ~~motor~~ **the type of vehicle for**  
 6 **which the license was issued, in the manner for which the license**  
 7 **was issued**, on public streets, roads, or highways.

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

10 SECTION 10. IC 9-13-2-48.5, AS ADDED BY P.L.125-2012,  
 11 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2013]: Sec. 48.5. "Driving record" means ~~a record:~~ **the**  
 13 **following:**

14 (1) **A record** maintained by the bureau as required under  
 15 IC 9-14-3-7. ~~and~~

16 (2) **A record** established by the bureau under IC 9-24-18-9.

17 SECTION 11. IC 9-13-2-70 IS REPEALED [EFFECTIVE JULY 1,  
 18 2013]. ~~Sec. 70: "Good cause"; for purposes of IC 9-24-12-6, has the~~  
 19 ~~meaning set forth in that section:~~

20 SECTION 12. IC 9-13-2-78, AS AMENDED BY P.L.2-2007,  
 21 SECTION 139, IS AMENDED TO READ AS FOLLOWS  
 22 [EFFECTIVE JULY 1, 2013]: Sec. 78. "Indiana resident" refers to a  
 23 person who is one (1) of the following:

24 (1) A person who ~~has been living lives~~ **living lives** in Indiana for at least one  
 25 hundred eighty-three (183) days during a calendar year and who  
 26 has a legal residence in another state. However, the term does not  
 27 include a person who ~~has been living lives~~ **living lives** in Indiana for any of  
 28 the following purposes:

29 (A) Attending a postsecondary educational institution.

30 (B) Serving on active duty in the armed forces of the United  
 31 States.

32 (C) **Temporary employment.**

33 (D) **Other purposes, without the intent of making Indiana**  
 34 **a permanent home.**

35 (2) A person who is living in Indiana if the person has no other  
 36 legal residence.

37 (3) A person who is registered to vote in Indiana **or who satisfies**  
 38 **the standards for determining residency in Indiana under**  
 39 **IC 3-5-5.**

40 (4) A person who has a child enrolled in an elementary or a  
 41 secondary school located in Indiana.

42 (5) A person who has more than one-half (1/2) of the person's

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1 gross income (as defined in Section 61 of the Internal Revenue  
 2 Code) derived from sources in Indiana using the provisions  
 3 applicable to determining the source of adjusted gross income that  
 4 are set forth in IC 6-3-2-2. However, a person who is considered  
 5 a resident under this subdivision is not a resident if the person  
 6 proves by a preponderance of the evidence that the person is not  
 7 a resident under subdivisions (1) through (4).

8 (6) A person who:

- 9 (A) is enrolled as a student of a truck driver training school;  
 10 (B) has legal residence in another state but is living in Indiana  
 11 temporarily for the express purpose of taking a course of study  
 12 from the truck driver training school; and  
 13 (C) intends to return to the person's state of residence upon  
 14 completion of the course of study of the truck driver training  
 15 school.

16 SECTION 13. IC 9-13-2-92, AS AMENDED BY SEA 85-2013,  
 17 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2013]: Sec. 92. (a) "Law enforcement officer", except as  
 19 provided in subsection (b), includes the following:

- 20 (1) A state police officer.  
 21 (2) A city, town, or county police officer.  
 22 (3) A sheriff.  
 23 (4) A county coroner **in accordance with IC 36-2-14-4.**  
 24 (5) A conservation officer.  
 25 (6) An individual assigned as a ~~motor carrier inspector duties and~~  
 26 **limitations under IC 10-11-2-26(a): IC 10-11-2-26.**  
 27 (7) A member of a consolidated law enforcement department  
 28 established under IC 36-3-1-5.1.  
 29 (8) An excise police officer of the alcohol and tobacco  
 30 commission.  
 31 (9) A gaming control officer employed by the gaming control  
 32 division under IC 4-33-20.

33 (b) "Law enforcement officer", for purposes of IC 9-30-6 and  
 34 IC 9-30-7, has the meaning set forth in IC 35-31.5-2-185.

35 SECTION 14. IC 9-13-2-110 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 110. "Moving traffic  
 37 offense" ~~for purposes of IC 9-25-9-1 and IC 9-30-3-14, has the meaning~~  
 38 **set forth in IC 9-30-3-14(a): means a violation of a statute, an**  
 39 **ordinance, a rule, or a regulation relating to the operation or use**  
 40 **of a motor vehicle while the motor vehicle is in motion.**

41 SECTION 15. IC 9-13-2-112 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 112. "Nonmoving

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1 traffic offense" for purposes of IC 9-30-3, has the meaning set forth in  
 2 IC 9-30-3-4. means a violation of a statute, an ordinance, or a  
 3 regulation concerning the following:

4 (1) The parking or standing of motor vehicles.

5 (2) Motor vehicles that are not in motion.

6 SECTION 16. IC 9-13-2-117.5, AS AMENDED BY P.L.125-2012,  
 7 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2013]: Sec. 117.5. (a) "Operate", except as provided in  
 9 subsection (b), means to navigate **or otherwise be in actual physical**  
 10 **control of** a vehicle.

11 (b) "Operate", for purposes of IC 9-31, means to navigate or  
 12 otherwise ~~use~~ **be in actual physical control of** a motorboat.

13 SECTION 17. IC 9-13-2-118, AS AMENDED BY P.L.125-2012,  
 14 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2013]: Sec. 118. (a) Except as provided in subsection (b),  
 16 "operator", when used in reference to a vehicle, means a person, other  
 17 than a chauffeur or a public passenger chauffeur, who:

18 (1) drives or ~~is in actual physical control of~~ **operates** a vehicle  
 19 upon a highway; or

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

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

24 SECTION 18. IC 9-13-2-143, AS AMENDED BY P.L.125-2012,  
 25 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2013]: Sec. 143. "Public passenger chauffeur" means a person  
 27 who operates a motor vehicle designed to transport **not more than**  
 28 **fifteen (15) individuals, or more;** including the driver, while in use as  
 29 a public passenger carrying vehicle for hire. The term does not include  
 30 a person who operates a medical services vehicle.

31 SECTION 19. IC 9-13-2-183 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 183. "Traffic offense"  
 33 for purposes of IC 9-30-3, has the meaning set forth in IC 9-30-3-5.  
 34 means:

35 (1) a violation of a statute, an ordinance, a rule, or a  
 36 regulation relating to the operation or use of motor vehicles;  
 37 and

38 (2) any violation of a statute, an ordinance, a rule, or a  
 39 regulation relating to the use of streets and highways by  
 40 pedestrians or by the operation of any other vehicle.

41 SECTION 20. IC 9-14-2-8, AS ADDED BY P.L.145-2011,  
 42 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2013]: Sec. 8. (a) Notwithstanding IC 9-24-10-4(d),  
 2 IC 9-27-6-6(b), ~~IC 9-27-6-7(b)~~, IC 9-27-6-8(b), IC 9-27-6-9(b),  
 3 IC 9-27-6-11, and IC 9-29-9-3.5, the bureau shall carry out the duties  
 4 imposed upon it under IC 9-24-10-4(d), IC 9-27-6-6(b), ~~IC 9-27-6-7(b)~~,  
 5 IC 9-27-6-8(b), IC 9-27-6-9(b), IC 9-27-6-11, and IC 9-29-9-3.5,  
 6 through the adoption of interim written guidelines approved by the  
 7 commissioner of the bureau.

8 (b) This section expires December 31, 2014.

9 SECTION 21. IC 9-24-1-1.5, AS AMENDED BY P.L.125-2012,  
 10 SECTION 160, IS AMENDED TO READ AS FOLLOWS  
 11 [EFFECTIVE JULY 1, 2013]: Sec. 1.5. (a) ~~The standards set forth in~~  
 12 ~~IC 3-5-5 to determine the residence of an individual applying to~~  
 13 ~~become a voter apply to the determination of the residence of An~~  
 14 ~~individual applying who is an Indiana resident is eligible to apply~~  
 15 for a license under this article.

16 (b) This section does not prevent the bureau from issuing a license  
 17 under this article to an individual who is:

- 18 (1) not required by this article to reside in Indiana to receive the  
 19 license; and
- 20 (2) otherwise qualified to receive the license.

21 SECTION 22. IC 9-24-1-5, AS AMENDED BY P.L.125-2012,  
 22 SECTION 163, IS AMENDED TO READ AS FOLLOWS  
 23 [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) An individual must have a  
 24 valid driver's license that may be any of the following to operate a  
 25 motorcycle upon a **public an Indiana** highway:

- 26 (1) An operator's, a chauffeur's, a public passenger chauffeur's, or  
 27 a commercial driver's license with a motorcycle endorsement.
- 28 (2) A motorcycle learner's permit subject to the limitations  
 29 imposed under IC 9-24-8.
- 30 (3) A driver's license from any other jurisdiction that is valid for  
 31 the operation of a motorcycle in that jurisdiction.

32 (b) An individual who held a motorcycle operator's license on  
 33 December 31, 2011, must hold a valid operator's, chauffeur's, public  
 34 passenger chauffeur's, or commercial driver's license with a motorcycle  
 35 endorsement in order to operate ~~the a~~ motorcycle after December 31,  
 36 2011, without restrictions.

37 SECTION 23. IC 9-24-1-7, AS AMENDED BY P.L.125-2012,  
 38 SECTION 165, IS AMENDED TO READ AS FOLLOWS  
 39 [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) Sections 1 through 5 of this  
 40 chapter do not apply to the following individuals:

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

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- 1 (2) An individual **who is at least sixteen (16) years and one**
- 2 **hundred eighty (180) days of age**, while operating:
- 3 (A) a road roller;
- 4 (B) road construction or maintenance machinery, except where
- 5 the road roller or machinery is required to be registered under
- 6 Indiana law;
- 7 (C) a ditch digging apparatus;
- 8 (D) a well drilling apparatus; **or**
- 9 (E) a concrete mixer; **or**
- 10 (F) a farm tractor; a farm wagon (as defined in
- 11 IC 9-13-2-60(a)(2)); **or an implement of agriculture designed**
- 12 **to be operated primarily in a farm field or on farm premises;**
- 13 **that is being temporarily drawn, moved, or propelled on a public**
- 14 **highway. However, to operate a farm wagon (as defined in**
- 15 **IC 9-13-2-60(a)(2)) on a highway, an individual must be at least**
- 16 **fifteen (15) years of age.**
- 17 (3) A nonresident who:
- 18 (A) is at least sixteen (16) years and one ~~(1)~~ **month hundred**
- 19 **eighty (180) days** of age;
- 20 (B) has in the nonresident's immediate possession a valid
- 21 driver's license that was issued to the nonresident in the
- 22 nonresident's home state or country; and
- 23 (C) is lawfully admitted into the United States;
- 24 while operating a motor vehicle upon a public highway only as an
- 25 operator.
- 26 (4) A nonresident who:
- 27 (A) is at least eighteen (18) years of age;
- 28 (B) has in the nonresident's immediate possession a valid
- 29 chauffeur's license that was issued to the nonresident in the
- 30 nonresident's home state or country; and
- 31 (C) is lawfully admitted into the United States;
- 32 while operating a motor vehicle upon a public highway, either as
- 33 an operator or a chauffeur.
- 34 (5) A nonresident who:
- 35 (A) is at least eighteen (18) years of age; and
- 36 (B) has in the nonresident's immediate possession a valid
- 37 license issued by the nonresident's home state for the operation
- 38 of any motor vehicle upon a public highway when in use as a
- 39 public passenger carrying vehicle;
- 40 while operating a motor vehicle upon a public highway, either as
- 41 an operator or a public passenger chauffeur.
- 42 (6) An individual who is legally licensed to operate a motor

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1 vehicle in the state of the individual's residence and who is  
2 employed in Indiana, subject to the restrictions imposed by the  
3 state of the individual's residence.

4 (7) A new resident of Indiana who possesses a valid, unrestricted  
5 driver's license issued by the resident's former state of residence,  
6 for a period of sixty (60) days after becoming a resident of  
7 Indiana.

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

15 **(9) An individual while operating:**

16 **(A) a farm tractor;**

17 **(B) a farm wagon (as defined in IC 9-13-2-60(a)(2)); or**

18 **(C) an implement of agriculture designed to be operated**  
19 **primarily in a farm field or on farm premises;**

20 **that is being temporarily drawn, moved, or propelled on a**  
21 **public highway. However, to operate a farm wagon (as**  
22 **defined in IC 9-13-2-60(a)(2)) on a highway, other than to**  
23 **temporarily draw, move, or propel the farm wagon (as**  
24 **defined in IC 9-13-2-60(a)(2)), an individual must be at least**  
25 **fifteen (15) years of age.**

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

29 SECTION 24. IC 9-24-2-3, AS AMENDED BY P.L.125-2012,  
30 SECTION 169, IS AMENDED TO READ AS FOLLOWS  
31 [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) The bureau may not issue a  
32 driver's license or learner's permit or grant driving privileges to the  
33 following individuals:

34 (1) An individual whose ~~license issued under Indiana law to~~  
35 ~~operate a motor vehicle as an operator, a chauffeur, or a public~~  
36 ~~passenger chauffeur has driving privileges have~~ been suspended,  
37 during the period for which the ~~license was driving privileges~~  
38 **are** suspended, or to an individual whose **driver's** license has  
39 been revoked, until the time the bureau is authorized under  
40 Indiana law to issue the individual a new license.

41 (2) An individual whose learner's permit has been suspended or  
42 revoked until the time the bureau is authorized under Indiana law

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- 1 to issue the individual a new permit.
- 2 (3) An individual who, in the opinion of the bureau, is afflicted
- 3 with or suffering from a physical or mental disability or disease
- 4 that prevents the individual from exercising reasonable and
- 5 ordinary control over a motor vehicle while operating the vehicle
- 6 upon the public highways.
- 7 (4) An individual who is unable to understand highway warnings
- 8 or direction signs written in the English language.
- 9 (5) An individual who is required under this article to take an
- 10 examination unless:
- 11 (A) the person successfully passes the examination; or
- 12 (B) **the bureau waives the examination requirement.**
- 13 (6) An individual who is required under IC 9-25 or any other
- 14 statute to deposit or provide proof of financial responsibility and
- 15 who has not deposited or provided that proof.
- 16 (7) An individual when the bureau has good cause to believe that
- 17 the operation of a motor vehicle on a public highway of Indiana
- 18 by the individual would be inimical to public safety or welfare.
- 19 (8) An individual who is the subject of an order issued by:
- 20 (A) a court under IC 31-14-12-4 or IC 31-16-12-7 (or
- 21 IC 31-1-11.5-13 or IC 31-6-6.1-16 before their repeal); or
- 22 (B) the Title IV-D agency;
- 23 ordering that a driver's license or permit not be issued to the
- 24 individual.
- 25 (9) An individual who has not presented valid documentary
- 26 evidence to the bureau of the person's legal status in the United
- 27 States, as required by IC 9-24-9-2.5.
- 28 (10) **An individual who does not otherwise satisfy the**
- 29 **requirements of this article.**
- 30 (b) An individual subject to epileptic seizures may not be denied a
- 31 driver's license or permit under this section if the individual presents
- 32 a statement from a licensed physician, on a form prescribed by the
- 33 bureau, that the individual is under medication and is free from
- 34 seizures while under medication.
- 35 SECTION 25. IC 9-24-2-3.1, AS AMENDED BY P.L.125-2012,
- 36 SECTION 170, IS AMENDED TO READ AS FOLLOWS
- 37 [EFFECTIVE JULY 1, 2013]: Sec. 3.1. (a) If a petitioner named in an
- 38 order issued under section 3(a)(8) of this chapter has a valid
- 39 commercial driver's license, the bureau shall not immediately suspend
- 40 the person's commercial driving privileges but shall indicate on the
- 41 person's record that the person has conditional driving privileges to
- 42 operate a motor vehicle to and from the person's place of employment

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1 and in the course of the person's employment.

2 (b) Conditional driving privileges described in subsection (a) are  
3 valid for thirty (30) days from the date of the notice sent by the bureau.  
4 If the person obtains an ~~amended~~ order **for conditional driving**  
5 **privileges** within the thirty (30) days, the person may continue to  
6 operate a motor vehicle with the conditional driving privileges beyond  
7 the thirty (30) day period.

8 (c) If the person does not obtain an amended order within the thirty  
9 (30) day period, the bureau shall suspend the person's driving  
10 privileges.

11 SECTION 26. IC 9-24-2-4, AS AMENDED BY P.L.125-2012,  
12 SECTION 171, IS AMENDED TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) If a person is less than  
14 eighteen (18) years of age and is a habitual truant, is under a  
15 suspension or an expulsion or has withdrawn from school as described  
16 in section 1 of this chapter, the bureau shall, upon notification by the  
17 person's principal, suspend the person's driving privileges until the  
18 earliest of the following:

19 (1) The person becomes eighteen (18) years of age.

20 (2) One hundred twenty (120) days after the person is suspended.  
21 ~~or the end of a semester during which the person returns to~~  
22 ~~school; whichever is longer.~~

23 (3) The suspension, expulsion, or exclusion is reversed after the  
24 person has had a hearing under IC 20-33-8.

25 (b) The bureau shall promptly mail a notice to the person's last  
26 known address that states the following:

27 (1) That the person's driving privileges will be ~~invalidated~~  
28 **suspended** for a specified period commencing five (5) days after  
29 the date of the notice.

30 (2) That the person has the right to appeal the suspension of the  
31 driving privileges.

32 (c) If an aggrieved person believes that:

33 (1) the information provided was technically incorrect; or

34 (2) the bureau committed a technical or procedural error;

35 the aggrieved person may appeal the invalidation of a license under  
36 section 5 of this chapter.

37 (d) If a person satisfies the conditions for reinstatement of a license  
38 under this section, the person may submit to the bureau **for review** the  
39 necessary information certifying that at least one (1) of the events  
40 described in subsection (a) has occurred.

41 (e) Upon **reviewing and** certifying the information received under  
42 subsection (d), the bureau shall reinstate the person's driving privileges.

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1 (f) A person may not operate a motor vehicle in violation of this  
2 section.

3 (g) A person whose driving privileges are suspended under this  
4 section **may is eligible to** apply for restricted driving privileges under  
5 IC 9-24-15.

6 (h) The bureau shall reinstate the driving privileges of a person  
7 whose driving privileges were suspended under this section if the  
8 person does the following:

9 (1) Establishes to the satisfaction of the principal of the school  
10 where the action occurred that caused the suspension of the  
11 driving privileges that the person has:

12 (A) enrolled in a full-time or part-time program of education;  
13 and

14 (B) participated for thirty (30) or more days in the program of  
15 education.

16 (2) Submits to the bureau a form developed by the bureau that  
17 contains:

18 (A) the verified signature of the principal or the president of  
19 the governing body of the school described in subdivision (1);  
20 and

21 (B) notification to the bureau that the person has complied  
22 with subdivision (1).

23 A person may appeal the decision of a principal under subdivision (1)  
24 to the governing body of the school corporation where the principal's  
25 school is located.

26 SECTION 27. IC 9-24-3-2.5, AS AMENDED BY P.L.125-2012,  
27 SECTION 174, IS AMENDED TO READ AS FOLLOWS  
28 [EFFECTIVE JULY 1, 2013]: Sec. 2.5. (a) Except as provided in  
29 section 3 of this chapter, an individual must satisfy the requirements set  
30 forth in one (1) of the following subdivisions to receive an operator's  
31 license:

32 (1) The individual meets the following conditions:

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

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

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

39 (D) Passes the required examination.

40 (E) Completes at least fifty (50) hours of supervised driving  
41 practice, of which at least ten (10) hours are nighttime driving,  
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- 1 (i) a licensed instructor or a licensed driver, **with valid**  
 2 **driving privileges**, who is at least twenty-five (25) years of  
 3 age; or  
 4 (ii) the spouse of the individual who is **a licensed driver**  
 5 **with valid driving privileges and is** at least twenty-one  
 6 (21) years of age;
- 7 (2) The individual meets the following conditions:  
 8 (A) Is at least sixteen (16) years and two hundred seventy  
 9 (270) days of age.  
 10 (B) Has held a valid learner's permit for at least one hundred  
 11 eighty (180) days.  
 12 (C) Passes the required examination.  
 13 (D) Completes at least fifty (50) hours of supervised driving  
 14 practice, of which at least ten (10) hours are nighttime driving,  
 15 with:  
 16 (i) a licensed instructor or a licensed driver, **with valid**  
 17 **driving privileges**, who is at least twenty-five (25) years of  
 18 age; or  
 19 (ii) the spouse of the individual who is **a licensed driver**  
 20 **with valid driving privileges and is** at least twenty-one  
 21 (21) years of age;
- 22 (3) The individual meets the following conditions:  
 23 (A) Is at least sixteen (16) years and one hundred eighty (180)  
 24 days of age but less than eighteen (18) years of age.  
 25 (B) Has previously been a nonresident of Indiana, but, at the  
 26 time of application, qualifies as an Indiana resident.  
 27 (C) Has held a valid driver's license, excluding a learner's  
 28 permit or the equivalent, in the state or a combination of states  
 29 in which the individual formerly resided for at least one  
 30 hundred eighty (180) days.  
 31 (D) Passes the required ~~examination~~ **examinations**.
- 32 (4) The individual meets the following conditions:  
 33 (A) Is at least eighteen (18) years of age.  
 34 (B) Has previously been a nonresident of Indiana but, at the  
 35 time of application, qualifies as an Indiana resident.  
 36 (C) Held a valid driver's license, excluding a learner's permit  
 37 or the equivalent, from the state of prior residence.  
 38 (D) Passes the required ~~examination~~ **examinations**.
- 39 (b) An applicant who is required to complete at least fifty (50) hours  
 40 of supervised practice driving under subsection (a)(1)(E) or (a)(2)(D)  
 41 must submit to the commission under IC 9-24-9-2(c) evidence of the  
 42 time logged in practice driving.



