



March 22, 2013

**ENGROSSED
SENATE BILL No. 620**

DIGEST OF SB 620 (Updated March 20, 2013 11:47 am - DI 96)

Citations Affected: IC 9-13; IC 9-25.

Synopsis: Proof of financial responsibility. Provides that the law regarding financial responsibility applies to judgments in civil actions. Provides that Indiana laws providing for suspension of a driver's license or driving privileges may be used to prohibit a nonresident from operating a motor vehicle in Indiana. (Under current law, Indiana laws providing for suspension of a driver's license or driving privileges may be used to prohibit operation in Indiana of a motor vehicle owned by a nonresident.) Provides that the bureau of motor vehicles (bureau) may adopt rules regarding proof of financial responsibility. (Under current law, the bureau is required to adopt such rules, and the content of the rules is dictated by statute.) Provides that the bureau may, at any time, verify that a person has legally required financial responsibility in effect. Authorizes the bureau to contract with a third party to request proof of financial responsibility. Provides that the bureau shall suspend the driving privileges or motor vehicle registration, or both, of a person who fails to maintain required financial responsibility. Provides that a
(Continued next page)

Effective: July 1, 2013.

Merritt, Wyss, Arnold J

(HOUSE SPONSOR — SOLIDAY)

January 17, 2013, read first time and referred to Committee on Homeland Security, Transportation and Veterans Affairs.
January 29, 2013, reported favorably — Do Pass.
February 4, 2013, read