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1 SECTION 28. IC 9-24-4-4.5 IS ADDED TO THE INDIANA CODE  
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2013]: **Sec. 4.5. To receive a chauffeur's license, an individual  
4 must surrender any and all driver's licenses issued to the individual  
5 by Indiana or any other jurisdiction.**

6 SECTION 29. IC 9-24-5-3, AS AMENDED BY P.L.125-2012,  
7 SECTION 182, IS AMENDED TO READ AS FOLLOWS  
8 [EFFECTIVE JULY 1, 2013]: Sec. 3. A public passenger chauffeur's  
9 license entitles the licensee to:

- 10 (1) transport persons for hire; and
- 11 (2) operate a motor vehicle, except a commercial motor vehicle  
12 or a motorcycle without the proper permit or endorsement;  
13 upon a public highway.

14 SECTION 30. IC 9-24-6-2, AS AMENDED BY P.L.65-2010,  
15 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2013]: Sec. 2. (a) The bureau shall adopt rules under  
17 IC 4-22-2 to regulate persons required to hold a commercial driver's  
18 license.

19 (b) The rules must carry out 49 U.S.C. 521, 49 U.S.C. 31104, 49  
20 U.S.C. 31301 through 31306, 49 U.S.C. 31308 through 31317, and 49  
21 CFR 383 through 384, and may not be more restrictive than the federal  
22 Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law  
23 106-159, 113 Stat. 1748).

- 24 (c) Rules adopted under this section must include the following:
  - 25 (1) Establishment of classes and periods of validation of  
26 commercial driver's licenses, including the period set forth in  
27 ~~IC 9-24-12-6(c)~~. **IC 9-24-12-6(a)**.
  - 28 (2) Standards for commercial driver's licenses, including  
29 suspension and revocation procedures.
  - 30 (3) Requirements for documentation of eligibility for legal  
31 employment, as set forth in 8 CFR 274a.2, and proof of Indiana  
32 residence.
  - 33 (4) Development of written or oral tests, driving tests, and fitness  
34 requirements.
  - 35 (5) Defining the commercial driver's licenses by classification and  
36 the information to be contained on the licenses, including a  
37 unique identifier of the holder.
  - 38 (6) Establishing fees for the issuance of commercial driver's  
39 licenses, including fees for testing and examination.
  - 40 (7) Procedures for the notification by the holder of a commercial  
41 driver's license to the bureau and the driver's employer of  
42 pointable traffic offense convictions.

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1 (8) Conditions for reciprocity with other states, including  
2 requirements for a written commercial driver's license test and  
3 operational skills test, and a hazardous materials endorsement  
4 written test and operational skills test, before a license may be  
5 issued.

6 (9) Certification of commercial motor vehicle operators who  
7 transport one (1) or more metal coils that, individually or grouped  
8 together, weigh at least two thousand two hundred sixty-eight  
9 (2,268) kilograms (five thousand (5,000) pounds), as to proper  
10 load securement of the metal coil or coils as provided in 49 CFR  
11 393.120.

12 (10) Other rules necessary to administer this chapter.

13 (d) 49 CFR 383 through 384 and 49 CFR 393.120 are adopted as  
14 Indiana law.

15 SECTION 31. IC 9-24-6-2.1 IS ADDED TO THE INDIANA CODE  
16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
17 1, 2013]: **Sec. 2.1. To receive a commercial driver's license under  
18 this chapter, an individual must surrender any and all driver's  
19 licenses issued to the individual by Indiana or any other  
20 jurisdiction.**

21 SECTION 32. IC 9-24-7-4, AS AMENDED BY P.L.125-2012,  
22 SECTION 199, IS AMENDED TO READ AS FOLLOWS  
23 [EFFECTIVE JULY 1, 2013]: Sec. 4. A learner's permit authorizes the  
24 permit holder to operate a motor vehicle, except a motorcycle or  
25 commercial motor vehicle, upon a public highway under the following  
26 conditions:

27 (1) While the holder is participating in practice driving in an  
28 approved driver education course and is accompanied by a  
29 certified driver education instructor or student teacher in the front  
30 seat of a motor vehicle equipped with dual controls.

31 (2) While the holder is participating in practice driving after  
32 having commenced an approved driver education course and the  
33 seat beside the holder is occupied by a ~~parent, stepparent, or~~  
34 ~~guardian of the holder who holds a valid driver's license: a~~  
35 **licensed driver with valid driving privileges who is at least:**

36 (A) **twenty-five (25) years of age; or**

37 (B) **if the licensed driver is the holder's spouse, twenty-one**  
38 **(21) years of age.**

39 (3) If the holder is not participating in an approved driver  
40 education course, and is less than eighteen (18) years of age, the  
41 holder may participate in practice driving if the seat beside the  
42 holder is occupied by a ~~guardian, stepparent, or relative of the~~

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1 holder who is at least twenty-one (21) years of age and holds a  
 2 valid driver's license. **a licensed driver with valid driving**  
 3 **privileges who is at least:**

4 (A) **twenty-five (25) years of age; or**

5 (B) **if the licensed driver is the holder's spouse, twenty-one**  
 6 **(21) years of age.**

7 (4) If the holder is not participating in an approved driver  
 8 education course, and is at least eighteen (18) years of age, the  
 9 holder may participate in practice driving if accompanied in the  
 10 vehicle by an **individual who holds a valid driver's license. a**  
 11 **licensed driver with valid driving privileges who is at least**  
 12 **twenty-one (21) years of age.**

13 SECTION 33. IC 9-24-7-7, AS ADDED BY P.L.145-2011,  
 14 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2013]: Sec. 7. The bureau shall publish **the following:**

16 (1) An online driving guide that may be used by the holder of a  
 17 learner's permit and the parent of the holder of a learner's permit,  
 18 if applicable. **The driving guide must include a**

19 (2) **An online** log that must be completed to show evidence of the  
 20 completion of the hours of supervised practice driving required  
 21 under IC 9-24-3-2.5(a)(1)(E) or IC 9-24-3-2.5(a)(2)(D).

22 SECTION 34. IC 9-24-8-4, AS AMENDED BY P.L.125-2012,  
 23 SECTION 202, IS AMENDED TO READ AS FOLLOWS  
 24 [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) Except as provided in  
 25 subsections (b) and (c), the bureau shall validate an operator's, a  
 26 chauffeur's, a public passenger chauffeur's, or a commercial driver's  
 27 license for motorcycle operation upon a highway by endorsement to a  
 28 person who:

29 (1) satisfactorily completes the written and approved operational  
 30 skills tests;

31 (2) satisfactorily completes a motorcycle operator safety  
 32 education course approved by the ~~department of education~~  
 33 **bureau** as set forth in ~~IC 20-30-13-9; IC 9-27-7;~~ or

34 (3) holds a current motorcycle operator endorsement or  
 35 motorcycle operator's license from any other jurisdiction and  
 36 successfully completes the written test.

37 The bureau may waive the testing requirements for an individual who  
 38 has completed a course described in subdivision (2).

39 (b) The bureau may not issue a motorcycle endorsement to an  
 40 individual less than sixteen (16) years and one hundred eighty (180)  
 41 days of age.

42 (c) If an applicant for a motorcycle license endorsement is less than

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1 eighteen (18) years of age, the bureau may not issue a license  
2 endorsement described in subsection (a) if the applicant is ineligible  
3 under IC 9-24-2-1.

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

21 (e) An individual may apply for a motorcycle endorsement not later  
22 than the expiration date of the permit. However, an individual who  
23 holds a learner's permit and does not pass the operating skills  
24 examination after a third attempt is not eligible to take the examination  
25 until two (2) months after the date of the last failed examination.

26 (f) A person who held a valid Indiana motorcycle operator's license  
27 on December 31, 2011, may be issued a motorcycle operator's  
28 endorsement after December 31, 2011, on a valid Indiana operator's,  
29 chauffeur's, public passenger chauffeur's, or commercial driver's  
30 license after:

- 31 (1) making the appropriate application for endorsement;
- 32 (2) passing the appropriate examinations; and
- 33 (3) paying the appropriate fee set forth in IC 9-29-9-7 or  
34 IC 9-29-9-8.

35 SECTION 35. IC 9-24-8-6 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. In addition to any  
37 other penalty, the bureau:

- 38 (1) shall revoke the motorcycle learner's permit of a person  
39 ~~holding a motorcycle learner's permit~~ who is convicted of  
40 operating a motorcycle under the influence of alcohol; **and**
- 41 (2) **may not issue a motorcycle learner's permit or motorcycle**  
42 **endorsement to a person referred to in subdivision (1) for at**

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1           least (1) year ~~from~~ **after** the date of the **person's** conviction.  
 2           SECTION 36. IC 9-24-9-1 IS AMENDED TO READ AS  
 3 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) Each application  
 4 for a permit or license under this chapter must:  
 5           (1) be made upon the approved form for the application furnished  
 6 by the bureau;  
 7           (2) include a signed affidavit in which the applicant swears or  
 8 affirms that the information set forth in the application by the  
 9 applicant is correct; and  
 10          (3) include a voter registration form as provided in IC 3-7-14 and  
 11 42 U.S.C. 1973gg-3(c)(1).  
 12 ~~The application must be presented in person. However, an online~~  
 13 ~~application does not have to include a voter registration form~~  
 14 ~~under subdivision (3).~~  
 15          (b) The Indiana election commission may prescribe a voter  
 16 registration form for use under subsection (a) that is a separate  
 17 document from the remaining portions of the application described in  
 18 subsection (a)(1) and (a)(2) if the voter registration form remains a part  
 19 of the application, as required under 42 U.S.C. 1973gg-3(c)(1).  
 20          SECTION 37. IC 9-24-9-2, AS AMENDED BY P.L.125-2012,  
 21 SECTION 203, IS AMENDED TO READ AS FOLLOWS  
 22 [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) Except as provided in  
 23 subsection (b), each application for a license or permit under this  
 24 chapter must require the following information:  
 25           (1) The full legal name of the applicant.  
 26           (2) The applicant's date of birth.  
 27           (3) The gender of the applicant.  
 28           (4) The applicant's height, weight, hair color, and eye color.  
 29           (5) The principal address and mailing address of the applicant.  
 30           (6) A:  
 31               (A) valid Social Security number; or  
 32               (B) verification of an applicant's:  
 33                   (i) ineligibility to be issued a Social Security number; and  
 34                   (ii) identity and lawful status.  
 35           (7) Whether the applicant has been subject to fainting spells or  
 36 seizures.  
 37           (8) Whether the applicant has been licensed as an operator, a  
 38 chauffeur, or a public passenger chauffeur or has been the holder  
 39 of a learner's permit, and if so, when and by what state.  
 40           (9) Whether the applicant's license or permit has ever been  
 41 suspended or revoked, and if so, the date of and the reason for the  
 42 suspension or revocation.

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1 (10) Whether the applicant has been convicted of a crime  
2 punishable as a felony under Indiana motor vehicle law or any  
3 other felony in the commission of which a motor vehicle was  
4 used.

5 (11) Whether the applicant has a physical or mental disability,  
6 and if so, the nature of the disability and other information the  
7 bureau directs.

8 (12) The signature of the applicant **showing the applicant's legal**  
9 **name as it appears or will appear on the license or permit.**

10 **(13) A digital photograph of the applicant.**

11 The bureau shall maintain records of the information provided under  
12 subdivisions (1) through ~~(12)~~: **(13)**.

13 (b) For purposes of subsection (a), an individual certified as a  
14 program participant in the address confidentiality program under  
15 IC 5-26.5 is not required to provide the individual's principal address  
16 and mailing address, but may provide an address designated by the  
17 office of the attorney general under IC 5-26.5 as the individual's  
18 principal address and mailing address.

19 (c) In addition to the information required by subsection (a), an  
20 applicant who is required to complete at least fifty (50) hours of  
21 supervised practice driving under IC 9-24-3-2.5(a)(1)(E) or  
22 IC 9-24-3-2.5(a)(2)(D) must submit to the ~~commission~~ **bureau**  
23 evidence of the time logged in practice driving. The bureau shall  
24 maintain a record of the time log provided.

25 (d) In addition to the information required under subsection (a), an  
26 application for a license or permit to be issued under this chapter must  
27 enable the applicant to indicate that the applicant is a veteran of the  
28 armed forces of the United States and wishes to have an indication of  
29 the applicant's veteran status appear on the license or permit. An  
30 applicant who wishes to have an indication of the applicant's veteran  
31 status appear on a license or permit must:

- 32 (1) indicate on the application that the applicant:  
33 (A) is a veteran of the armed forces of the United States; and  
34 (B) wishes to have an indication of the applicant's veteran  
35 status appear on the license or permit; and  
36 (2) verify the applicant's veteran status by providing proof of  
37 discharge **or separation, other than a dishonorable discharge,**  
38 **from the armed forces of the United States.**

39 The bureau shall maintain records of the information provided under  
40 this subsection.

41 SECTION 38. IC 9-24-10-1, AS AMENDED BY P.L.145-2011,  
42 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2013]: Sec. 1. An individual who applies for a permit or  
 2 license under this chapter and who is required by this chapter to take  
 3 an examination shall: ~~upon applying for the permit or license:~~

4 (1) appear before a member of the bureau designated by the  
 5 commissioner; or

6 (2) appear before an instructor having an endorsement under  
 7 IC 9-27-6-8 who did not instruct the individual applying for the  
 8 license or permit in driver education;

9 and be examined concerning the applicant's qualifications and ability  
 10 to operate a motor vehicle upon Indiana highways.

11 SECTION 39. IC 9-24-10-4, AS AMENDED BY P.L.125-2012,  
 12 SECTION 205, IS AMENDED TO READ AS FOLLOWS  
 13 [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) Except as provided in  
 14 subsection (c), an examination for a learner's permit or driver's license  
 15 must include the following:

16 (1) A test of the following of the applicant:

17 (A) Eyesight.

18 (B) Ability to read and understand highway signs regulating,  
 19 warning, and directing traffic.

20 (C) Knowledge of Indiana traffic laws, including  
 21 IC 9-26-1-1.5.

22 (2) An actual demonstration of the applicant's skill in exercising  
 23 ordinary and reasonable control in the operation of a motor  
 24 vehicle under the type of permit or license applied for.

25 (b) The examination may include further physical and mental  
 26 examination that the bureau finds necessary to determine the  
 27 applicant's fitness to operate a motor vehicle safely upon Indiana  
 28 highways. The applicant must provide the motor vehicle used in the  
 29 examination.

30 (c) The bureau:

31 (1) may waive the actual demonstration required under subsection  
 32 (a)(2) for a person who has passed a driver's education class and  
 33 a skills test given by a ~~commercial~~ driver training school or driver  
 34 education program given by an entity licensed under ~~IC 9-27-6-7;~~  
 35 **IC 9-27;** and

36 (2) may waive the testing, other than testing under subsection  
 37 (a)(1)(A), of an applicant who has passed:

38 (A) an examination concerning:

39 (i) subsection (a)(1)(B); and

40 (ii) subsection (a)(1)(C); and

41 (B) a skills test;

42 given by a ~~commercial~~ driver training school or an entity licensed

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- 1 under ~~IC 9-27-6-7~~. **IC 9-27.**
- 2 (d) The bureau shall adopt rules under IC 4-22-2 specifying  
3 requirements for a skills test given under subsection (c) and the testing  
4 required under subsection (a)(1)(B) and (a)(1)(C).
- 5 (e) An instructor having ~~an endorsement a license~~ under  
6 IC 9-27-6-8 who did not instruct the applicant for the license or permit  
7 in driver education is not civilly or criminally liable for a report made  
8 in good faith to the:
- 9 (1) bureau;  
10 (2) commission; or  
11 (3) driver licensing medical advisory board;  
12 concerning the fitness of the applicant to operate a motor vehicle in a  
13 manner that does not jeopardize the safety of individuals or property.
- 14 SECTION 40. IC 9-24-10-6 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) The bureau,  
16 before issuing **an initial or a renewal license, permit, or**  
17 **endorsement**, may ~~examine or cause to be examined~~ **require** an  
18 applicant for an operator's, a chauffeur's, or a public passenger  
19 chauffeur's license and an applicant for a renewal of those licenses who  
20 has a bad driving record: **to submit to an examination, an**  
21 **investigation, or both an examination and investigation, under**  
22 **section 7 of this chapter.** The bureau may cause the examination or  
23 **investigation** to be made whenever it appears from:
- 24 (1) the face of the application;  
25 (2) the apparent physical or mental condition of the applicant; ~~or~~  
26 **(3) the records of the bureau; or**  
27 ~~(3)~~ **(4) any information that has come to the attention of the**  
28 bureau;  
29 that the applicant does not apparently possess the physical, mental, or  
30 other qualifications to operate a motor vehicle in a manner that does  
31 not jeopardize the safety of individuals or property.
- 32 **(b) Upon the conclusion of all examinations or investigations**  
33 **under this section, the bureau shall take appropriate action and**  
34 **may:**
- 35 **(1) refuse to issue or reissue the license, permit, endorsement,**  
36 **or privileges;**  
37 **(2) suspend or revoke the license, permit, endorsement, or**  
38 **privileges;**  
39 **(3) issue restricted driving privileges subject to restrictions**  
40 **the bureau considers necessary in the interest of public safety;**  
41 **or**  
42 **(4) permit the licensed driver to retain or obtain the license,**

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1 permit, endorsement, or privileges.  
2 (c) An applicant may appeal an action taken by the bureau  
3 under this section to the circuit or superior court of the county in  
4 which the applicant resides.

5 SECTION 41. IC 9-24-10-7, AS AMENDED BY P.L.210-2005,  
6 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2013]: Sec. 7. (a) If the bureau has good cause to believe that  
8 a licensed driver is:

- 9 (1) incompetent; or  
10 (2) otherwise ~~not qualified to be licensed;~~ **unfit to operate a**  
11 **vehicle;**

12 the bureau may, upon written notice of at least five (5) days, require the  
13 licensed driver to submit to an examination, ~~The bureau also may~~  
14 ~~conduct a reasonable an~~ investigation of the driver's continued fitness  
15 to operate a motor vehicle safely, including requesting medical  
16 information from the driver or the driver's health care sources, **or both**  
17 **an examination and an investigation.**

18 (b) Upon the conclusion of ~~an examination or investigation~~ **all**  
19 **examinations and investigations of a driver** under this section, the  
20 bureau:

- 21 (1) shall take appropriate action; and  
22 (2) may:  
23 (A) suspend or revoke the license **or driving privileges** of the  
24 licensed driver;  
25 (B) permit the licensed driver to retain the license **or driving**  
26 **privileges** of the licensed driver; or  
27 (C) issue a restricted ~~license~~ **driving privileges** subject to  
28 restrictions ~~considered the bureau considers~~ necessary in the  
29 interest of public safety.

30 (c) If a licensed driver refuses or neglects to submit to an  
31 examination **or investigation** under this section, the bureau may  
32 suspend or revoke the license **or driving privileges** of the licensed  
33 driver. The bureau may not suspend or revoke the license **or driving**  
34 **privileges** of the licensed driver until a reasonable investigation of the  
35 driver's continued fitness to operate a motor vehicle safely has been  
36 made by the bureau.

37 (d) A licensed driver may appeal an action taken by the bureau  
38 under this section to the circuit court or superior court of the county in  
39 which the licensed driver resides.

40 SECTION 42. IC 9-24-11-3.3, AS AMENDED BY P.L.1-2010,  
41 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42 JULY 1, 2013]: Sec. 3.3. (a) This section applies to a probationary

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1 operator's license issued after June 30, 2009.

2 (b) A license issued to or held by an individual less than eighteen  
3 (18) years of age is a probationary license. An individual holds a  
4 probationary license subject to the following conditions:

5 (1) Except as provided in subdivision (3), the individual may not  
6 operate a motor vehicle from 10 p.m. until 5 a.m. of the following  
7 morning during the first one hundred eighty (180) days after  
8 issuance of the probationary license.

9 (2) Except as provided in subdivision (3), after one hundred  
10 eighty (180) days after issuance of the probationary license, and  
11 until the individual becomes eighteen (18) years of age, an  
12 individual may not operate a motor vehicle:

13 (A) between 1 a.m. and 5 a.m. on a Saturday or Sunday;

14 (B) after 11 p.m. on Sunday, Monday, Tuesday, Wednesday,  
15 or Thursday; or

16 (C) before 5 a.m. on Monday, Tuesday, Wednesday, Thursday,  
17 or Friday.

18 (3) The individual may operate a motor vehicle during the periods  
19 described in subdivisions (1) and (2) if the individual operates the  
20 motor vehicle while:

21 (A) participating in, going to, or returning from:

22 (i) lawful employment;

23 (ii) a school sanctioned activity; or

24 (iii) a religious event; or

25 (B) accompanied by a licensed driver **with valid driving**  
26 **privileges who is:**

27 (i) at least twenty-five (25) years of age; or

28 (ii) **if the licensed driver is the individual's spouse, at**  
29 **least twenty-one (21) years of age.**

30 (4) The individual may not operate a motor vehicle while using a  
31 telecommunications device until the individual becomes eighteen  
32 (18) years of age unless the telecommunications device is being  
33 used to make a 911 emergency call.

34 (5) Except as provided in subdivision (6), during the one hundred  
35 eighty (180) days after the issuance of the probationary license,  
36 the individual may not operate a motor vehicle in which there are  
37 passengers until the individual becomes eighteen (18) years of  
38 age unless ~~another individual~~ **accompanied in the front seat of**  
39 **the motor vehicle by:**

40 (A) ~~who:~~

41 (i) is at least twenty-five (25) years of age; and

42 (ii) holds a valid operator's, chauffeur's, public passenger

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1           chauffeur's, or commercial driver's license issued under this  
 2           article;  
 3           ~~(B)~~ who is  
 4           (A) a certified driver education instructor; or  
 5           ~~(C)~~ who is the parent, guardian, or stepparent of the operator  
 6           and is at least twenty-one (21) years of age;  
 7           is present in the front seat of the motor vehicle:  
 8           **(B) a licensed driver with valid driving privileges who is:**  
 9           **(i) at least twenty-five (25) years of age; or**  
 10           **(ii) if the licensed driver is the individual's spouse, at**  
 11           **least twenty-one (21) years of age.**  
 12           (6) The individual may operate a motor vehicle and transport:  
 13           (A) a child **or stepchild** of the individual;  
 14           (B) a sibling of the individual, **including step or half siblings;**  
 15           ~~(C)~~ a child and a sibling of the individual;  
 16           ~~(D)~~ (C) the spouse of the individual; or  
 17           ~~(E)~~ a child and the spouse of the individual; **(D) any**  
 18           **combination of individuals described in clauses (A)**  
 19           **through (C);**  
 20           without another accompanying individual present in the motor  
 21           vehicle.  
 22           (7) The individual may operate a motor vehicle only if the  
 23           individual and each occupant of the motor vehicle are:  
 24           (A) properly restrained by a properly fastened safety belt; or  
 25           (B) if the occupant is a child, restrained in a properly fastened  
 26           child restraint system according to the manufacturer's  
 27           instructions under IC 9-19-11;  
 28           properly fastened about the occupant's body at all times when the  
 29           motor vehicle is in motion.  
 30           (c) An individual who holds a probationary license issued under this  
 31           section may **be eligible to** receive an operator's license, a chauffeur's  
 32           license, a public passenger chauffeur's license, or a commercial driver's  
 33           license when the individual is at least eighteen (18) years of age.  
 34           (d) Except as provided in IC 9-24-12-1(e), a probationary license  
 35           issued under this section:  
 36           (1) expires at midnight of the date thirty (30) days after the  
 37           twenty-first birthday of the holder; and  
 38           (2) may not be renewed.  
 39           SECTION 43. IC 9-24-11-4, AS AMENDED BY P.L.184-2007,  
 40           SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41           JULY 1, 2013]: Sec. 4. (a) An individual may not have more than one  
 42           (1) ~~valid~~ driver's license **or identification card** at a time.

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1 (b) An individual may not hold a driver's license and an  
2 identification card issued under IC 9-24-16 at the same time.

3 SECTION 44. IC 9-24-11-5, AS AMENDED BY P.L.109-2011,  
4 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2013]: Sec. 5. (a) Except as provided in subsection (h), a  
6 permit or license issued under this chapter must contain the following  
7 information:

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

30 (b) A motorcycle learner's permit issued under IC 9-24-8 does not  
31 require a digital photograph.

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

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

40 (e) This subsection applies to a permit or license issued after  
41 January 1, 2007. If the applicant for a permit or license submits  
42 information to the bureau concerning the applicant's medical condition,

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

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

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

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

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

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

21 (4) has approved deferred action status; or

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

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

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

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

39 SECTION 45. IC 9-24-11-5.5, AS AMENDED BY P.L.6-2012,  
 40 SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2013]: Sec. 5.5. If a permittee or licensee has under  
 42 IC 9-24-9-2(e):

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- 1 (1) indicated on the application that the permittee or licensee is a
- 2 veteran of the armed forces of the United States and wishes to
- 3 have an indication of the permittee's or licensee's veteran status
- 4 appear on the license or permit; and
- 5 (2) provided proof of discharge **or separation, other than a**
- 6 **dishonorable discharge, from the armed forces of the United**
- 7 **States;**

8 an indication of the permittee's or licensee's veteran status shall be  
 9 shown on the license or permit.

10 SECTION 46. IC 9-24-11-9, AS AMENDED BY P.L.125-2012,  
 11 SECTION 208, IS AMENDED TO READ AS FOLLOWS  
 12 [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) This section applies to an  
 13 individual who has an existing medical condition that causes the  
 14 individual to appear intoxicated.

15 (b) An operator's, **a chauffeur's, or a public passenger chauffeur's**  
 16 permit or license issued to an individual under this section must bear  
 17 a restriction on the ~~operator's~~ permit or license.

18 (c) An individual who wishes to have an operator's, **a chauffeur's,**  
 19 **or a public passenger chauffeur's** permit or license issued under this  
 20 section must provide a verified certificate from a physician licensed to  
 21 practice in Indiana attesting to the individual's medical condition. The  
 22 physician's certificate must be:

- 23 (1) provided to the bureau at the time the individual applies for ~~an~~
- 24 ~~operator's the~~ permit or license under this section;
- 25 (2) carried in any vehicle that the individual operates; and
- 26 (3) renewed each time the individual's ~~operator's~~ license is
- 27 renewed.

28 (d) ~~The bureau shall adopt rules under IC 4-22-2 to carry out this~~  
 29 ~~section.~~

30 SECTION 47. IC 9-24-11-10, AS AMENDED BY P.L.125-2012,  
 31 SECTION 209, IS AMENDED TO READ AS FOLLOWS  
 32 [EFFECTIVE JULY 1, 2013]: Sec. 10. (a) In addition to any other  
 33 penalty imposed for a conviction under section 8(c) of this chapter, the  
 34 court shall recommend that the person's driving privileges be  
 35 suspended for a fixed period of at least ninety (90) days and not more  
 36 than two (2) years.

- 37 (b) The court shall specify:
- 38 (1) the length of the fixed period of suspension; and
- 39 (2) the date the fixed period of suspension begins;
- 40 whenever the court makes a recommendation under subsection (a). If
- 41 the court fails to recommend a fixed term of suspension, **or**
- 42 **recommends a fixed term that is less than the minimum term**

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1 **required by statute**, the bureau shall impose the minimum period of  
 2 suspension required under this chapter.

3 SECTION 48. IC 9-24-11-11, AS AMENDED BY P.L.125-2012,  
 4 SECTION 210, IS AMENDED TO READ AS FOLLOWS  
 5 [EFFECTIVE JULY 1, 2013]: Sec. 11. The bureau shall, upon  
 6 receiving a record of conviction of a person under section 8(c) of this  
 7 chapter, set a period of suspension for a fixed period of at least ninety  
 8 (90) days and not more than two (2) years. The bureau shall fix this  
 9 period in accordance with the recommendation of the court that entered  
 10 the conviction, as provided in section 10 of this chapter. If the court  
 11 fails to recommend a fixed term of suspension, **or recommends a fixed**  
 12 **term that is less than the minimum term required by statute**, the  
 13 bureau shall impose the minimum period of suspension required under  
 14 this chapter.

15 SECTION 49. IC 9-24-12-3, AS AMENDED BY P.L.3-2008,  
 16 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2013]: Sec. 3. (a) Except as provided in sections 11 and 12 of  
 18 this chapter, a public passenger chauffeur's license issued under this  
 19 article expires at midnight of the birthday of the holder that occurs four  
 20 (4) years following the date of issuance.

21 **(b) Except as provided in sections 10, 11, and 12 of this chapter,**  
 22 **a public passenger chauffeur's license issued under this article to**  
 23 **an applicant who is at least seventy-five (75) years of age expires at**  
 24 **midnight of the birthday of the holder that occurs two (2) years**  
 25 **following the date of issuance.**

26 SECTION 50. IC 9-24-12-5, AS AMENDED BY P.L.125-2012,  
 27 SECTION 212, IS AMENDED TO READ AS FOLLOWS  
 28 [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) Except as provided in  
 29 subsection (b), an individual applying for renewal of an operator's, a  
 30 chauffeur's, or a public passenger chauffeur's license must apply in  
 31 person at a license branch and do the following:

- 32 (1) Pass an eyesight examination.  
 33 (2) Pass a written examination if:  
 34 (A) the applicant has at least six (6) active points on the  
 35 applicant's driving record maintained by the bureau; ~~or~~  
 36 (B) the applicant holds a valid operator's license, has not  
 37 reached the applicant's twenty-first birthday, and has active  
 38 points on the applicant's driving record maintained by the  
 39 bureau; **or**  
 40 **(C) the applicant is in possession of a driver's license that**  
 41 **is expired beyond one hundred eighty (180) days.**

42 (b) The bureau may adopt rules under IC 4-22-2 concerning the

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

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

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

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

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

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

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

20 (A) address; or

21 (B) name;

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

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

27 (A) suspended; or

28 (B) expired more than one hundred eighty (180) days;  
29 at the time of the application for renewal.

30 (8) The individual must be less than seventy-five (75) years of age  
31 at the time of the application for renewal.

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

37 SECTION 51. IC 9-24-12-6, AS AMENDED BY P.L.76-2009,  
38 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
39 JULY 1, 2013]: Sec. 6. (a) As used in this section, "good cause"  
40 includes the following:

41 (+) Temporarily residing at least fifty (50) miles outside the  
42 boundaries of Indiana.

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1 (2) Serving in the armed forces of the United States:

2 (b) The bureau may renew a valid Indiana operator's license held by  
3 an individual temporarily residing outside Indiana if the applicant does  
4 the following:

5 (1) Shows good cause why the license cannot be renewed within  
6 Indiana:

7 (2) Submits a completed application provided by the bureau and  
8 payment of the fee required in IC 9-29-9:

9 (3) Submits a written affidavit that affirms that no source  
10 document upon which the operator's license was issued has  
11 changed or been altered since the prior issuance of the operator's  
12 license:

13 (c) The Indiana operator's license of an individual who is  
14 temporarily residing outside Indiana remains valid for thirty (30) days  
15 beyond the expiration date of that license if the individual meets the  
16 following conditions:

17 (1) Has applied for a renewal of the license:

18 (2) Has not been denied a renewal of the license by the bureau:

19 (d) Upon receiving an application for the renewal of an Indiana  
20 operator's license from an individual temporarily residing outside  
21 Indiana, the bureau shall do the following:

22 (1) Either renew or deny the renewal of the license within ten (10)  
23 days:

24 (2) Notify the individual of the decision:

25 (e) (a) When the Indiana driver's license of an individual who is  
26 temporarily residing outside Indiana because of service in the armed  
27 forces of the United States has expired, the driver's license remains  
28 valid for ninety (90) days following the individual's discharge from  
29 service in the armed forces or postdeployment in the armed forces. To  
30 obtain a renewed driver's license, the individual must do the following:

31 (1) Apply for a renewal of the driver's license during the ninety  
32 (90) day period following the individual's discharge or  
33 postdeployment in the armed forces.

34 (2) Show proof of the individual's discharge from service in the  
35 armed forces or status as postdeployment in the armed forces to  
36 the bureau when applying for the renewal.

37 An individual who held a commercial driver's license that expired  
38 during **the individual's** service in the armed forces may renew the  
39 commercial driver's license as if the commercial driver's license had  
40 not expired but had remained valid during the period of service in the  
41 armed forces of the United States.

42 (b) When the Indiana driver's license of an individual who is

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1 temporarily residing outside Indiana because of the service of a  
 2 spouse, parent, or guardian in the armed forces of the United  
 3 States has expired, the driver's license remains valid for ninety (90)  
 4 days following the discharge from service in the armed forces or  
 5 end of deployment in the armed forces of the individual's spouse,  
 6 parent, or guardian. To obtain a renewed driver's license, the  
 7 individual must do the following:

8 (1) Apply for a renewal of the driver's license during the  
 9 ninety (90) day period following the discharge from or end of  
 10 deployment in the armed forces of the individual's spouse,  
 11 parent, or guardian.

12 (2) Show proof to the bureau of the discharge from or end of  
 13 deployment in the armed forces of the individual's spouse,  
 14 parent, or guardian when applying for the renewal.

15 SECTION 52. IC 9-24-12-10, AS AMENDED BY P.L.109-2011,  
 16 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2013]: Sec. 10. Except as provided in section 11 of this  
 18 chapter, after June 30, 2005:

19 (1) an operator's; or

20 (2) a chauffeur's; or

21 (3) a public passenger chauffeur's;

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

25 SECTION 53. IC 9-24-15-1, AS AMENDED BY P.L.125-2012,  
 26 SECTION 215, IS AMENDED TO READ AS FOLLOWS  
 27 [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) Except as provided in  
 28 subsection (b); This chapter does not apply to the following:

29 (1) A suspension of a driving license driving privileges upon the  
 30 failure of an individual to file security or proof of financial  
 31 responsibility following an accident as required by or upon the  
 32 failure of any individual to satisfy a judgment for damages arising  
 33 out of the use of a motor vehicle on a public highway as provided  
 34 for in IC 9-25. However, if an individual is not otherwise  
 35 ineligible, a court may grant a petition for restricted driving  
 36 privileges from an individual who:

37 (A) received a request for evidence of financial  
 38 responsibility after:

39 (i) an accident under IC 9-25-5-2; or

40 (ii) a conviction of a motor vehicle violation under  
 41 IC 9-25-9-1; and

42 (B) failed to provide proof of financial responsibility under

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**IC 9-25-6;**  
**only if the individual shows by a preponderance of the evidence that the failure to maintain financial responsibility was inadvertent.**

- (2) When suspension of **driving privileges** 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 driving privileges** of an applicant whose license has been previously suspended **more than one (1) time.**

(4) A suspension of the **license driving privileges** 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 driving privileges** 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.

**(6) A person who is a habitual violator of traffic laws under IC 9-30-10.**

(b) A court may grant a petition for restricted driving 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 54. IC 9-24-15-2, AS AMENDED BY P.L.125-2012, SECTION 216, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. If:

- (1) an individual's driving **license has privileges have** been

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1 suspended under Indiana motor vehicle law;  
 2 (2) because of the nature of the individual's employment, the  
 3 suspension would work an undue hardship and burden upon the  
 4 individual's family or dependents; and  
 5 (3) the individual is ~~eligible~~ **not ineligible** for restricted driving  
 6 privileges under section 1 of this chapter;  
 7 the individual may file a verified petition for restricted driving  
 8 privileges for the sole purpose of driving to and from work and in the  
 9 course of employment during the period of the driving license  
 10 suspension.

11 SECTION 55. IC 9-24-15-3, AS AMENDED BY P.L.125-2012,  
 12 SECTION 217, IS AMENDED TO READ AS FOLLOWS  
 13 [EFFECTIVE JULY 1, 2013]: Sec. 3. The following information must  
 14 be included in a petition filed under section 2 of this chapter:

- 15 (1) The petitioner's age, place of residence, and occupation.
- 16 (2) That the petitioner has never been convicted of a similar
- 17 offense or been previously suspended **more than one (1) time**.
- 18 (3) The reason and nature of the hardship or burden upon the
- 19 petitioner's family or dependents.
- 20 (4) The nature of and the necessity of the use of a motor vehicle
- 21 in the petitioner's employment.
- 22 (5) The petitioner's place of employment, hours worked, and route
- 23 to be traveled for employment purposes.
- 24 (6) A certified copy of the petitioner's driving record in Indiana
- 25 and other states in which the petitioner has held driving
- 26 privileges, including all states in which the petitioner has held a
- 27 commercial driver's license.
- 28 (7) **If applicable**, a verified statement that the petitioner meets
- 29 eligibility requirements for a restricted ~~license~~ **driving privileges**
- 30 as set forth in section 6.5 of this chapter.

31 SECTION 56. IC 9-24-15-6.5, AS AMENDED BY P.L.125-2012,  
 32 SECTION 220, IS AMENDED TO READ AS FOLLOWS  
 33 [EFFECTIVE JULY 1, 2013]: Sec. 6.5. (a) The court shall grant a  
 34 petition for restricted driving privileges filed under this chapter **by a**  
 35 **person whose driving privileges were suspended under**  
 36 **IC 9-30-6-9(c) or IC 35-48-4-15** if all of the following conditions  
 37 exist:

- 38 (1) The person was not convicted of one (1) or more of the
- 39 following:
- 40 (A) A Class D felony under IC 9-30-5-4 before July 1, 1996,
- 41 or a Class D felony or a Class C felony under IC 9-30-5-4 after
- 42 June 30, 1996.

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

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

6 ~~(3) (2)~~ The driving that was the basis of the suspension was not in  
 7 connection with the person's work.

8 ~~(4) (3)~~ The person does not have a previous conviction for  
 9 operating while intoxicated.

10 **(4) The driving privileges of the person have not previously**  
 11 **been suspended more than one (1) time for any reason.**

12 (5) The person is participating in a rehabilitation program  
 13 certified by either the division of mental health and addiction or  
 14 the Indiana judicial center.

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

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

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

35 SECTION 57. IC 9-24-15-6.7, AS AMENDED BY P.L.125-2012,  
 36 SECTION 221, IS AMENDED TO READ AS FOLLOWS  
 37 [EFFECTIVE JULY 1, 2013]: Sec. 6.7. (a) If a petitioner whose driving  
 38 ~~license or permit is~~ **privileges are** suspended under IC 9-30-13-6,  
 39 IC 9-30-13-7, or IC 9-30-13-8 proves to the satisfaction of the court  
 40 that public transportation is unavailable for travel by the petitioner:  
 41 (1) to and from the petitioner's regular place of employment;  
 42 (2) in the course of the petitioner's regular employment;

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1 (3) to and from the petitioner's place of worship; or  
 2 (4) to participate in parenting time with the petitioner's children  
 3 consistent with a court order granting parenting time;  
 4 the court may grant a petition for restricted driving privileges filed  
 5 under this chapter.

6 (b) Restricted driving privileges issued by the bureau under this  
 7 section must specify that the restricted driving privileges are valid only  
 8 for purposes of driving under the conditions described in subsection  
 9 (a).

10 (c) Restricted driving privileges issued by the bureau under this  
 11 section shall be:

- 12 (1) issued in the same manner; and  
 13 (2) subject to all requirements;  
 14 as other permits under this chapter.

15 SECTION 58. IC 9-24-15-11, AS AMENDED BY P.L.125-2012,  
 16 SECTION 225, IS AMENDED TO READ AS FOLLOWS  
 17 [EFFECTIVE JULY 1, 2013]: Sec. 11. (a) A person who:

- 18 (1) has been granted restricted driving privileges; and  
 19 (2) operates a motor vehicle:  
 20 (A) in violation of the terms, limitations, or restrictions set out  
 21 by the court; and  
 22 (B) during the period of suspension of the person's current  
 23 driving license;  
 24 commits a Class B misdemeanor.

25 (b) The bureau shall, upon receipt of notice of a conviction for a  
 26 violation of this section, do the following:

- 27 (1) Revoke the person's restricted driving privileges.  
 28 (2) Suspend the person's current driving license for ~~two (2) years~~  
 29 ~~in addition to the original existing period of suspension. any~~  
 30 **additional suspension period designated by the court.**

31 In addition, the bureau may not issue restricted driving privileges to the  
 32 person during the original existing or **any** additional period of  
 33 suspension.

34 SECTION 59. IC 9-24-16-2, AS AMENDED BY P.L.125-2012,  
 35 SECTION 226, IS AMENDED TO READ AS FOLLOWS  
 36 [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) An application for an  
 37 identification card issued under this chapter must require the following  
 38 information concerning an applicant:

- 39 (1) The full legal name of the applicant.  
 40 (2) The applicant's date of birth.  
 41 (3) The gender of the applicant.  
 42 (4) The applicant's height, weight, hair color, and eye color.



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- 1 (5) The principal address and mailing address of the applicant.
- 2 (6) A:
- 3 (A) valid Social Security number; or
- 4 (B) verification of an applicant's:
- 5 (i) ineligibility to be issued a Social Security number; and
- 6 (ii) identity and lawful status.
- 7 (7) A digital photograph of the applicant.
- 8 (8) The signature of the applicant **showing the applicant's legal**
- 9 **name as it will appear on the identification card.**
- 10 The bureau shall maintain records of the information provided under
- 11 subdivisions (1) through (8).
- 12 (b) The bureau may invalidate an identification card that the bureau
- 13 believes to have been issued as a result of fraudulent documentation.
- 14 (c) The bureau:
- 15 (1) shall adopt rules under IC 4-22-2 to establish a procedure to
- 16 verify an applicant's identity and lawful status; and
- 17 (2) may adopt rules to establish a procedure to temporarily
- 18 invalidate an identification card that it believes to have been
- 19 issued based on fraudulent documentation.
- 20 (d) For purposes of subsection (a), an individual certified as a
- 21 program participant in the address confidentiality program under
- 22 IC 5-26.5 is not required to provide the individual's principal address
- 23 and mailing address, but may provide an address designated by the
- 24 office of the attorney general under IC 5-26.5 as the individual's
- 25 principal address and mailing address.
- 26 (e) In addition to the information required under subsection (a), an
- 27 application for an identification card to be issued under this chapter
- 28 must enable the applicant to indicate that the applicant is a veteran of
- 29 the armed forces of the United States and wishes to have an indication
- 30 of the applicant's veteran status appear on the identification card. An
- 31 applicant who wishes to have an indication of the applicant's veteran
- 32 status appear on the identification card must:
- 33 (1) indicate on the application that the applicant:
- 34 (A) is a veteran of the armed forces of the United States; and
- 35 (B) wishes to have an indication of the applicant's veteran
- 36 status appear on the identification card; and
- 37 (2) verify the applicant's veteran status by providing proof of
- 38 discharge **or separation, other than a dishonorable discharge,**
- 39 **from the armed forces of the United States.**
- 40 The bureau shall maintain records of the information provided under
- 41 this subsection.
- 42 SECTION 60. IC 9-24-16-3, AS AMENDED BY P.L.125-2012,

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1 SECTION 227, IS AMENDED TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) An identification card must  
 3 have the same dimensions and shape as a driver's license, but the card  
 4 must have markings sufficient to distinguish the card from a driver's  
 5 license.

6 (b) Except as provided in subsection (g), the front side of an  
 7 identification card must contain the expiration date of the identification  
 8 card and the following information about the individual to whom the  
 9 card is being issued:

- 10 (1) Full legal name.
- 11 (2) The address of the principal residence.
- 12 (3) Date of birth.
- 13 (4) Date of issue and date of expiration.
- 14 (5) Unique identification number.
- 15 (6) Gender.
- 16 (7) Weight.
- 17 (8) Height.
- 18 (9) Color of eyes and hair.
- 19 (10) Reproduction of the signature of the individual identified.
- 20 (11) Whether the individual is blind (as defined in
- 21 IC 12-7-2-21(1)).
- 22 (12) If the individual is less than eighteen (18) years of age at the
- 23 time of issuance, the dates on which the individual will become:
- 24 (A) eighteen (18) years of age; and
- 25 (B) twenty-one (21) years of age.
- 26 (13) If the individual is at least eighteen (18) years of age but less
- 27 than twenty-one (21) years of age at the time of issuance, the date
- 28 on which the individual will become twenty-one (21) years of age.
- 29 (14) Digital photograph of the individual.

30 (c) The information contained on the identification card as required  
 31 by subsection (b)(12) or (b)(13) for an individual who is less than  
 32 twenty-one (21) years of age at the time of issuance shall be printed  
 33 prominently on the permit or license.

34 (d) If the individual:

- 35 (1) has indicated on the application that the individual is a veteran
- 36 of the armed forces of the United States and wishes to have an
- 37 indication of the applicant's veteran status appear on the
- 38 identification card; and
- 39 (2) has provided proof of **any discharge or separation, other**
- 40 **than a dishonorable discharge, from the armed forces of the**
- 41 **United States;**

42 an indication of the individual's veteran status shall be shown on the

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1 identification card.

2 (e) If the applicant for an identification card submits information to  
 3 the bureau concerning the applicant's medical condition, the bureau  
 4 shall place an identifying symbol on the face of the identification card  
 5 to indicate that the applicant has a medical condition of note. The  
 6 bureau shall include information on the identification card that briefly  
 7 describes the medical condition of the holder of the card. The  
 8 information must be printed in a manner that alerts a person reading the  
 9 card to the existence of the medical condition. The applicant for an  
 10 identification card is responsible for the accuracy of the information  
 11 concerning the medical condition submitted under this subsection. The  
 12 bureau shall inform an applicant that submission of information under  
 13 this subsection is voluntary.

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

25 must be clearly identified as a temporary identification card. A  
 26 temporary identification card issued under this subsection may not be  
 27 renewed without the presentation of valid documentary evidence  
 28 proving that the holder of the identification card's temporary status has  
 29 been extended.

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

36 SECTION 61. IC 9-24-16-10, AS AMENDED BY P.L.125-2012,  
 37 SECTION 231, IS AMENDED TO READ AS FOLLOWS  
 38 [EFFECTIVE JULY 1, 2013]: Sec. 10. (a) The bureau may adopt rules  
 39 under IC 4-22-2 and prescribe all forms necessary to implement this  
 40 chapter. However, the bureau may not impose a fee for the issuance of:

- 41 (1) an original;  
 42 (2) a renewal of an; or

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1 (3) a replacement; **or**  
 2 (4) **an amended;**  
 3 identification card to an individual described in subsection (b).  
 4 (b) An identification card must be issued without the payment of a  
 5 fee or charge to an individual who:  
 6 (1) does not have a valid Indiana driver's license; and  
 7 (2) will be at least eighteen (18) years of age and eligible to vote  
 8 in the next general, municipal, or special election.  
 9 SECTION 62. IC 9-24-18-1, AS AMENDED BY P.L.125-2012,  
 10 SECTION 235, IS AMENDED TO READ AS FOLLOWS  
 11 [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) A person, except a person  
 12 exempted under IC 9-24-1-7, who knowingly or intentionally operates  
 13 a motor vehicle upon a highway and has never received a valid driving  
 14 license commits a Class C misdemeanor. However, the offense is a  
 15 Class A misdemeanor if the person has a prior unrelated conviction  
 16 under this section.  
 17 (b) In addition to any other penalty imposed for a conviction under  
 18 this section, the court shall recommend that the person be prohibited  
 19 from receiving a valid driving license for a fixed period of at least  
 20 ninety (90) days and not more than two (2) years.  
 21 (c) The court shall specify:  
 22 (1) the length of the fixed period of the prohibition; and  
 23 (2) the date the fixed period of the prohibition begins;  
 24 whenever the court makes a recommendation under subsection (b).  
 25 (d) The bureau shall, upon receiving a record of conviction of a  
 26 person upon a charge of operating a motor vehicle while never having  
 27 received a valid driving license, prohibit the person from receiving a  
 28 driving license **by placing a suspension of driving privileges on the**  
 29 **person's record** for a fixed period of at least ninety (90) days and not  
 30 more than two (2) years. The bureau shall fix this period in accordance  
 31 with the recommendation of the court that entered the conviction, as  
 32 provided in subsection (c). If the court fails to recommend a fixed term  
 33 of suspension, **or recommends a fixed term that is less than the**  
 34 **minimum term required by statute**, the bureau shall impose the  
 35 minimum period of suspension required under this chapter.  
 36 (e) In a prosecution under this section, the burden is on the  
 37 defendant to prove by a preponderance of the evidence that the  
 38 defendant had been issued a ~~driving~~ **driver's** license or permit that was  
 39 valid at the time of the alleged offense.  
 40 SECTION 63. IC 9-24-18-3, AS AMENDED BY P.L.125-2012,  
 41 SECTION 236, IS AMENDED TO READ AS FOLLOWS  
 42 [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) A person that has a motor

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1 vehicle in the person's custody may not cause or knowingly permit a  
 2 person to ~~drive~~ **operate** the vehicle upon a highway unless the person  
 3 holds a valid license or permit under this article **for the type of vehicle**  
 4 **that the person is operating.**

5 (b) A person who violates this section commits a Class C infraction.

6 SECTION 64. IC 9-24-18-4 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) A person may not  
 8 authorize or knowingly permit a motor vehicle owned by the person or  
 9 under the person's control to be ~~driven~~ **operated** by a person who does  
 10 not have a legal right to do so or in violation of this title.

11 (b) A person who violates this section commits a Class C infraction.

12 SECTION 65. IC 9-24-18-9, AS AMENDED BY P.L.125-2012,  
 13 SECTION 238, IS AMENDED TO READ AS FOLLOWS  
 14 [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) The bureau may establish a  
 15 driving record for an Indiana resident who does not hold any type of  
 16 valid driving license. The driving record shall be established for an  
 17 unlicensed driver when **the bureau receives** an abstract of court  
 18 conviction ~~has been received by the bureau.~~ **for the type of conviction**  
 19 **that would appear on an official driver's record.**

20 (b) If an unlicensed driver applies for and receives any type of  
 21 ~~driving~~ **driver's** license in Indiana, the person's driving record as an  
 22 unlicensed driver shall be recorded on the permanent record file. An  
 23 unlicensed driver who has had at least two (2) traffic violation  
 24 convictions in Indiana within twenty-four (24) months before applying  
 25 for any type of ~~driving~~ **driver's** license may not be issued a license  
 26 within one (1) year after the date of the second traffic conviction as  
 27 indicated on the abstract of court conviction record. If the bureau issues  
 28 a license without knowledge of the second conviction, the bureau shall  
 29 suspend the license **for one (1) year** upon learning of the second  
 30 conviction and notify the person of the reason for the suspension and  
 31 the term of the suspension.

32 (c) The bureau shall also certify traffic violation convictions on the  
 33 driving record of an unlicensed driver who subsequently receives an  
 34 Indiana ~~driving~~ **driver's** license.

35 SECTION 66. IC 9-24-18-12, AS AMENDED BY P.L.125-2012,  
 36 SECTION 239, IS AMENDED TO READ AS FOLLOWS  
 37 [EFFECTIVE JULY 1, 2013]: Sec. 12. Upon receipt of a court order  
 38 under IC 7.1-5-7-7 (minor possessing, consuming, or transporting  
 39 alcohol or having alcohol present in a bodily substance), the bureau  
 40 shall suspend the minor's driving privileges for the period ordered by  
 41 the court. **If the court fails to recommend a fixed term of**  
 42 **suspension, or recommends a fixed term that is less than the**



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1 **minimum term required by statute, the bureau shall impose the**  
 2 **minimum period of suspension required under IC 7.1-5-7.**

3 SECTION 67. IC 9-24-19-5, AS AMENDED BY P.L.125-2012,  
 4 SECTION 240, IS AMENDED TO READ AS FOLLOWS  
 5 [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) In addition to any other  
 6 penalty imposed for a conviction under this chapter, the court shall  
 7 recommend that the person's driving privileges be suspended for a  
 8 fixed period of not less than ninety (90) days and not more than two (2)  
 9 years.

10 (b) The court shall specify:

- 11 (1) the length of the fixed period of suspension; and  
 12 (2) the date the fixed period of suspension begins;

13 whenever the court makes a recommendation under subsection (a).

14 (c) The bureau shall, upon receiving a record of conviction of a  
 15 person upon a charge of driving a motor vehicle while the driving  
 16 privileges, permit, or license of the person is suspended, fix the period  
 17 of suspension in accordance with the recommendation of the court. If  
 18 the court fails to recommend a fixed term of suspension, **or**  
 19 **recommends a fixed term that is less than the minimum term**  
 20 **required by statute**, the bureau shall impose the minimum period of  
 21 suspension required under this chapter.

22 SECTION 68. IC 9-24-19-7 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. In a prosecution  
 24 under this chapter, the burden is on the defendant to prove by a  
 25 preponderance of the evidence that the defendant had been issued a  
 26 **driving driver's** license or permit that was valid at the time of the  
 27 alleged offense.

28 SECTION 69. IC 9-27-6-3, AS ADDED BY P.L.145-2011,  
 29 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2013]: Sec. 3. (a) As used in this chapter, "~~commercial~~" driver  
 31 training school" means:

32 (1) a business enterprise that:

33 (†) (A) is conducted by an individual, an association, a  
 34 partnership, a limited liability company, or a corporation for  
 35 the education and training of persons, practically or  
 36 theoretically, or both, to operate or drive motor vehicles or to  
 37 prepare an applicant for an examination or validation under  
 38 IC 9-24 for a driver's license; and

39 (‡) (B) charges consideration or tuition for the provision of  
 40 services; **or**

41 (2) a driver education program operated under the authority  
 42 of:

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- 1           **(A) a school corporation (as defined in IC 36-1-2-17);**
- 2           **(B) a nonpublic secondary school that voluntarily becomes**
- 3           **accredited under IC 20-19-2-8;**
- 4           **(C) a nonpublic secondary school recognized under**
- 5           **IC 20-19-2-10;**
- 6           **(D) a postsecondary proprietary educational institution (as**
- 7           **defined in IC 22-4.1-21-9);**
- 8           **(E) a postsecondary credit bearing proprietary educational**
- 9           **institution (as defined in IC 21-18.5-2-12);**
- 10          **(F) a state educational institution (as defined in**
- 11          **IC 21-7-13-32); or**
- 12          **(G) a nonaccredited nonpublic school.**

13           (b) The term does not include a business enterprise that educates or  
 14           trains a person or prepares a person for an examination or a validation  
 15           given by the bureau to operate or drive a motor vehicle as a vocation.

16           SECTION 70. IC 9-27-6-4, AS AMENDED BY P.L.107-2012,  
 17           SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18           JULY 1, 2013]: Sec. 4. As used in this chapter, "instructor" means the  
 19           following:

20           (1) An individual, whether acting as the operator of a ~~commercial~~  
 21           driver training school or on behalf of a ~~commercial~~ driver training  
 22           school, who for compensation teaches, conducts classes for, gives  
 23           demonstrations to, or supervises the practice of individuals  
 24           learning to operate or drive motor vehicles or preparing to take an  
 25           examination for a driver's license.

26           (2) An individual who supervises the work of an instructor.

27           (3) An individual licensed under IC 20-28-5-1.

28           (4) An individual under the authority of a postsecondary  
 29           proprietary educational institution (as defined in IC 22-4.1-21-9)  
 30           or a postsecondary credit bearing proprietary educational  
 31           institution (as defined in IC 21-18.5-2-12) who is teaching,  
 32           conducting classes for, giving demonstrations to, or supervising  
 33           the practice of individuals learning to operate or drive motor  
 34           vehicles or preparing to take an examination for a driver's license.

35           (5) An individual under the authority of a state educational  
 36           institution (as defined in IC 21-7-13-32) who is teaching,  
 37           conducting classes for, giving demonstrations to, or supervising  
 38           the practice of individuals learning to operate or drive motor  
 39           vehicles or preparing to take an examination for a driver's license.

40           SECTION 71. IC 9-27-6-5, AS AMENDED BY P.L.125-2012,  
 41           SECTION 304, IS AMENDED TO READ AS FOLLOWS  
 42           [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) As used in this section,

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1 "advisory board" refers to the driver education advisory board  
2 established by subsection (b).

3 (b) The driver education advisory board is established to advise the  
4 commissioner in the administration of the policies of the commission  
5 and the bureau regarding driver education.

6 (c) The advisory board is composed of seven (7) individuals  
7 appointed by the commissioner as follows:

8 (1) Three (3) members must be driver education professionals  
9 endorsed by the bureau under section 8 of this chapter. In the  
10 selection of individuals for membership under this subdivision,  
11 consideration must be given to driver education instruction  
12 performed in urban and rural areas.

13 (2) One (1) member must be a traffic safety advocate.

14 (3) One (1) member must be a representative of the bureau.

15 (4) One (1) member must be a representative of higher education.

16 (5) One (1) member must be a representative of the insurance  
17 industry.

18 (d) A member of the advisory board serves a two (2) year term. A  
19 member may not **serve be appointed to** more than two (2) consecutive  
20 full terms. Each member serves until the member's successor is  
21 appointed and qualified.

22 (e) A member of the advisory board may be removed for good  
23 cause.

24 (f) A vacancy on the advisory board shall be filled by the  
25 appointment by the commissioner of an individual to fill the position  
26 to which the vacating member was appointed under subsection (c) for  
27 the vacating member's unexpired term.

28 (g) The advisory board shall:

29 (1) consult with and advise the commissioner in the  
30 administration of the policies of the commission and the bureau  
31 regarding driver education; and

32 (2) suggest rules regarding the education and training of persons  
33 to operate or drive motor vehicles or to prepare a person for an  
34 examination or validation for a driver's license.

35 (h) A member of the advisory board is not subject to liability in a  
36 civil action for bodily injury or property damage arising from or  
37 thought to have arisen from an action taken in good faith as a member  
38 of the advisory board.

39 SECTION 72. IC 9-27-6-6, AS ADDED BY P.L.145-2011,  
40 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2013]: Sec. 6. (a) To establish or operate a ~~commercial~~ driver  
42 training school, the ~~commercial~~ driver training school must obtain a

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1 ~~commercial~~ driver training school license from the bureau in the  
2 manner and form prescribed by the bureau.

3 (b) Subject to subsections (c) and (d), the bureau shall adopt rules  
4 under IC 4-22-2 that state the requirements for obtaining a ~~commercial~~  
5 driver training school license. ~~The rules adopted must be substantially~~  
6 ~~equivalent to rules adopted under section 7(b) of this chapter.~~

7 (c) The rules adopted under subsection (b) must permit a licensed  
8 ~~commercial~~ driver training school to provide classroom training during  
9 which an instructor is present in a county outside the county where the  
10 ~~commercial~~ driver training school is located to the students of:

- 11 (1) a school corporation (as defined in IC 36-1-2-17);
- 12 (2) a nonpublic secondary school that voluntarily becomes
- 13 accredited under IC 20-19-2-8;
- 14 (3) a nonpublic secondary school recognized under
- 15 IC 20-19-2-10;
- 16 (4) a state educational institution; or
- 17 (5) a nonaccredited nonpublic school.

18 However, the rules must provide that a licensed ~~commercial~~ driver  
19 training school may provide classroom training in an entity listed in  
20 subdivisions (1) through (3) only if the governing body of the entity  
21 approves the delivery of the training to its students.

22 (d) The rules adopted under subsection (b) must provide that the  
23 classroom training part of driver education instruction may not be  
24 provided to a child less than fifteen (15) years of age.

25 SECTION 73. IC 9-27-6-7 IS REPEALED [EFFECTIVE JULY 1,  
26 2013]. Sec. 7: (a) ~~To establish or operate a driver education program~~  
27 ~~under the authority of a:~~

- 28 (1) ~~school corporation (as defined in IC 36-1-2-17);~~
- 29 (2) ~~nonpublic secondary school that voluntarily becomes~~
- 30 ~~accredited under IC 20-19-2-8;~~
- 31 (3) ~~nonpublic secondary school recognized under IC 20-19-2-10;~~
- 32 (4) ~~postsecondary proprietary educational institution (as defined~~
- 33 ~~in IC 22-4.1-21-9);~~
- 34 (5) ~~postsecondary credit bearing proprietary educational~~
- 35 ~~institution (as defined in IC 21-18.5-2-12);~~
- 36 (6) ~~state educational institution (as defined in IC 21-7-13-32); or~~
- 37 (7) ~~nonaccredited nonpublic school;~~

38 the entity providing the training must obtain a school license from the  
39 bureau in the manner and form prescribed by the bureau.

40 (b) Subject to subsection (c), the bureau shall adopt rules under  
41 IC 4-22-2 that state the requirements for obtaining a school license.  
42 The rules adopted must be substantially equivalent to rules adopted

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1 under section 6(b) of this chapter.

2 (c) The rules adopted under subsection (b) must provide that the  
3 classroom training part of driver education instruction may not be  
4 provided to a child less than fifteen (15) years of age.

5 SECTION 74. IC 9-27-6-8, AS ADDED BY P.L.145-2011,  
6 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2013]: Sec. 8. (a) To be eligible to act as a driver education  
8 instructor, an individual must obtain an instructor's **endorsement**  
9 **license** from the bureau in the manner and form prescribed by the  
10 bureau.

11 (b) Subject to subsection (c), the bureau shall adopt rules under  
12 IC 4-22-2 that state the requirements for obtaining and renewing an  
13 instructor's **endorsement, license**, including the requirements for  
14 continuing education for instructors. The rules must specify the  
15 requirements, including requirements about criminal convictions,  
16 necessary to satisfy the conditions of subsection (c)(3).

17 (c) The bureau shall issue an instructor's **endorsement license** to an  
18 individual who:

19 (1) meets the requirements of subsection (a) and rules adopted  
20 under subsection (b);

21 (2) does not have more than the maximum number of points for  
22 violating traffic laws specified by the bureau by rules adopted  
23 under IC 4-22-2; and

24 (3) has a good moral character, physical condition, knowledge of  
25 the rules of the road, and work history.

26 Only an individual who holds an instructor's **endorsement license**  
27 issued by the bureau under this subsection may act as an instructor.

28 SECTION 75. IC 9-27-6-9, AS ADDED BY P.L.145-2011,  
29 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 JULY 1, 2013]: Sec. 9. (a) A license issued under section 6 ~~or 7 or 8~~  
31 of this chapter ~~or an endorsement issued under section 8 of this chapter~~  
32 expires on the last day of the fiscal year **in even-numbered years** and  
33 may be renewed upon application to the bureau.

34 (b) The fee for a license issued under section 6 ~~or 7 8~~ of this chapter  
35 ~~or an endorsement issued under section 8 of this chapter~~ must be  
36 prescribed by rule under section 11(1) of this chapter.

37 (c) A license ~~or endorsement~~ fee may not be refunded if the license  
38 ~~or endorsement~~ application is rejected or the license is suspended or  
39 revoked.

40 (d) A license ~~or endorsement~~ fee collected under this section shall  
41 be deposited in the motor vehicle highway account fund established  
42 under IC 8-14-1.



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1 SECTION 76. IC 9-27-6-10, AS ADDED BY P.L.145-2011,  
 2 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2013]: Sec. 10. The bureau may refuse to issue, refuse to  
 4 renew, cancel, suspend, or revoke a license ~~or an endorsement~~ issued  
 5 under this chapter if it is shown that the person:

- 6 (1) who applied for the license ~~or endorsement~~ does not meet the  
 7 requirements necessary to obtain the license; ~~or endorsement;~~  
 8 (2) no longer meets the requirements necessary to maintain the  
 9 license; ~~or endorsement;~~ or  
 10 (3) has willfully violated this chapter or a rule adopted by the  
 11 bureau concerning driver education instruction.

12 SECTION 77. IC 9-27-6-11, AS ADDED BY P.L.145-2011,  
 13 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2013]: Sec. 11. In addition to adopting rules under sections  
 15 6(b), ~~7(b)~~, 8(b), and 9(b) of this chapter, the bureau shall adopt rules  
 16 under IC 4-22-2 concerning the following:

- 17 (1) Methods and procedures for the investigation and evaluation  
 18 of the qualifications of individuals applying for licenses under  
 19 sections 6 and ~~7~~ 8 of this chapter. ~~and endorsements under section~~  
 20 ~~8 of this chapter.~~  
 21 (2) The criteria upon which to issue, deny, suspend, renew, and  
 22 revoke licenses ~~and endorsements~~ under section 10 of this  
 23 chapter, including requirements for continuing education for  
 24 instructors.  
 25 (3) Procedures for:  
 26 (A) the investigation into potential grounds for; and  
 27 (B) conduct of hearings on;  
 28 the issuance, renewal, cancellation, suspension, or revocation of  
 29 a license. ~~or an endorsement.~~  
 30 (4) Standards for classroom and in-car driver education  
 31 curriculum (including classroom instruction, Internet instruction,  
 32 and practice driving) and equipment. Classroom instruction  
 33 standards established under this subdivision must provide for  
 34 instruction about:  
 35 (A) railroad-highway grade crossing safety; and  
 36 (B) the procedure for participation in the human organ donor  
 37 program;  
 38 and must limit classroom instruction to students at least fifteen  
 39 (15) years of age.  
 40 (5) Limitations on the number of:  
 41 (A) hours an instructor may teach in a day; and  
 42 (B) classroom and driving hours in which a driver education

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- 1 student may participate during a day.  
 2 (6) Programs to improve parental involvement in driver  
 3 education.  
 4 (7) Establishment and maintenance of standards for instructors of  
 5 driver education, including:  
 6 (A) secondary school driver education instructors;  
 7 (B) ~~commercial~~ driver training school instructors; and  
 8 (C) higher education driver education instructors.

9 SECTION 78. IC 9-27-7-6, AS ADDED BY P.L.145-2011,  
 10 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2013]: Sec. 6. (a) The commissioner shall appoint a five (5)  
 12 member advisory ~~committee~~ **board** consisting of at least three (3)  
 13 active motorcyclists to serve in an advisory capacity to the program.

14 **(b) A member of the advisory board serves a three (3) year**  
 15 **term. A member may not be appointed to more than two (2)**  
 16 **consecutive full terms. Each member serves until the member's**  
 17 **successor is appointed and qualified.**

18 **(c) A member of the advisory board may be removed for good**  
 19 **cause.**

20 **(d) A vacancy on the advisory board shall be filled by the**  
 21 **appointment by the commissioner of an individual to fill the**  
 22 **position to which the vacating member was appointed under**  
 23 **subsection (a) for the vacating member's unexpired term.**

24 **(e) A member of the advisory board is not subject to liability in**  
 25 **a civil action for bodily injury or property damage arising from or**  
 26 **thought to have arisen from an action taken in good faith as a**  
 27 **member of the advisory board.**

28 SECTION 79. IC 9-30-2-7 IS REPEALED [EFFECTIVE JULY 1,  
 29 2013]. Sec. 7: (a) The:

- 30 (1) superintendent of the state police department;  
 31 (2) police chief of each city or the police chief's designee;  
 32 (3) sheriff of each county; and  
 33 (4) town marshal or police chief of each town;  
 34 shall report to the bureau immediately the arrest of a person for a  
 35 violation of an Indiana law or a city ordinance relating to the operation  
 36 of motor vehicles upon the highways:  
 37 (b) The report must state the following:  
 38 (1) The offense with which the operator or driver is charged;  
 39 (2) The court in which pending;  
 40 (3) The names of all available witnesses to the violation;  
 41 (4) The name and address of the operator;  
 42 (5) If the operator is the holder of a license, the following:



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- 1 (A) The kind of license and license number.
- 2 (B) The license plate number of the vehicle operated by the
- 3 operator.
- 4 (c) The bureau shall cause the report:
- 5 (1) to be filed in the bureau; and
- 6 (2) retained for at least two (2) years.
- 7 (d) The bureau shall prescribe and the bureau shall furnish the form
- 8 of the report required by this section.

9 SECTION 80. IC 9-30-3-4 IS REPEALED [EFFECTIVE JULY 1,  
 10 2013]. Sec. 4: As used in this chapter, "nonmoving traffic offense"  
 11 means a violation of a statute, an ordinance, or a regulation concerning  
 12 the following:

- 13 (1) The parking or standing of motor vehicles.
- 14 (2) Motor vehicles that are not in motion.

15 SECTION 81. IC 9-30-3-5 IS REPEALED [EFFECTIVE JULY 1,  
 16 2013]. Sec. 5: As used in this chapter, "traffic offense" means a  
 17 violation of a statute, an ordinance, or a regulation relating to the  
 18 operation or use of motor vehicles and any violation of a statute, an  
 19 ordinance, or a regulation relating to the use of streets and highways by  
 20 pedestrians or by the operation of any other vehicle.

21 SECTION 82. IC 9-30-3-8, AS AMENDED BY P.L.125-2012,  
 22 SECTION 324, IS AMENDED TO READ AS FOLLOWS  
 23 [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) The court may issue a warrant  
 24 for the arrest of a defendant who is an Indiana resident and who fails  
 25 to appear or answer a traffic information and summons or a complaint  
 26 and summons served upon the defendant. If the warrant is not executed  
 27 within thirty (30) days after issue, the court shall promptly forward the  
 28 court copy of the traffic information and summons or complaint and  
 29 summons to the bureau indicating that the defendant failed to appear  
 30 in court as ordered. The court shall then mark the case as failure to  
 31 appear on the court's records.

32 (b) If a defendant who is not an Indiana resident fails to appear or  
 33 answer a traffic summons served upon the defendant and upon which  
 34 the information or complaint has been filed thirty (30) days after the  
 35 return date of the information and summons or complaint and  
 36 summons, the court shall promptly forward the court copy of the traffic  
 37 information and summons or complaint and summons to the bureau.  
 38 The bureau shall notify the motor vehicle commission of the state of  
 39 the nonresident defendant of the defendant's failure to appear and also  
 40 of any action taken by the bureau relative to the Indiana driving  
 41 privileges of the defendant. If the defendant fails to appear or otherwise  
 42 answer within thirty (30) days, the court shall mark the case as failure

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1 to appear on the court's records.

2 (c) The court may suspend the driving privileges of a defendant who  
3 fails to satisfy a judgment entered against the defendant for:

4 (1) violation of a traffic ordinance; or

5 (2) commission of a traffic infraction;

6 by a date set by the court under IC 34-28-5-6. The court shall forward  
7 notice to the bureau indicating that the defendant failed to pay as  
8 ordered.

9 (d) If the bureau receives a copy of the traffic information and  
10 summons or complaint and summons for failure to appear in court  
11 **under subsection (a) or (b)** or a notice of failure to pay under  
12 subsection (c), either on a form prescribed by the bureau or in an  
13 electronic format prescribed by the division of state court  
14 administration, the bureau shall suspend the driving privileges of the  
15 defendant until the defendant appears in court and the case has been  
16 disposed of, or until the date payment is received by the court. The  
17 order of suspension may be served upon the defendant by mailing the  
18 order by first class mail to the defendant at the last address shown for  
19 the defendant in the records of the bureau. ~~The order takes effect on the~~  
20 ~~date the order is mailed.~~

21 (e) For nonresidents of Indiana, the order of suspension shall be  
22 mailed to the defendant at the address given to the arresting officer or  
23 the clerk of court by the defendant as shown by the traffic information  
24 or complaint. ~~The order takes effect on the date of mailing.~~ A copy of  
25 the order shall also be sent to the motor vehicle bureau of the state of  
26 the nonresident defendant. If:

27 (1) the defendant's failure to appear in court has been certified to  
28 the bureau under this chapter; and

29 (2) the defendant subsequently appears in court to answer the  
30 charges against the defendant;

31 the court shall proceed to hear and determine the case in the same  
32 manner as other cases pending in the court. Upon final determination  
33 of the case, the court shall notify the bureau of the determination either  
34 in an electronic format or upon forms prescribed by the bureau. The  
35 notification shall be made by the court within ten (10) days after the  
36 final determination of the case, and information from the original copy  
37 of the traffic information and summons or complaint and summons  
38 must accompany the notification.

39 SECTION 83. IC 9-30-3-12, AS AMENDED BY P.L.125-2012,  
40 SECTION 326, IS AMENDED TO READ AS FOLLOWS  
41 [EFFECTIVE JULY 1, 2013]: Sec. 12. (a) If during any twelve (12)  
42 month period a person has committed moving traffic violations for

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- 1 which the person has:
- 2 (1) been convicted of at least two (2) traffic misdemeanors;
- 3 (2) had at least two (2) traffic judgments entered against the
- 4 person; or
- 5 (3) been convicted of at least one (1) traffic misdemeanor and has
- 6 had at least one (1) traffic judgment entered against the person;
- 7 the bureau may require the person to attend and satisfactorily complete
- 8 a **defensive driving school driver safety** program approved by the
- 9 bureau. The person shall pay all applicable fees required by the bureau.
- 10 (b) This subsection applies to an individual who holds a
- 11 probationary license under IC 9-24-11-3.3 or is less than eighteen (18)
- 12 years of age. An individual is required to attend and satisfactorily
- 13 complete a **defensive driving school driver safety** program approved
- 14 by the bureau if either of the following occurs at least twice or if both
- 15 of the following have occurred when the individual was less than
- 16 eighteen (18) years of age:
- 17 (1) The individual has been convicted of a moving traffic offense,
- 18 ~~(as, defined in section 14(a) of this chapter)~~; other than an offense
- 19 that solely involves motor vehicle equipment.
- 20 (2) The individual has been the operator of a motor vehicle
- 21 involved in an accident for which a report is required to be filed
- 22 under IC 9-26-2.
- 23 The individual shall pay all applicable fees required by the bureau.
- 24 (c) The bureau may suspend the driving privileges of any person
- 25 who:
- 26 (1) fails to attend a **defensive driving school driver safety**
- 27 program; or
- 28 (2) fails to satisfactorily complete a **defensive driving school**
- 29 **driver safety** program;
- 30 as required by this section.
- 31 (d) Notwithstanding IC 33-37-4-2, any court may suspend one-half
- 32 (1/2) of each applicable court cost (including fees) for which a person
- 33 is liable due to a traffic violation if the person enrolls in and completes
- 34 a **defensive driving school driver safety program** or a similar school
- 35 conducted by an agency of the state or local government.
- 36 SECTION 84. IC 9-30-3-14 IS AMENDED TO READ AS
- 37 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 14. ~~(a) As used in this~~
- 38 ~~section, "moving traffic offense" means a violation of a statute, an~~
- 39 ~~ordinance, or a rule relating to the operation or use of motor vehicles~~
- 40 ~~while the motor vehicle is in motion.~~
- 41 ~~(b) If a court convicts a person for a moving traffic offense and the~~
- 42 ~~person is known or believed by the court not to be the owner of the~~

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1 motor vehicle, the court shall, within seven (7) days after entering the  
 2 conviction, deposit with the United States Postal Service, first class  
 3 postage prepaid, notice addressed to the owner of the motor vehicle  
 4 giving the owner the following information:

- 5 (1) The name and address of the person convicted.
- 6 (2) The name and address of the owner of the motor vehicle.
- 7 (3) The offense upon which the conviction was made.
- 8 (4) The date of arrest of the person convicted and the location of  
 9 the place of the offense.
- 10 (5) The license plate number of the motor vehicle.
- 11 (6) The operator's or chauffeur's license number of the person  
 12 convicted.
- 13 (7) The date of the conviction and the name of the court making  
 14 the conviction.

15 SECTION 85. IC 9-30-3-16, AS AMENDED BY P.L.125-2012,  
 16 SECTION 328, IS AMENDED TO READ AS FOLLOWS  
 17 [EFFECTIVE JULY 1, 2013]: Sec. 16. (a) If a person has been found  
 18 to have committed a traffic offense, the court may do the following:

- 19 (1) Require the person to attend and satisfactorily complete a  
 20 driver improvement **or safety** course that has been approved by  
 21 the court ~~and the bureau~~ or by the bureau.
- 22 (2) Place the person on probation for up to one (1) year.
- 23 (3) Suspend the person's driving privileges for up to thirty (30)  
 24 days **or as otherwise provided in statute.**

25 (b) A driver improvement **or safety** course required under  
 26 subsection (a) may be financed by assessing a reasonable charge as  
 27 determined by the course provider and approved by the bureau.

28 SECTION 86. IC 9-30-4-1 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. Upon any reasonable  
 30 ground appearing on the records of the bureau, the bureau may do the  
 31 following:

- 32 (1) Suspend or revoke the current driving **privileges or driver's**  
 33 license of any person.
- 34 (2) Suspend or revoke the certificate of registration and license  
 35 plate for any motor vehicle.

36 SECTION 87. IC 9-30-4-6, AS AMENDED BY P.L.125-2012,  
 37 SECTION 330, AND AS AMENDED BY P.L.126-2012, SECTION  
 38 29, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 39 [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) Whenever the bureau  
 40 suspends or revokes the current driver's license **or driving privileges**  
 41 upon receiving a record of the conviction of a person for any offense  
 42 under the motor vehicle laws not enumerated under subsection (b), the

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1 bureau may also suspend any of the certificates of registration and  
 2 license plates issued for any motor vehicle registered in the name of the  
 3 person so convicted. However, the bureau may not suspend the  
 4 evidence of registration, unless otherwise required by law, if the person  
 5 has given or gives and maintains during the three (3) years following  
 6 the date of suspension or revocation proof of financial responsibility in  
 7 the future in the manner specified in this section.

8 (b) The bureau shall suspend or revoke without notice or hearing the  
 9 current driver's license **or driving privileges** and all certificates of  
 10 registration and license plates issued or registered in the name of a  
 11 person who is convicted of any of the following:

12 (1) Manslaughter or reckless homicide resulting from the  
 13 operation of a motor vehicle.

14 (2) Perjury or knowingly making a false affidavit to the  
 15 department under this chapter or any other law requiring the  
 16 registration of motor vehicles or regulating motor vehicle  
 17 operation upon the highways.

18 (3) A felony under Indiana motor vehicle laws or felony in the  
 19 commission of which a motor vehicle is used.

20 (4) Three (3) charges of criminal recklessness involving the use  
 21 of a motor vehicle within the preceding twelve (12) months.

22 (5) Failure to stop and give information or assistance or failure to  
 23 stop and disclose the person's identity at the scene of an accident  
 24 that has resulted in death, personal injury, or property damage in  
 25 excess of two hundred dollars (\$200).

26 (6) Possession, distribution, manufacture, cultivation, transfer,  
 27 use, or sale of a controlled substance or counterfeit substance, or  
 28 attempting or conspiring to possess, distribute, manufacture,  
 29 cultivate, transfer, use, or sell a controlled substance or  
 30 counterfeit substance.

31 (c) The **driver's license or driving privileges** of a person shall also  
 32 be suspended upon conviction in another jurisdiction for any offense  
 33 described in ~~subsections~~ subsection (b)(1), (b)(2), (b)(3), (b)(4), and  
 34 (b)(5), except if property damage is less than two hundred dollars  
 35 (\$200), the bureau may determine whether the driver's license **or**  
 36 **driving privileges** and certificates of registration and license plates  
 37 shall be suspended or revoked. The license of a person shall also be  
 38 suspended upon conviction in another jurisdiction for any offense  
 39 described in subsection (b)(6).

40 (d) A suspension or revocation remains in effect and a new or  
 41 renewal license may not be issued to the person and a motor vehicle  
 42 may not be registered in the name of the person as follows:



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1 (1) Except as provided in subdivisions (2), (3), (4), and (5), and  
2 subject to section 6.5 of this chapter, for six (6) months from the  
3 date of conviction or on the date on which the person is otherwise  
4 eligible for a license, whichever is later. Except as provided in  
5 IC 35-48-4-15, this includes a person convicted of a crime for  
6 which the person's **driving privilege or driver's** license is  
7 suspended or revoked under subsection (b)(6).

8 (2) Subject to section 6.5 of this chapter, upon conviction of an  
9 offense described in subsection (b)(1), for a fixed period of not  
10 less than two (2) years and not more than five (5) years, to be  
11 fixed by the bureau based upon recommendation of the court  
12 entering a conviction. **If the court fails to recommend a fixed**  
13 **term of suspension, or recommends a fixed term that is less**  
14 **than the minimum term required by statute, the bureau shall**  
15 **impose the minimum period of suspension required under this**  
16 **chapter.** A new or reinstated **driver's** license **or driving**  
17 **privileges** may not be issued to the person unless that person,  
18 within the three (3) years following the expiration of the  
19 suspension or revocation, gives and maintains in force at all times  
20 during the effective period of a new or reinstated license proof of  
21 financial responsibility in the future in the manner specified in  
22 this chapter. However, the liability of the insurance carrier under  
23 a motor vehicle liability policy that is furnished for proof of  
24 financial responsibility in the future as set out in this chapter  
25 becomes absolute whenever loss or damage covered by the policy  
26 occurs, and the satisfaction by the insured of a final judgment for  
27 loss or damage is not a condition precedent to the right or  
28 obligation of the carrier to make payment on account of loss or  
29 damage, but the insurance carrier has the right to settle a claim  
30 covered by the policy. If the settlement is made in good faith, the  
31 amount shall be deductive from the limits of liability specified in  
32 the policy. A policy may not be canceled or annulled with respect  
33 to a loss or damage by an agreement between the carrier and the  
34 insured after the insured has become responsible for the loss or  
35 damage, and a cancellation or annulment is void. The policy may  
36 provide that the insured or any other person covered by the policy  
37 shall reimburse the insurance carrier for payment made on  
38 account of any loss or damage claim or suit involving a breach of  
39 the terms, provisions, or conditions of the policy. If the policy  
40 provides for limits in excess of the limits specified in this chapter,  
41 the insurance carrier may plead against any plaintiff, with respect  
42 to the amount of the excess limits of liability, any defenses that

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1 the carrier may be entitled to plead against the insured. The policy  
 2 may further provide for prorating of the insurance with other  
 3 applicable valid and collectible insurance. An action does not lie  
 4 against the insurance carrier by or on behalf of any claimant under  
 5 the policy until a final judgment has been obtained after actual  
 6 trial by or on behalf of any claimant under the policy.

7 (3) Subject to section 6.5 of this chapter, for the period ordered by  
 8 a court under IC 35-48-4-15.

9 (4) Subject to section 6.5 of this chapter, if the person is convicted  
 10 of a felony involving the use of a motor vehicle under  
 11 ~~IC 35-44-3-3(b)~~ IC 35-44.1-3-1(b) and the person:

12 (A) exceeded the speed limit by at least twenty (20) miles per  
 13 hour;

14 (B) committed criminal recklessness with a vehicle  
 15 (IC 35-42-2-2); or

16 (C) engaged in aggressive driving (as defined in  
 17 IC 9-21-8-55(b));

18 while committing the felony, for one (1) year after the date the  
 19 person was convicted. The convicted person has the burden of  
 20 applying for a new or renewal license and establishing that the  
 21 one (1) year period described in this subdivision and subject to  
 22 section 6.5 of this chapter has elapsed.

23 (5) Subject to section 6.5 of this chapter, if the person is convicted  
 24 of a felony involving the use of a motor vehicle under  
 25 ~~IC 35-44-3-3(b)~~; IC 35-44.1-3-1(b), the person:

26 (A) exceeded the speed limit by at least twenty (20) miles per  
 27 hour;

28 (B) committed criminal recklessness with a vehicle  
 29 (IC 35-42-2-2); or

30 (C) engaged in aggressive driving (as defined in  
 31 IC 9-21-8-55(b));

32 while committing the felony, and the person has a prior unrelated  
 33 conviction for a felony under ~~IC 35-44-3-3(b)~~; IC 35-44.1-3-1(b),  
 34 for two (2) years after the date the person was convicted. The  
 35 convicted person has the burden of applying for a new or renewal  
 36 license and establishing that the two (2) year period described in  
 37 this subdivision and subject to section 6.5 of this chapter has  
 38 elapsed.

39 (e) The bureau may take action as required in this section upon  
 40 receiving satisfactory evidence of a conviction of a person in another  
 41 state.

42 (f) For the purpose of this chapter, "conviction" includes any of the

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- 1 following:
- 2 (1) A conviction upon a plea of guilty.
- 3 (2) A determination of guilt by a jury or court, even if:
- 4 (A) no sentence is imposed; or
- 5 (B) a sentence is suspended.
- 6 (3) A forfeiture of bail, bond, or collateral deposited to secure the
- 7 defendant's appearance for trial, unless the forfeiture is vacated.
- 8 (4) A payment of money as a penalty or as costs in accordance
- 9 with an agreement between a moving traffic violator and a traffic
- 10 violations bureau.
- 11 (g) A suspension or revocation under this section or under
- 12 ~~IC 9-25-6-8~~ IC 9-30-13-0.5 stands pending appeal of the conviction to
- 13 a higher court and may be set aside or modified only upon the receipt
- 14 by the bureau of the certificate of the court reversing or modifying the
- 15 judgment that the cause has been reversed or modified. However, if the
- 16 suspension or revocation follows a conviction in a court of no record
- 17 in Indiana, the suspension or revocation is stayed pending appeal of the
- 18 conviction to a court of record.
- 19 (h) A person aggrieved by an order or act of the bureau under this
- 20 section or ~~IC 9-25-6-8~~ IC 9-30-13-0.5 may file a petition for a court
- 21 review.
- 22 SECTION 88. IC 9-30-4-7 IS AMENDED TO READ AS
- 23 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) A person whose:
- 24 (1) ~~operator's or chauffeur's~~ **driver's** license; or
- 25 (2) certificate of registration or license plate;
- 26 has been suspended **or revoked** and has not been reinstated shall
- 27 immediately return the **driver's** license, certificate of registration, and
- 28 license plate to the bureau. A person who knowingly fails to comply
- 29 with this requirement commits a Class C misdemeanor.
- 30 (b) The bureau may:
- 31 (1) take possession of a license, certificate of registration, or
- 32 license plate upon the suspension **or revocation**; or
- 33 (2) direct a law enforcement officer to take possession and return
- 34 the license, certificate, or license plate to the office of the bureau.
- 35 (c) All law enforcement officers are authorized as agents of the
- 36 bureau to seize the license, certificate of registration, and license plate
- 37 of a person who fails to surrender the license, certificate, or license
- 38 plate. A law enforcement officer shall notify the bureau of the seizure.
- 39 SECTION 89. IC 9-30-4-9, AS AMENDED BY P.L.125-2012,
- 40 SECTION 333, IS AMENDED TO READ AS FOLLOWS
- 41 [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) Upon the filing of a complaint
- 42 in writing with the bureau against a person holding a current driver's

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1 license or permit or applying for a driver's license, permit, or renewal,  
 2 the bureau may cite the person for a hearing to consider the suspension  
 3 or revocation of the person's license, permit, or driving privileges upon  
 4 any of the following charges **or allegations**:

5 (1) That the person has committed an offense for the conviction  
 6 of which mandatory revocation of license is provided.

7 (2) That the person has, by reckless or unlawful operation of a  
 8 motor vehicle, caused or contributed to an accident resulting in  
 9 death or injury to any other person or property damage.

10 (3) That the person is incompetent to drive a motor vehicle or is  
 11 afflicted with mental or physical infirmities or disabilities  
 12 rendering it unsafe for the person to drive a motor vehicle.

13 (4) That the person is a reckless or negligent driver of a motor  
 14 vehicle or has committed a violation of a motor vehicle law.

15 (b) Whenever the bureau ~~issues a citation~~ **determines a hearing is**  
 16 **necessary** upon a complaint in writing for any of the reasons set out in  
 17 this section, the bureau shall immediately notify the licensee or permit  
 18 holder of the hearing. The ~~citation~~ **notice** must state the time, date, and  
 19 place where the hearing will be held and that the licensee or permit  
 20 holder has the right to appear and to be heard. At the hearing the  
 21 bureau or the deputy or agent may issue an order of suspension or  
 22 revocation of, or decline to suspend or revoke, the **driver's** license,  
 23 permit, or driving privileges of the person.

24 (c) The bureau or the deputy or agent may suspend or revoke the  
 25 driver's license, permit, or driving privileges of a person and any of the  
 26 certificates of registration and license plates for a motor vehicle or  
 27 require the person ~~cited~~ to operate for a period of one (1) year under  
 28 restricted driving privileges and make the reports the bureau requires.

29 (d) The bureau or the deputy or agent may subpoena witnesses,  
 30 administer oaths, and take testimony. The failure of the defendant to  
 31 appear at the time and place of the hearing after notice as provided in  
 32 this section does not prevent the hearing, the taking of testimony, and  
 33 the determination of the matter.

34 (e) Testimony or a record of suspension or revocation of a driver's  
 35 license, a permit, or driving privileges in the custody of the bureau  
 36 following a hearing is not admissible as evidence:

37 (1) in any court in any action at law for negligence; or

38 (2) in any civil action brought against a person so cited by the  
 39 bureau under this chapter.

40 (f) The bureau may suspend or revoke the **driver's** license, permit,  
 41 or driving privileges of an Indiana resident for a period of not more  
 42 than one (1) year upon receiving notice of the conviction of the person

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1 in another state of an offense that, if committed in Indiana, would be  
 2 grounds for the suspension or revocation of the license, permit, or  
 3 driving privileges. The bureau may, upon receiving a record of the  
 4 conviction in Indiana of a nonresident driver of a motor vehicle of an  
 5 offense under Indiana motor vehicle laws, forward a certified copy of  
 6 the record to the motor vehicle administrator in the state where the  
 7 person convicted is a resident.

8 (g) The bureau may not suspend a driver's license, a permit, or  
 9 driving privileges for more than one (1) year and upon revoking any  
 10 license or permit shall require that the license or permit be surrendered  
 11 to the bureau.

12 (h) A suspension or revocation under this section stands pending  
 13 any proceeding for review of an action of the bureau taken under this  
 14 section.

15 (i) In addition to any other power, the bureau may modify, amend,  
 16 or cancel any order or determination during the time within which a  
 17 judicial review could be had. A person aggrieved by the order or act  
 18 may have a judicial review under sections 10 and 11 of this chapter.

19 SECTION 90. IC 9-30-5-10, AS AMENDED BY P.L.125-2012,  
 20 SECTION 339, IS AMENDED TO READ AS FOLLOWS  
 21 [EFFECTIVE JULY 1, 2013]: Sec. 10. (a) In addition to a criminal  
 22 penalty imposed for an offense under this chapter, IC 35-46-9, or  
 23 IC 14-15-8 (before its repeal), the court shall, after reviewing the  
 24 person's bureau driving record and other relevant evidence, recommend  
 25 the suspension of the person's driving privileges for the fixed period of  
 26 time specified under this section. The court may require that a period  
 27 of suspension recommended under this section be imposed, if  
 28 applicable, before a period of incarceration or after a period of  
 29 incarceration, or both before and after a period of incarceration, as long  
 30 as the suspension otherwise complies with the periods established in  
 31 this section.

32 (b) If ~~the court finds that~~ the person:

33 (1) does not have a previous conviction of operating a vehicle or  
 34 a motorboat while intoxicated; or

35 (2) has a previous conviction of operating a vehicle or a  
 36 motorboat while intoxicated that occurred at least ten (10) years  
 37 before the conviction under consideration by the court;

38 the court shall recommend the suspension of the person's driving  
 39 privileges for at least ninety (90) days but not more than two (2) years.

40 (c) If ~~the court finds that~~ the person has a previous conviction of  
 41 operating a vehicle or a motorboat while intoxicated and the previous  
 42 conviction occurred more than five (5) years but less than ten (10)

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1 years before the conviction under consideration by the court, the court  
 2 shall recommend the suspension of the person's driving privileges for  
 3 at least one hundred eighty (180) days but not more than two (2) years.  
 4 The court may stay the execution of that part of the suspension that  
 5 exceeds the minimum period of suspension and grant the person  
 6 probationary driving privileges for a period of time equal to the length  
 7 of the stay.

8 (d) If ~~the court finds that~~ the person has a previous conviction of  
 9 operating a vehicle or a motorboat while intoxicated and the previous  
 10 conviction occurred less than five (5) years before the conviction under  
 11 consideration by the court, the court shall recommend the suspension  
 12 of the person's driving privileges for at least one (1) year but not more  
 13 than two (2) years. The court may stay the execution of that part of the  
 14 suspension that exceeds the minimum period of suspension and grant  
 15 the person probationary driving privileges for a period of time equal to  
 16 the length of the stay. If the court grants probationary driving privileges  
 17 under this subsection, the court shall order that the probationary driving  
 18 privileges include the requirement that the person may not operate a  
 19 motor vehicle unless the motor vehicle is equipped with a functioning  
 20 certified ignition interlock device under IC 9-30-8. However, the court  
 21 may grant probationary driving privileges under this subsection without  
 22 requiring the installation of an ignition interlock device if the person is  
 23 successfully participating in a court supervised alcohol treatment  
 24 program in which the person is taking disulfiram or a similar substance  
 25 that the court determines is effective in treating alcohol abuse. The  
 26 person granted probationary driving privileges under this subsection  
 27 shall pay all costs associated with the installation of an ignition  
 28 interlock device unless the sentencing court determines that the person  
 29 is indigent.

30 (e) If the conviction under consideration by the court is for an  
 31 offense under:

- 32 (1) section 4 of this chapter;
- 33 (2) section 5 of this chapter;
- 34 (3) IC 14-15-8-8(b) (before its repeal);
- 35 (4) IC 14-15-8-8(c) (before its repeal);
- 36 (5) IC 35-46-9-6(b); or
- 37 (6) IC 35-46-9-6(c);

38 the court shall recommend the suspension of the person's driving  
 39 privileges for at least two (2) years but not more than five (5) years.

40 (f) If the conviction under consideration by the court is for an  
 41 offense involving the use of a controlled substance listed in schedule  
 42 I, II, III, IV, or V of IC 35-48-2, in which a vehicle was used in the

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1 offense, the court shall recommend the suspension or revocation of the  
2 person's driving privileges for at least six (6) months.

3 (g) The bureau shall fix the period of suspension in accordance with  
4 the recommendation of the court under this section and in accordance  
5 with IC 9-30-6-9. If the court fails to recommend a fixed period of  
6 suspension, **or recommends a fixed period that is less than the**  
7 **minimum period required by statute**, the bureau shall impose the  
8 minimum period of suspension required under this section.

9 SECTION 91. IC 9-30-5-12 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 12. (a) If:

11 (1) a court recommends suspension of a person's driving  
12 privileges under section 10(b) of this chapter for an offense  
13 committed under this chapter; and

14 (2) the person did not refuse to submit to a chemical test offered  
15 under IC 9-30-6-2 during the investigation of the offense;  
16 the court may stay the execution of the suspension of the person's  
17 driving privileges and grant the person probationary driving privileges  
18 for one hundred eighty (180) days.

19 (b) An order for probationary privileges must be issued in  
20 accordance with sections 11 and 13 of this chapter.

21 (c) If:

22 (1) a court recommends suspension of a person's driving  
23 privileges under section 10(c), 10(d), or 10(e) of this chapter for  
24 an offense committed under this chapter; and

25 (2) the period of suspension recommended by the court exceeds  
26 the minimum permissible fixed period of suspension specified  
27 under section 10 of this chapter;

28 the court may stay the execution of that part of the suspension that  
29 exceeds the minimum fixed period of suspension and grant the person  
30 probationary driving privileges for a period of time equal to the length  
31 of the stay.

32 (d) In addition to the other requirements of this section, if a person's  
33 driving privileges are suspended or revoked under section 10(f) of this  
34 chapter, a court must find that compelling circumstances warrant the  
35 issuance of probationary driving privileges.

36 (e) Before a court may grant probationary driving privileges under  
37 this section, the person to whom the probationary driving privileges  
38 will be granted must meet the burden of proving eligibility to receive  
39 probationary driving privileges.

40 (f) **An order for probationary driving privileges issued under**  
41 **subsection (a) or (c) must comply with section 16 of this chapter.**

42 SECTION 92. IC 9-30-5-14, AS AMENDED BY P.L.2-2005,

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1 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2013]: Sec. 14. (a) A person whose driving privileges are  
3 suspended under section 10 of this chapter:

4 (1) is entitled to credit for any days during which the license was  
5 suspended under IC 9-30-6-9(c); and

6 (2) may not receive any credit for days during which the person's  
7 driving privileges were suspended under IC 9-30-6-9(b).

8 (b) A period of suspension of driving privileges imposed under  
9 section 10 of this chapter must be consecutive to any period of  
10 suspension imposed under IC 9-30-6-9(b). However, if the court finds  
11 in the sentencing order that it is in the best interest of society, the court  
12 may terminate all or any part of the remaining suspension under  
13 IC 9-30-6-9(b).

14 **(c) The bureau shall designate a period of suspension of driving**  
15 **privileges imposed under section 10 of this chapter as consecutive**  
16 **to any period of suspension imposed under IC 9-30-6-9(b) unless**  
17 **the sentencing order of the court, under subsection (b), in the best**  
18 **interest of society, terminates all or part of the remaining**  
19 **suspension under IC 9-30-6-9(b).**

20 SECTION 93. IC 9-30-6-7 IS AMENDED TO READ AS  
21 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) If a person  
22 refuses to submit to a chemical test, the arresting officer shall inform  
23 the person that refusal will result in the suspension of the person's  
24 driving privileges.

25 (b) If a person refuses to submit to a chemical test after having been  
26 advised that the refusal will result in the suspension of driving  
27 privileges or submits to a chemical test that results in prima facie  
28 evidence of intoxication, the arresting officer shall do the following:

29 (1) Obtain the person's driver's license or permit if the person is  
30 in possession of the document and issue a receipt valid until the  
31 initial hearing of the matter held under IC 35-33-7-1.

32 (2) Submit a probable cause affidavit to the prosecuting attorney  
33 of the county in which the alleged offense occurred.

34 ~~(3) Send a copy of the probable cause affidavit submitted under~~  
35 ~~subdivision (2) to the bureau.~~

36 SECTION 94. IC 9-30-6-8, AS AMENDED BY P.L.125-2012,  
37 SECTION 344, IS AMENDED TO READ AS FOLLOWS  
38 [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) Whenever a judicial officer  
39 has determined that there was probable cause to believe that a person  
40 has violated IC 9-30-5, IC 35-46-9, or IC 14-15-8 (before its repeal),  
41 the clerk of the court shall forward:

42 (1) a **paper** copy of the affidavit, **or an electronic substitute; and**

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- or**
- (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 the court shall recommend immediate suspension of the person's driving privileges to take effect on the date the order is entered, and forward to the bureau 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 suspension of the person's driving privileges under subsection (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 95. IC 9-30-6-8.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8.5. (a) If the bureau receives an order recommending use of an ignition interlock device under section 8(d) of this chapter, the bureau shall immediately do the following:
  - (1) Mail a notice to the person's ~~last known~~ **address contained in the records of the bureau** stating 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

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- 1 commencing:  
 2 (A) five (5) days after the date of the notice; or  
 3 (B) on the date the court enters an order recommending use of  
 4 an ignition interlock device;  
 5 whichever occurs first.  
 6 (2) Notify the person of the right to a judicial review under  
 7 section 10 of this chapter.  
 8 (b) Notwithstanding IC 4-21.5, an action that the bureau is required  
 9 to take under this section is not subject to any administrative  
 10 adjudication under IC 4-21.5.  
 11 SECTION 96. IC 9-30-6-9, AS AMENDED BY P.L.125-2012,  
 12 SECTION 345, IS AMENDED TO READ AS FOLLOWS  
 13 [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) This section does not apply  
 14 if an ignition interlock device order is issued under section 8(d) of this  
 15 chapter.  
 16 (b) If the affidavit under section 8(b) of this chapter states that a  
 17 person refused to submit to a chemical test, the bureau shall suspend  
 18 the driving privileges of the person:  
 19 (1) for:  
 20 (A) one (1) year; or  
 21 (B) if the person has at least one (1) previous conviction for  
 22 operating while intoxicated, two (2) years; or  
 23 (2) until the suspension is ordered terminated under IC 9-30-5.  
 24 (c) If the affidavit under section 8(b) of this chapter states that a  
 25 chemical test resulted in prima facie evidence that a person was  
 26 intoxicated, the bureau shall suspend the driving privileges of the  
 27 person:  
 28 (1) for one hundred eighty (180) days; or  
 29 (2) until the bureau is notified by a court that the charges have  
 30 been disposed of;  
 31 whichever occurs first.  
 32 (d) Whenever the bureau is required to suspend a person's driving  
 33 privileges under this section, the bureau shall immediately do the  
 34 following:  
 35 (1) Mail a notice to the person's ~~last known~~ address ~~that must state~~  
 36 **contained in the records of the bureau stating** that the person's  
 37 driving privileges will be suspended for a specified period,  
 38 commencing:  
 39 (A) ~~five (5)~~ **seven (7)** days after the date of the notice; or  
 40 (B) on the date the court enters an order recommending  
 41 suspension of the person's driving privileges under section 8(c)  
 42 of this chapter;



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1           whichever occurs first.

2           (2) Notify the person of the right to a judicial review under

3           section 10 of this chapter.

4           (e) Notwithstanding IC 4-21.5, an action that the bureau is required

5           to take under this article is not subject to any administrative

6           adjudication under IC 4-21.5.

7           (f) If a person is granted probationary driving privileges under

8           IC 9-30-5 and the bureau has not received the probable cause affidavit

9           described in section 8(b) of this chapter, the bureau shall suspend the

10          person's driving privileges for a period of thirty (30) days. After the

11          thirty (30) day period has elapsed, the bureau shall, upon receiving a

12          reinstatement fee, if applicable, from the person who was granted

13          probationary driving privileges, issue the person probationary driving

14          privileges if the person otherwise qualifies.

15          (g) If the bureau receives an order granting probationary driving

16          privileges to a person who, according to the records of the bureau, has

17          a prior conviction for operating while intoxicated, the bureau shall do

18          the following:

19               (1) Issue the person probationary driving privileges and notify the

20               prosecuting attorney of the county from which the order was

21               received that the person is not eligible for probationary driving

22               privileges.

23               (2) Send a certified copy of the person's driving record to the

24               prosecuting attorney.

25          The prosecuting attorney shall, in accordance with IC 35-38-1-15,

26          petition the court to correct the court's order. If the bureau does not

27          receive a corrected order within sixty (60) days, the bureau shall notify

28          the attorney general, who shall, in accordance with IC 35-38-1-15,

29          petition the court to correct the court's order.

30          SECTION 97. IC 9-30-6-12, AS AMENDED BY P.L.125-2012,

31          SECTION 346, IS AMENDED TO READ AS FOLLOWS

32          [EFFECTIVE JULY 1, 2013]: Sec. 12. (a) If a court recommends

33          suspension of driving privileges under this chapter, IC 9-30-5, or

34          IC 9-30-9, the bureau shall fix the period of suspension in accordance

35          with the recommendation of the court. If the court fails to recommend

36          a fixed period of suspension, **or recommends a fixed term that is less**

37          **than the minimum term required by statute**, the bureau shall impose

38          the minimum period of suspension required by statute.

39          (b) Except as provided in subsection (c), during the three (3) years

40          following the termination of the suspension the person's driving

41          privileges remain suspended until the person provides proof of future

42          financial responsibility in force under IC 9-25.

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1 (c) If a court recommends suspension of a person's driving  
 2 privileges for a conviction under IC 9-30-5, during the three (3) years  
 3 following the termination of the suspension the person's driving  
 4 privileges remain suspended until the person provides proof of future  
 5 financial responsibility in force under IC 9-25. However, if a court  
 6 recommends suspension of the driving privileges **under IC 9-30-5** of  
 7 a person who is arrested for or charged with an offense committed  
 8 under IC 9-30-5, the person is not required to provide proof of future  
 9 financial responsibility under IC 9-25 unless **and until** the person is  
 10 convicted under IC 9-30-5.

11 (d) If at any time during the three (3) years following the  
 12 termination of the suspension imposed under subsection (a) a person  
 13 who has provided proof of future financial responsibility under IC 9-25  
 14 fails to maintain the proof, the bureau shall suspend the person's  
 15 driving privileges until the person again provides proof of future  
 16 financial responsibility under IC 9-25.

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

18 SECTION 98. IC 9-30-7-5, AS AMENDED BY P.L.94-2006,  
 19 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2013]: Sec. 5. (a) A person who refuses to submit to a portable  
 21 breath test or chemical test offered under this chapter commits a Class  
 22 C infraction. However, the person commits a Class A infraction if the  
 23 person has at least one (1) previous conviction for operating while  
 24 intoxicated.

25 (b) In addition to any other penalty imposed, the court shall suspend  
 26 the person's driving privileges:

27 (1) for one (1) year; or

28 (2) if the person has at least one (1) previous conviction for  
 29 operating while intoxicated, for two (2) years.

30 **(c) During the three (3) years following the termination of the**  
 31 **suspension, the person's driving privileges remain suspended until**  
 32 **the person provides proof of future financial responsibility in force**  
 33 **under IC 9-25.**

34 SECTION 99. IC 9-30-8-1, AS AMENDED BY P.L.172-2006,  
 35 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2013]: Sec. 1. (a) If a court orders the installation of a  
 37 certified ignition interlock device ~~under IC 9-30-5~~ on a motor vehicle  
 38 that a person whose license is restricted owns or expects to operate,  
 39 except as provided in subsection (b), the court shall set the time that the  
 40 installation must remain in effect. However, the term may not exceed  
 41 the maximum term of imprisonment the court could have imposed. The  
 42 person shall pay the cost of installation unless the sentencing court

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determines that the person is indigent.

(b) If the court orders installation of a certified ignition interlock device under IC 9-30-5-10(d), the installation must remain in effect for a period of six (6) months.

SECTION 100. IC 9-30-10-4, AS AMENDED BY P.L.125-2012, SECTION 349, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: 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, 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, 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

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1 ten-hundredths (0.10) gram of alcohol per:

2 (A) one hundred (100) milliliters of the blood; or

3 (B) two hundred ten (210) liters of the breath.

4 (4) After June 30, 2001, operation of a vehicle with an alcohol  
5 concentration equivalent to at least eight-hundredths (0.08) gram  
6 of alcohol per:

7 (A) one hundred (100) milliliters of the blood; or

8 (B) two hundred ten (210) liters of the breath.

9 (5) Operating a motor vehicle while the person's license to do so  
10 has been suspended or revoked as a result of the person's  
11 conviction of an offense under IC 9-1-4-52 (repealed July 1,  
12 1991), IC 9-24-18-5(b) (repealed July 1, 2000), IC 9-24-19-2, ~~or~~  
13 IC 9-24-19-3, **or IC 9-24-19-4.**

14 (6) Operating a motor vehicle without ever having obtained a  
15 license to do so.

16 (7) Reckless driving.

17 (8) Criminal recklessness involving the operation of a motor  
18 vehicle.

19 (9) Drag racing or engaging in a speed contest in violation of law.

20 (10) Violating IC 9-4-1-40 (repealed July 1, 1991), IC 9-4-1-46  
21 (repealed July 1, 1991), IC 9-26-1-1(1), IC 9-26-1-1(2),  
22 IC 9-26-1-2(1), IC 9-26-1-2(2), IC 9-26-1-3, or IC 9-26-1-4.

23 (11) Any felony under an Indiana motor vehicle statute or any  
24 felony in the commission of which a motor vehicle is used.

25 A judgment for a violation enumerated in subsection (a) shall be added  
26 to the violations described in this subsection for the purposes of this  
27 subsection.

28 (c) A person who has accumulated at least ten (10) judgments  
29 within a ten (10) year period for any traffic violation, except a parking  
30 or an equipment violation, of the type required to be reported to the  
31 bureau, singularly or in combination, and not arising out of the same  
32 incident, is a habitual violator. However, at least one (1) of the  
33 judgments must be for a violation enumerated in subsection (a) or (b).  
34 A judgment for a violation enumerated in subsection (a) or (b) shall be  
35 added to the judgments described in this subsection for the purposes of  
36 this subsection.

37 (d) For purposes of this section, a judgment includes a judgment in  
38 any other jurisdiction in which the elements of the offense for which  
39 the conviction was entered are substantially similar to the elements of  
40 the offenses described in subsections (a), ~~and~~ (b), **and (c).**

41 (e) For purposes of this section, the offense date is used when  
42 determining the number of judgments accumulated within a ten (10)

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1 year period.

2 SECTION 101. IC 9-30-10-5 IS AMENDED TO READ AS

3 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) If it appears from

4 the records maintained in by the bureau that a person's driving record

5 makes the person a habitual violator under section 4 of this chapter, the

6 bureau shall mail a notice to the person's last known address that

7 informs the person that the person's driving privileges will be

8 suspended in thirty (30) days because the person is a habitual violator

9 according to the records of the bureau.

10 (b) Thirty (30) days after the bureau has mailed a notice under this

11 section, the bureau shall suspend the person's driving privileges for:

12 (1) except as provided in subdivision (2), ten (10) years if the

13 person is a habitual violator under section 4(a) of this chapter;

14 (2) life if the person is a habitual violator under section 4(a) of

15 this chapter and has at least two (2) violations under section

16 4(a)(4) through 4(a)(7) of this chapter;

17 (3) ten (10) years if the person is a habitual violator under section

18 4(b) of this chapter; or

19 (4) five (5) years if the person is a habitual violator under section

20 4(c) of this chapter.

21 (c) The notice must inform the person that the person may be

22 entitled to relief under section 6 of this chapter or may seek judicial

23 review of the person's suspension under this chapter.

24 (d) **Notwithstanding subsection (b), if the bureau does not**

25 **discover that a person's driving record makes the person a**

26 **habitual violator under section 4 of this chapter for more than**

27 **three (3) years after the bureau receives the person's final**

28 **qualifying conviction, the bureau, upon notice to the person, shall**

29 **suspend the person's driving privileges for the remaining**

30 **applicable period under subsection (b). A reduction in a period of**

31 **suspension under this subsection does not affect the requirements**

32 **under section 9 of this chapter concerning probation and restricted**

33 **driving privileges.**

34 SECTION 102. IC 9-30-10-9, AS AMENDED BY P.L.125-2012,

35 SECTION 352, IS AMENDED TO READ AS FOLLOWS

36 [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) This section does not apply

37 to a person who:

38 (1) holds a commercial driver's license; and

39 (2) has been charged with an offense involving the operation of

40 a motor vehicle in accordance with the federal Motor Carrier

41 Safety Improvement Act of 1999 (MCSIA) (Public Law

42 106-159.113 Stat. 1748).

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- 1 (b) If a court finds that a person:  
 2 (1) is a habitual violator under section 4(c) of this chapter;  
 3 (2) has not been previously placed on probation under this section  
 4 by a court;  
 5 (3) operates a vehicle for commercial or business purposes, and  
 6 the person's mileage for commercial or business purposes:  
 7 (A) is substantially in excess of the mileage of an average  
 8 driver; and  
 9 (B) may have been a factor that contributed to the person's  
 10 poor driving record; **and**  
 11 (4) does not have:  
 12 (A) a judgment for a violation enumerated in section 4(a) of  
 13 this chapter; or  
 14 (B) at least three (3) judgments (singularly or in combination  
 15 and not arising out of the same incident) of the violations  
 16 enumerated in section 4(b) of this chapter; **and**  
 17 **(5) has not violated the terms of the person's suspension by**  
 18 **operating a vehicle;**  
 19 the court may place the person on probation in accordance with  
 20 subsection (d).  
 21 (c) If a court finds that a person:  
 22 (1) is a habitual violator under section 4(b) of this chapter;  
 23 (2) has not been previously placed on probation under this section  
 24 by a court;  
 25 (3) does not have a judgment for any violation listed in section  
 26 4(a) of this chapter;  
 27 (4) has had the person's driving privileges suspended under this  
 28 chapter for at least five (5) consecutive years; and  
 29 (5) has not violated the terms of the person's suspension by  
 30 operating a vehicle;  
 31 the court may place the person on probation in accordance with  
 32 subsection (d). However, if the person has any judgments for operation  
 33 of a vehicle before July 1, 2001, while intoxicated or with an alcohol  
 34 concentration equivalent to at least ten-hundredths (0.10) gram of  
 35 alcohol per one hundred (100) milliliters of the blood or two hundred  
 36 ten (210) liters of the breath, or for the operation of a vehicle after June  
 37 30, 2001, while intoxicated or with an alcohol concentration equivalent  
 38 to at least eight-hundredths (0.08) gram of alcohol per one hundred  
 39 (100) milliliters of the blood or two hundred ten (210) liters of the  
 40 breath, the court, before the court places a person on probation under  
 41 subsection (d), must find that the person has successfully fulfilled the  
 42 requirements of a rehabilitation program certified by the division of

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1 mental health and addiction or the Indiana judicial center.

2 (d) Whenever a court places a habitual violator on probation, the  
3 court:

4 (1) shall record each of the court's findings under this section in  
5 writing;

6 (2) shall order the bureau to issue the person probationary driving  
7 privileges for a fixed period of ~~not less than three (3) years and~~  
8 ~~not more than ten (10) years; the applicable remaining period~~  
9 **of suspension;**

10 (3) shall attach restrictions to the person's driving privileges,  
11 including restrictions limiting the person's driving to:

12 (A) commercial or business purposes or other employment  
13 related driving;

14 (B) specific purposes in exceptional circumstances;

15 (C) rehabilitation programs; and

16 (D) specified hours during which the person may drive;

17 (4) shall require the person to submit to reasonable monitoring  
18 requirements;

19 (5) shall order the person to file proof of future financial  
20 responsibility for three (3) years following the date of being  
21 placed on probation; and

22 (6) shall impose other appropriate conditions of probation, which  
23 must include one (1) or more of the following conditions if the  
24 person was ~~determined to be a habitual violator under convicted~~  
25 **of an offense described in IC 9-30-10-4(b)(1) through**  
26 **IC 9-30-10-4(b)(4):**

27 (A) An order prohibiting the person from operating a motor  
28 vehicle or motorized bicycle with an alcohol concentration  
29 equivalent to at least two-hundredths (0.02) gram of alcohol  
30 per:

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

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

33 or while under the influence of any other intoxicating  
34 substance.

35 (B) An order that the person submit to a method to monitor the  
36 person's compliance with the prohibition against operating a  
37 motor vehicle or motorized bicycle with an alcohol  
38 concentration equivalent to at least two-hundredths (0.02)  
39 gram of alcohol per:

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

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

42 or while intoxicated (as defined under IC 9-13-2-86).

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- 1 (C) The court shall determine the appropriate monitoring  
 2 method, which may include one (1) or more of the following:  
 3 (i) The person may operate only a motor vehicle equipped  
 4 with an ignition interlock device.  
 5 (ii) The person must submit to a chemical test if a law  
 6 enforcement officer lawfully stops the person while  
 7 operating a motor vehicle or motorized bicycle and the law  
 8 enforcement officer requests that the person submit to a  
 9 chemical test.  
 10 (iii) The person must wear a device that detects and records  
 11 the person's use of alcohol.  
 12 (iv) The person must submit to any other reasonable  
 13 monitoring requirement as determined by the court.  
 14 (e) If a court finds that a person:  
 15 (1) is a habitual violator under section 4(b) or 4(c) of this chapter;  
 16 (2) does not have any judgments for violations under section 4(a)  
 17 of this chapter;  
 18 (3) does not have any judgments or convictions for violations  
 19 under section 4(b) of this chapter, except for judgments or  
 20 convictions under section 4(b)(5) of this chapter that resulted  
 21 from driving on a suspended license that was suspended for:  
 22 (A) the commission of infractions only; or  
 23 (B) previously driving on a suspended license;  
 24 (4) has not been previously placed on probation under this section  
 25 by a court; and  
 26 (5) has had the person's driving privileges suspended under this  
 27 chapter for at least three (3) consecutive years and has not  
 28 violated the terms of the person's suspension by operating a  
 29 vehicle for at least three (3) consecutive years;  
 30 the court may place the person on probation under the conditions  
 31 described in subsection (d)(1) through (d)(5).  
 32 (f) If the bureau receives an order granting probationary driving  
 33 privileges to a person who, according to the records of the bureau, does  
 34 not qualify under this chapter, the bureau shall do the following:  
 35 (1) Issue the person probationary driving privileges and notify the  
 36 prosecuting attorney of the county from which the order was  
 37 received that the person is not eligible for the rescission and  
 38 reinstatement.  
 39 (2) Send a certified copy of the person's driving record to the  
 40 prosecuting attorney.  
 41 The prosecuting attorney shall, in accordance with IC 35-38-1-15,  
 42 petition the court to correct the court's order. If the bureau does not

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1 receive a corrected order within sixty (60) days, the bureau shall notify  
 2 the attorney general, who shall, in accordance with IC 35-38-1-15,  
 3 petition the court to correct the court's order.

4 SECTION 103. IC 9-30-10-13, AS AMENDED BY P.L.125-2012,  
 5 SECTION 355, IS AMENDED TO READ AS FOLLOWS  
 6 [EFFECTIVE JULY 1, 2013]: Sec. 13. (a) The bureau may issue  
 7 driving privileges to a habitual violator whose driving privileges were  
 8 suspended under section 5(b) of this chapter if the following conditions  
 9 exist:

10 (1) The time specified for the person's probation or the restriction  
 11 or suspension of the person's ~~license~~ **driving privileges** has  
 12 elapsed.

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

16 (3) The person files with the bureau and maintains, for three (3)  
 17 years after termination of **probation, restriction, or** suspension  
 18 **of driving privileges**, proof of future financial responsibility in  
 19 accordance with IC 9-25.

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

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

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

28 for three (3) years after ~~the bureau issues the driver's license to the~~  
 29 ~~person.~~ **termination of probation, restriction, or suspension of**  
 30 **driving privileges.**

31 (5) The person signs a bureau form by which the person agrees  
 32 that as a condition to obtaining the ~~driver's license~~ **driving**  
 33 **privileges** the person will submit to a chemical test at any time  
 34 during the period three (3) years after ~~the bureau issues the~~  
 35 ~~driver's license to the person~~ **termination of probation,**  
 36 **restriction, or suspension of driving privileges** if a law  
 37 enforcement officer lawfully stops the person while operating a  
 38 motor vehicle or motorized bicycle and the law enforcement  
 39 officer requests that the person submit to a chemical test.

40 (b) The bureau may issue a ~~license~~ **driving privileges** to operate a  
 41 motor vehicle to a habitual violator whose driving privileges have been  
 42 suspended for life if the following conditions exist:

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- 1 (1) The bureau has received an order for rescission of suspension  
 2 and reinstatement issued under section 15 of this chapter.  
 3 (2) The person to whom the ~~license is~~ **driving privileges are** to  
 4 be issued has never been convicted of a violation described in  
 5 section 4(a) or 17 of this chapter.  
 6 (3) The person has not been convicted of an offense under section  
 7 16 of this chapter more than one (1) time.  
 8 (4) The person has met all the requirements of all applicable  
 9 statutes and rules relating to the licensing of motor vehicle  
 10 operators.  
 11 (5) The person:  
 12 (A) files with the bureau; and  
 13 (B) maintains for three (3) years after rescission of the  
 14 suspension;  
 15 proof of future financial responsibility in accordance with  
 16 IC 9-25.  
 17 (6) If the person has a prior conviction for operating while  
 18 intoxicated, the bureau places a restriction on the person's driver's  
 19 license and driving record that indicates the person is prohibited  
 20 from operating a motor vehicle or motorized bicycle with an  
 21 alcohol concentration equivalent to at least two-hundredths (0.02)  
 22 gram of alcohol per:  
 23 (A) one hundred (100) milliliters of the person's blood; or  
 24 (B) two hundred ten (210) liters of the person's breath;  
 25 or while intoxicated (as defined under IC 9-13-2-86) for three (3)  
 26 years after ~~the bureau issues the driver's license to the person.~~  
 27 **termination of probation, restriction, or suspension of driving**  
 28 **privileges.**  
 29 (7) The person signs a bureau form by which the person agrees  
 30 that as a condition to obtaining the ~~driver's license~~ **driving**  
 31 **privileges** the person will submit to a chemical test at any time  
 32 during the period three (3) years after ~~the bureau issues the~~  
 33 ~~driver's license to the person~~ **termination of probation,**  
 34 **restriction, or suspension of driving privileges** if a law  
 35 enforcement officer lawfully stops the person while operating a  
 36 motor vehicle or motorized bicycle and the law enforcement  
 37 officer requests that the person submit to a chemical test.  
 38 (c) A habitual violator is not eligible for relief under the hardship  
 39 provisions of IC 9-24-15.  
 40 (d) The bureau shall not issue driving privileges to a person who  
 41 does not satisfy all of the requirements set forth in subsections (a) and  
 42 (b).



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1 SECTION 104. IC 9-30-10-14, AS AMENDED BY P.L.125-2012,  
2 SECTION 356, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2013]: Sec. 14. (a) Except as provided in  
4 subsection (e), a person whose driving privileges have been suspended  
5 for life may petition a court in a civil action for a rescission of the  
6 suspension order and reinstatement of driving privileges if the  
7 following conditions exist:

- 8 (1) Ten (10) years have elapsed since the date on which an order  
9 for the lifetime suspension of the person's driving privileges was  
10 issued.
- 11 (2) The person has never been convicted of a violation described  
12 in section 4(a) of this chapter.
- 13 (3) The person has never been convicted of an offense under  
14 section 17 of this chapter.
- 15 (4) The person has not been convicted of an offense under section  
16 16 of this chapter more than one (1) time.

17 (b) A petition for rescission and reinstatement under this section  
18 must meet the following conditions:

- 19 (1) Be verified by the petitioner.
- 20 (2) State the petitioner's age, date of birth, and place of residence.
- 21 (3) Describe the circumstances leading up to the lifetime  
22 suspension of the petitioner's driving privileges.
- 23 (4) Aver a substantial change in the petitioner's circumstances of  
24 the following:
  - 25 (A) That indicates the petitioner would no longer pose a risk  
26 to the safety of others if the petitioner's driving privileges are  
27 reinstated.
  - 28 (B) That makes the lifetime suspension of the petitioner's  
29 driving privileges unreasonable.
  - 30 (C) Indicates it is in the best interests of society for the  
31 petitioner's driving privileges to be reinstated.
- 32 (5) Aver that the requisite amount of time has elapsed since the  
33 date on which the order for the lifetime suspension of the person's  
34 driving privileges was issued as required under subsections (a)  
35 and (e).
- 36 (6) Aver that the petitioner has never been convicted of an offense  
37 under section 17 of this chapter.
- 38 (7) Aver that the petitioner has not been convicted of an offense  
39 under section 16 of this chapter more than one (1) time.
- 40 (8) Aver that the petitioner has never been convicted of a  
41 violation described in section 4(a) of this chapter.
- 42 (9) Be filed in a circuit or superior court having jurisdiction in the

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1 county where the petitioner resides.  
 2 (10) If the petition is being filed under subsection (e), aver the  
 3 existence of the conditions listed in subsection (e)(1) through  
 4 (e)(3).  
 5 (c) The petitioner shall serve the prosecuting attorney of the county  
 6 where the petitioner resides and the bureau with a copy of the petition  
 7 described in subsection (b). A responsive pleading is not required.  
 8 (d) The prosecuting attorney of the county where the petitioner  
 9 resides shall represent the state in the matter.  
 10 (e) A person whose driving privileges have been suspended for life  
 11 may petition a court in a civil action for a rescission of the suspension  
 12 order and reinstatement of driving privileges if all of the following  
 13 conditions exist:  
 14 (1) Three (3) years have elapsed since the date on which the order  
 15 for lifetime suspension of the petitioner's driving privileges was  
 16 issued.  
 17 (2) The petitioner's lifetime suspension was the result of driving  
 18 on a suspended license that was suspended for commission of  
 19 infractions only or for driving on a suspended license.  
 20 (3) The petitioner has never been convicted of a violation  
 21 described in section 4(a) or 4(b) of this chapter, with the  
 22 exception of a judgment or conviction under section ~~4(b)(3)~~  
 23 **4(b)(5)** of this chapter.  
 24 (4) The petitioner has never been convicted of an offense under  
 25 section 17 of this chapter.  
 26 (5) The petitioner has not been convicted of an offense under  
 27 section 16 of this chapter more than one (1) time.  
 28 SECTION 105. IC 9-30-10-15, AS AMENDED BY P.L.125-2012,  
 29 SECTION 357, IS AMENDED TO READ AS FOLLOWS  
 30 [EFFECTIVE JULY 1, 2013]: Sec. 15. (a) Upon receiving a petition  
 31 filed under section 14 of this chapter, a court shall set a date for hearing  
 32 the matter and direct the clerk of the court to provide notice of the  
 33 hearing date to the following:  
 34 (1) The petitioner.  
 35 (2) The prosecuting attorney of the county where the petitioner  
 36 resides.  
 37 (3) The bureau.  
 38 (b) A court may order the rescission of the order that required the  
 39 suspension of the petitioner's driving privileges for life and may order  
 40 the bureau to reinstate the driving privileges of a petitioner whose  
 41 driving privileges have been suspended for life if, after the hearing of  
 42 the matter, the court makes the following written findings and

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- 1 conclusions, based on clear and convincing evidence:
- 2 (1) That the petitioner has never been convicted of a violation
- 3 described in section 4(a) of this chapter.
- 4 (2) That the petitioner has never been convicted of an offense
- 5 under section 17 of this chapter.
- 6 (3) That the petitioner has not been convicted of an offense under
- 7 section 16 of this chapter more than one (1) time.
- 8 (4) If the person is petitioning the court under section 14(a) of this
- 9 chapter that ten (10) years have elapsed since the date on which
- 10 an order was issued that required the suspension of the petitioner's
- 11 driving privileges for life.
- 12 (5) That there has been a substantial change in the petitioner's
- 13 circumstances indicating the petitioner would no longer pose a
- 14 risk to the safety of others if the petitioner's driving privileges
- 15 were reinstated.
- 16 (6) That there has been a substantial change in the petitioner's
- 17 circumstances indicating that the suspension of the petitioner's
- 18 driving privileges for life has become unreasonable.
- 19 (7) That it is in the best interests of society for the petitioner's
- 20 driving privileges to be reinstated.
- 21 (8) If the person is petitioning the court under section 14(e) of this
- 22 chapter:
- 23 (A) that three (3) years have elapsed since the date the order
- 24 was issued that required the suspension of the petitioner's
- 25 driving privileges for life; and
- 26 (B) that the conditions listed under section 14(e) of this
- 27 chapter are satisfied.
- 28 (c) The petitioner has the burden of proof under this section and an
- 29 order issued under subsection (b) is a final order, appealable by any
- 30 party to the action.
- 31 (d) In an order for reinstatement of driving privileges issued under
- 32 this section, the court may require the bureau to issue the prevailing
- 33 petitioner:
- 34 (1) driving privileges under section 13(b) of this chapter; or
- 35 (2) restricted driving privileges for a time and subject to
- 36 conditions specified by the court, which must include one (1) or
- 37 more of the following conditions if the person was determined to
- 38 be a habitual violator under IC 9-30-10-4(a)(4) through
- 39 IC 9-30-10-4(a)(7) or IC 9-30-10-4(b)(1) through
- 40 IC 9-30-10-4(b)(4):
- 41 (A) Specified hours during which the person may drive.
- 42 (B) An order prohibiting the person from operating a motor

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1 vehicle or motorized bicycle with an alcohol concentration  
 2 equivalent to at least two-hundredths (0.02) gram of alcohol  
 3 per:

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

5 (ii) two hundred ten (210) liters of the person's breath;  
 6 or while intoxicated (as defined under IC 9-13-2-86).

7 (C) An order that the person submit to a method to monitor the  
 8 person's compliance with the prohibition against operating a  
 9 motor vehicle or motorized bicycle with an alcohol  
 10 concentration equivalent to at least two-hundredths (0.02)  
 11 gram of alcohol per:

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

13 (ii) two hundred ten (210) liters of the person's breath;  
 14 or while intoxicated (as defined under IC 9-13-2-86).

15 (D) The court shall determine the appropriate monitoring  
 16 method, which may include one (1) or more of the following:

17 (i) The person may operate only a motor vehicle equipped  
 18 with an ignition interlock device.

19 (ii) The person must submit to a chemical test if a law  
 20 enforcement officer lawfully stops the person while  
 21 operating a motor vehicle or motorized bicycle and the law  
 22 enforcement officer requests that the person submit to a  
 23 chemical test.

24 (iii) The person must wear a device that detects and records  
 25 the person's use of alcohol.

26 (iv) The person must submit to any other reasonable  
 27 monitoring requirement as determined by the court.

28 (e) If a court orders the bureau to issue restricted or probationary  
 29 driving privileges to a petitioner under subsection (d), the court shall  
 30 specify the conditions under which the petitioner may be issued driving  
 31 privileges to operate a motor vehicle under section 13(b) of this  
 32 chapter. After the expiration date of the restricted or probationary  
 33 driving privileges and upon:

34 (1) fulfillment by the petitioner of the conditions specified by the  
 35 court; and

36 (2) the expiration of the restricted ~~issued~~ driving privileges **issued**  
 37 under subsection (d)(2);

38 the bureau shall issue the petitioner driving privileges to operate a  
 39 motor vehicle under section 13(b) of this chapter.

40 (f) If the bureau receives an order granting a rescission of the  
 41 suspension order and reinstatement of driving privileges to a person  
 42 who, according to the records of the bureau, does not qualify under this

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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 106. IC 9-30-10-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 17. (a) A person who operates a motor vehicle after the person's driving privileges are forfeited for life under section 16 of this chapter, IC 9-4-13-14 (repealed April 1, 1984), or IC 9-12-3-1 (repealed July 1, 1991) commits a Class C felony.

**(b) In addition to any criminal penalties imposed for a conviction of an offense described in subsection (a), the bureau shall suspend the person's driving privileges for the life of the person.**

SECTION 107. IC 9-30-13-1, AS AMENDED BY P.L.125-2012, SECTION 366, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: 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 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, **or recommends a fixed term that is less than the minimum term required by statute**, the bureau shall impose the minimum period of suspension required under this section.

SECTION 108. IC 9-30-13-2, AS AMENDED BY P.L.125-2012, SECTION 367, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: 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 driving privileges of the person be suspended for not less than sixty (60) days and not more than two (2) years. **If the court recommends a fixed term of suspension that is less than the minimum term required by statute, the bureau shall impose the minimum period of suspension under this section.**

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1 SECTION 109. IC 9-30-13-3, AS AMENDED BY P.L.125-2012,  
 2 SECTION 368, IS AMENDED TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 2013]: Sec. 3. For a person who uses a motor  
 4 vehicle to commit criminal mischief under IC 35-43-1-2, the judge of  
 5 the court in which the person is convicted may recommend that the  
 6 driving privileges of the person be suspended for not less than sixty  
 7 (60) days and not more than two (2) years. **If the court recommends**  
 8 **a fixed term of suspension that is less than the minimum term**  
 9 **required by statute, the bureau shall impose the minimum period**  
 10 **of suspension under this section.**

11 SECTION 110. IC 9-30-13-4, AS AMENDED BY P.L.125-2012,  
 12 SECTION 369, IS AMENDED TO READ AS FOLLOWS  
 13 [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) If a person commits any of  
 14 the following offenses, the court that convicted the person shall  
 15 recommend the suspension of the person's driving privileges for a fixed  
 16 period of at least two (2) years and not more than five (5) years:

- 17 (1) Involuntary manslaughter resulting from the operation of a  
 18 motor vehicle (IC 35-42-1-4).
- 19 (2) Reckless homicide resulting from the operation of a motor  
 20 vehicle (IC 35-42-1-5).

21 (b) If the court fails to recommend a fixed term of suspension, **or**  
 22 **recommends a fixed term that is less than the minimum term**  
 23 **required by statute, the bureau shall impose the minimum period of**  
 24 **suspension required under this section.**

25 SECTION 111. IC 9-30-13-6, AS ADDED BY P.L.125-2012,  
 26 SECTION 371, IS AMENDED TO READ AS FOLLOWS  
 27 [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) The bureau shall, upon  
 28 receiving an order of a court issued under IC 31-14-12-4 or  
 29 IC 31-16-12-7, suspend the driving privileges of the person who is the  
 30 subject of the order.

31 (b) The bureau may not reinstate driving privileges suspended under  
 32 this section until the bureau receives an order allowing reinstatement  
 33 from the court that issued the order for suspension.

34 (c) Upon receiving an order for suspension under subsection (a), the  
 35 bureau shall promptly mail a notice to the last known address of the  
 36 person who is the subject of the order, stating the following:

- 37 (1) That the person's driving privileges are suspended, beginning  
 38 **five (5) eighteen (18)** business days after the date the notice is  
 39 mailed, and that the suspension will terminate ten (10) business  
 40 days after the bureau receives an order allowing reinstatement  
 41 from the court that issued the suspension order.
- 42 (2) That the person has the right to petition for reinstatement of



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1 driving privileges to the court that issued the order for suspension.  
2 (3) That the person may be granted restricted driving privileges  
3 under IC 9-24-15-6.7 if the person otherwise qualifies and can  
4 prove that public transportation is unavailable for travel by the  
5 person:

- 6 (A) to and from the person's regular place of employment;
- 7 (B) in the course of the person's regular employment;
- 8 (C) to and from the person's place of worship; or
- 9 (D) to participate in parenting time with the petitioner's  
10 children consistent with a court order granting parenting time.

11 (d) A person who operates a motor vehicle in violation of this  
12 section commits a Class A infraction, unless:

- 13 (1) the person's driving privileges are suspended under this  
14 section; and
- 15 (2) the person has been granted restricted driving privileges under  
16 IC 9-24-15 as a result of the suspension under this section.

17 **(e) The bureau shall, upon receiving a record of conviction of a  
18 person upon a charge of driving a motor vehicle while the driving  
19 privileges, permit, or license of the person is suspended, fix the  
20 period of suspension in accordance with the recommendation of the  
21 court. If the court fails to recommend a term of suspension, or  
22 recommends a fixed term that is not prescribed by statute, the  
23 bureau shall impose the applicable period of suspension required  
24 by statute.**

25 SECTION 112. IC 9-30-13-7, AS ADDED BY P.L.125-2012,  
26 SECTION 372, IS AMENDED TO READ AS FOLLOWS  
27 [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) If the bureau is advised by the  
28 Title IV-D agency that the obligor (as defined in IC 31-25-4-4) either  
29 requested a hearing under IC 31-25-4-33 and failed to appear or  
30 appeared and was found to be delinquent, the bureau shall promptly  
31 mail a notice to the obligor stating the following:

32 (1) That the obligor's driving privileges are suspended, beginning  
33 eighteen (18) business days after the date the notice is mailed, and  
34 that the suspension will terminate after the bureau receives a  
35 notice from the Title IV-D agency that the obligor has:

- 36 (A) paid the obligor's child support arrearage in full; or
- 37 (B) established a payment plan with the Title IV-D agency to  
38 pay the arrearage, which includes an income withholding order  
39 under IC 31-16-15-0.5 or IC 31-16-15-2.5.

40 (2) That the obligor may be granted restricted driving privileges  
41 under IC 9-24-15-6.7 if the obligor can prove that public  
42 transportation is unavailable for travel by the obligor:

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- 1 (A) to and from the obligor's regular place of employment;  
 2 (B) in the course of the obligor's regular employment;  
 3 (C) to and from the obligor's place of worship; or  
 4 (D) to participate in parenting time with the petitioner's  
 5 children consistent with a court order granting parenting time.
- 6 (b) The bureau may not reinstate driving privileges suspended under  
 7 this section until the bureau receives a notice from the Title IV-D  
 8 agency that the obligor has:
- 9 (1) paid the obligor's child support arrearage in full; or  
 10 (2) established a payment plan with the Title IV-D agency to pay  
 11 the arrearage, which includes an income withholding order under  
 12 IC 31-16-15-0.5 or IC 31-16-15-2.5.
- 13 (c) An obligor who operates a motor vehicle in violation of this  
 14 section commits a Class A infraction, unless:
- 15 (1) the obligor's driving privileges are suspended under this  
 16 section; and  
 17 (2) the obligor has been granted restricted driving privileges  
 18 under IC 9-24-15 as a result of the suspension under this section.
- 19 **(d) The bureau shall, upon receiving a record of conviction of a  
 20 person upon a charge of driving a motor vehicle while the driving  
 21 privileges, permit, or license of the person is suspended, fix the  
 22 period of suspension in accordance with the recommendation of the  
 23 court. If the court fails to recommend a term of suspension, or  
 24 recommends a fixed term that is not prescribed by statute, the  
 25 bureau shall impose the applicable period of suspension required  
 26 by statute.**
- 27 SECTION 113. IC 9-30-13-8, AS ADDED BY P.L.125-2012,  
 28 SECTION 373, IS AMENDED TO READ AS FOLLOWS  
 29 [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) Upon receiving an order  
 30 issued by a court under IC 35-43-4-8(b) concerning a person convicted  
 31 of fuel theft, the bureau shall do the following:
- 32 (1) Suspend under subsection (b) the driving privileges of the  
 33 person who is the subject of the order, whether or not the person's  
 34 current driver's license accompanies the order.
- 35 (2) Mail to the last known address of the person who is the subject  
 36 of the order a notice:
- 37 (A) stating that the person's driving privileges are being  
 38 suspended for fuel theft;  
 39 (B) setting forth the date on which the suspension takes effect  
 40 and the date on which the suspension terminates; and  
 41 (C) stating that the person may be granted restricted driving  
 42 privileges under IC 9-24-15-6.7 if the person meets the

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1 conditions for obtaining restricted driving privileges.  
 2 (b) The suspension of the driving privileges of a person who is the  
 3 subject of an order issued under IC 35-43-4-8(b):  
 4 (1) begins five (5) business days after the date on which the  
 5 bureau mails the notice to the person under subsection (a)(2); and  
 6 (2) terminates thirty (30) days after the suspension begins.  
 7 (c) A person who operates a motor vehicle during a suspension of  
 8 the person's driving privileges under this section commits a Class A  
 9 infraction unless the person's operation of the motor vehicle is  
 10 authorized by restricted driving privileges granted to the person under  
 11 IC 9-24-15-6.7.

12 **(d) The bureau shall, upon receiving a record of conviction of a**  
 13 **person upon a charge of driving a motor vehicle while the driving**  
 14 **privileges, permit, or license of the person is suspended, fix the**  
 15 **period of suspension in accordance with the recommendation of the**  
 16 **court. If the court fails to recommend a term of suspension, or**  
 17 **recommends a fixed term that is not prescribed by statute, the**  
 18 **bureau shall impose the applicable period of suspension required**  
 19 **by statute.**

20 SECTION 114. IC 33-37-5-14 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 14. (a) This section  
 22 applies to criminal, infraction, and ordinance violation actions that are  
 23 traffic offenses (as defined in ~~IC 9-30-3-5~~ **IC 9-13-2-183**).

24 (b) The clerk shall collect a highway worksite zone fee of fifty cents  
 25 (\$0.50). However, the clerk shall collect a highway worksite zone fee  
 26 of twenty-five dollars and fifty cents (\$25.50) if:

- 27 (1) the criminal action, infraction, or ordinance violation is:
  - 28 (A) exceeding a worksite speed limit (as provided in
  - 29 IC 9-21-5-2 and authorized by IC 9-21-5-3); or
  - 30 (B) failure to merge (as provided in IC 9-21-8-7.5); and
- 31 (2) the judge orders the clerk to collect the fee for exceeding a  
 32 worksite speed limit or failure to merge.

33 SECTION 115. IC 35-34-1-2, AS AMENDED BY P.L.2-2005,  
 34 SECTION 119, IS AMENDED TO READ AS FOLLOWS  
 35 [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) The indictment or information  
 36 shall be in writing and allege the commission of an offense by:

- 37 (1) stating the title of the action and the name of the court in  
 38 which the indictment or information is filed;
- 39 (2) stating the name of the offense in the words of the statute or  
 40 any other words conveying the same meaning;
- 41 (3) citing the statutory provision alleged to have been violated,  
 42 except that any failure to include such a citation or any error in

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- 1 such a citation does not constitute grounds for reversal of a  
 2 conviction where the defendant was not otherwise misled as to the  
 3 nature of the charges against the defendant;  
 4 (4) setting forth the nature and elements of the offense charged in  
 5 plain and concise language without unnecessary repetition;  
 6 (5) stating the date of the offense with sufficient particularity to  
 7 show that the offense was committed within the period of  
 8 limitations applicable to that offense;  
 9 (6) stating the time of the offense as definitely as can be done if  
 10 time is of the essence of the offense;  
 11 (7) stating the place of the offense with sufficient particularity to  
 12 show that the offense was committed within the jurisdiction of the  
 13 court where the charge is to be filed;  
 14 (8) stating the place of the offense as definitely as can be done if  
 15 the place is of the essence of the offense; and  
 16 (9) stating the name of every defendant, if known, and if not  
 17 known, by designating the defendant by any name or description  
 18 by which he can be identified with reasonable certainty.  
 19 (b) An indictment shall be signed by:  
 20 (1) the foreman or five (5) members of the grand jury; and  
 21 (2) the prosecuting attorney or his deputy.  
 22 An information shall be signed by the prosecuting attorney or his  
 23 deputy and sworn to or affirmed by him or any other person.  
 24 (c) An indictment or information shall have stated upon it the names  
 25 of all the material witnesses. Other witnesses may afterwards be  
 26 subpoenaed by the state, but unless the name of a witness is stated on  
 27 the indictment or information, no continuance shall be granted to the  
 28 state due to the absence of the witness.  
 29 (d) The indictment or information shall be a plain, concise, and  
 30 definite written statement of the essential facts constituting the offense  
 31 charged. It need not contain a formal commencement, a formal  
 32 conclusion, or any other matter not necessary to the statement.  
 33 Presumptions of law and matters of which judicial notice is taken need  
 34 not be stated.  
 35 (e) The indictment may be substantially in the following form:  
 36 IN THE \_\_\_\_\_ COURT OF INDIANA, 20 \_\_\_\_  
 37 STATE OF INDIANA  
 38 vs. CAUSE NUMBER \_\_\_\_\_  
 39 A \_\_\_\_\_ B \_\_\_\_\_  
 40 The grand jury of the county of \_\_\_\_\_ upon their oath or  
 41 affirmation do present that AB, on the \_\_\_\_\_ day of \_\_\_\_\_  
 42 20\_\_\_\_ at the county of \_\_\_\_\_ in the state of Indiana (HERE SET

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1 FORTH THE OFFENSE CHARGED).

2 (f) The information may be substantially in the same form as the

3 indictment, substituting for the words, "the grand jury of the county of

4 \_\_\_\_\_, upon their oath or affirmation so present" the following:

5 "CD, being duly sworn on his oath or having affirmed, says." It is not

6 necessary in an information to state the reason why the proceeding is

7 by information rather than indictment.

8 (g) This section applies to a traffic offense (as defined in

9 ~~IC 9-30-3-5~~ **IC 9-13-2-183**) if the traffic offense is:

10 (1) a felony; or

11 (2) a misdemeanor.

12 SECTION 116. IC 35-44.2-1-12, AS ADDED BY P.L.126-2012,

13 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

14 JULY 1, 2013]: Sec. 12. A person who violates ~~commercial~~ driver

15 training school requirements is subject to a civil action for an infraction

16 under IC 5-2-6.5-15.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill No. 538, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, between lines 22 and 23, begin a new paragraph and insert:  
 "SECTION 2. IC 5-2-6-3, AS AMENDED BY P.L.133-2012, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. The institute is established to do the following:

- (1) Evaluate state and local programs associated with:
  - (A) the prevention, detection, and solution of criminal offenses;
  - (B) law enforcement; and
  - (C) the administration of criminal and juvenile justice.
- (2) Improve and coordinate all aspects of law enforcement, juvenile justice, and criminal justice in this state.
- (3) Stimulate criminal and juvenile justice research.
- (4) Develop new methods for the prevention and reduction of crime.
- (5) Prepare applications for funds under the Omnibus Act and the Juvenile Justice Act.
- (6) Administer victim and witness assistance funds.
- (7) Administer the traffic safety functions assigned to the institute under IC 9-27-2.
- (8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.
- (9) Serve as the criminal justice statistical analysis center for this state.
- (10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex or violent offender registration under IC 11-8-8.
- (11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.
- (12) Develop and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.
- (13) Establish, maintain, and operate, subject to specific appropriation by the general assembly, a web site containing a list

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of properties (as defined in IC 5-2-6-19(b)) that have been used as the site of a methamphetamine laboratory.

(14) Develop and manage the gang crime witness protection program established by section 21 of this chapter.

(15) Identify grants and other funds that can be used to fund the gang crime witness protection program.

~~(16) After December 31, 2008, administer the licensing of:~~

~~(A) commercial driver training schools; and~~

~~(B) instructors at commercial driver training schools.~~

~~(17) (16)~~ Administer any sexual offense services.

~~(18) (17)~~ Administer domestic violence programs.

~~(19) (18)~~ Administer assistance to victims of human sexual trafficking offenses as provided in IC 35-42-3.5-4.

~~(20) (19)~~ Administer the domestic violence prevention and treatment fund under IC 5-2-6.7.

~~(21) (20)~~ Administer the family violence and victim assistance fund under IC 5-2-6.8."

Page 5, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 10. IC 9-13-2-70 IS REPEALED [EFFECTIVE JULY 1, 2013]. Sec. 70: "Good cause", for purposes of IC 9-24-12-6, has the meaning set forth in that section."

Page 7, line 24, after "ordinance," insert "a rule,".

Page 8, delete lines 23 through 42, begin a new paragraph and insert:

"SECTION 21. IC 9-24-1-7, AS AMENDED BY P.L.125-2012, SECTION 165, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: 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 **who is at least sixteen (16) years and one hundred eighty (180) days of age**, 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; **or**

(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;~~

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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~~ **hundred eighty (180) days** of age;

(B) has in the nonresident's immediate possession a valid 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 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 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

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display a license to a law enforcement officer in connection with the operation of a locomotive or a train in Indiana.

**(9) An individual while operating:**

**(A) a farm tractor;**

**(B) a farm wagon; or**

**(C) 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 on a highway, an individual must be at least sixteen (16) years and one hundred eighty (180) days of age.**

(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."

Delete page 9.

Page 10, delete lines 1 through 3.

Page 14, between lines 30 and 31, begin a new paragraph and insert:  
"SECTION 1. IC 9-24-6-2, AS AMENDED BY P.L.65-2010, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) The bureau shall adopt rules under IC 4-22-2 to regulate persons required to hold a commercial driver's license.

(b) The rules must carry out 49 U.S.C. 521, 49 U.S.C. 31104, 49 U.S.C. 31301 through 31306, 49 U.S.C. 31308 through 31317, and 49 CFR 383 through 384, and may not be more restrictive than the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159, 113 Stat. 1748).

(c) Rules adopted under this section must include the following:

(1) Establishment of classes and periods of validation of commercial driver's licenses, including the period set forth in ~~IC 9-24-12-6(e)~~: **IC 9-24-12-6(a)**.

(2) Standards for commercial driver's licenses, including suspension and revocation procedures.

(3) Requirements for documentation of eligibility for legal employment, as set forth in 8 CFR 274a.2, and proof of Indiana residence.

(4) Development of written or oral tests, driving tests, and fitness requirements.

(5) Defining the commercial driver's licenses by classification and the information to be contained on the licenses, including a unique identifier of the holder.

(6) Establishing fees for the issuance of commercial driver's

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licenses, including fees for testing and examination.

(7) Procedures for the notification by the holder of a commercial driver's license to the bureau and the driver's employer of pointable traffic offense convictions.

(8) Conditions for reciprocity with other states, including requirements for a written commercial driver's license test and operational skills test, and a hazardous materials endorsement written test and operational skills test, before a license may be issued.

(9) Certification of commercial motor vehicle operators who transport one (1) or more metal coils that, individually or grouped together, weigh at least two thousand two hundred sixty-eight (2,268) kilograms (five thousand (5,000) pounds), as to proper load securement of the metal coil or coils as provided in 49 CFR 393.120.

(10) Other rules necessary to administer this chapter.

(d) 49 CFR 383 through 384 and 49 CFR 393.120 are adopted as Indiana law."

Page 23, line 21, delete "who" and insert "~~who~~".

Page 44, line 7, delete "even numbered" and insert "**even-numbered**".

Page 45, line 24, strike "commercial".

Page 48, line 34, after "offense" insert ",".

Page 48, line 35, strike "(as defined in section 14(a) of this chapter)".

Page 71, line 3, strike "driver's license" and insert "**driving privileges**".

Page 81, after line 22, begin a new paragraph and insert:

"SECTION 112. IC 35-44.2-1-12, AS ADDED BY P.L.126-2012, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 12. A person who violates ~~commercial~~ driver training school requirements is subject to a civil action for an infraction under IC 5-2-6.5-15."

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 538 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 7, Nays 0.

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## SENATE MOTION

Madam President: I move that Senate Bill 538 be amended to read as follows:

Page 8, line 7, after "in" insert "**actual**".

Page 8, line 10, after "in" insert "**actual**".

Page 8, delete lines 11 through 21, begin a new paragraph and insert:

"SECTION 17. IC 9-13-2-118, AS AMENDED BY P.L.125-2012, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 118. (a) Except as provided in subsection (b), "operator", when used in reference to a vehicle, means a person, other than a chauffeur or a public passenger chauffeur, who:

- (1) drives or ~~is in actual physical control of~~ **operates** a vehicle upon a highway; or
- (2) is exercising control over or steering a motor vehicle being towed by 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."

Page 29, line 24, delete "may".

Page 29, strike lines 24 through 25.

Page 44, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 71. IC 9-27-6-5, AS AMENDED BY P.L.125-2012, SECTION 304, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: 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.

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(d) A member of the advisory board serves a two (2) year term. A member may not ~~serve~~ **be appointed to** 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) The advisory board shall:

- (1) consult with and advise the commissioner in the administration of the policies of the commission and the bureau regarding driver education; and
- (2) 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.

(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."

Page 48, line 9, strike "committee" and insert "**board**".

Page 48, line 12, delete "serve" and insert "**be appointed to**".

Renumber all SECTIONS consecutively.

(Reference is to SB 538 as printed February 1, 2013.)

YOUNG R MICHAEL

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Bill 538, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 7, delete lines 16 through 32, begin a new paragraph and insert:

"SECTION 13. IC 9-13-2-92, AS AMENDED BY SEA 85-2013, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 92. (a) "Law enforcement officer", except as provided in subsection (b), includes the following:



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- (1) A state police officer.
  - (2) A city, town, or county police officer.
  - (3) A sheriff.
  - (4) A county coroner **in accordance with IC 36-2-14-4.**
  - (5) A conservation officer.
  - (6) An individual assigned as a motor carrier inspector duties and limitations under ~~IC 10-11-2-26(a)~~: **IC 10-11-2-26.**
  - (7) A member of a consolidated law enforcement department established under IC 36-3-1-5.1.
  - (8) An excise police officer of the alcohol and tobacco commission.
  - (9) A gaming control officer employed by the gaming control division under IC 4-33-20.
- (b) "Law enforcement officer", for purposes of IC 9-30-6 and IC 9-30-7, has the meaning set forth in IC 35-31.5-2-185."

Page 11, delete lines 13 through 21, begin a new line block indented and insert:

**"(9) An individual while operating:**

**(A) a farm tractor;**

**(B) a farm wagon (as defined in IC 9-13-2-60(a)(2)); or**

**(C) 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, other than to temporarily draw, move, or propel the farm wagon (as defined in IC 9-13-2-60(a)(2)), an individual must be at least fifteen (15) years of age."**

Page 36, line 16, strike "probationary" and insert "**restricted**".

Page 54, line 27, after "The" insert "**driver's**".

Page 54, line 27, after "license" insert "**or driving privileges**".

Page 58, line 18, after "the" insert "**driver's**".

Page 58, line 36, before "license" insert "**driver's**".

Page 62, line 13, delete "(a)," and insert "**(b),**".

Page 62, line 38, strike "and" and insert "**or**".

Page 69, line 21, delete "traffic".

Page 73, line 12, before "suspension," insert "**probation, restriction, or**".

Page 73, line 12, delete "," and insert "**of driving privileges,**".

Page 73, line 22, strike "the bureau issues the".

Page 73, line 23, delete "driving privileges".

Page 73, line 23, strike "to the person." and insert "**termination of**".



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**probation, restriction, or suspension of driving privileges."**

Page 73, line 27, strike "the bureau issues the".

Page 73, line 28, delete "driving privileges".

Page 73, line 28, strike "to the person" and insert "**termination of probation, restriction, or suspension of driving privileges"**.

Page 74, line 18, strike "the bureau issues the".

Page 74, line 18, delete "driving".

Page 74, line 19, delete "privileges".

Page 74, line 19, strike "to the person." and insert "**termination of probation, restriction, or suspension of driving privileges"**.

Page 74, line 23, strike "the bureau issues the".

Page 74, line 24, delete "driving privileges".

Page 74, line 24, strike "to the person" and insert "**termination of probation, restriction, or suspension of driving privileges"**.

Page 80, line 28, strike "five (5)" and insert "**eighteen (18)**".

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 538 as reprinted February 8, 2013.)

SOLIDAY, Chair

Committee Vote: yeas 8, nays 0.

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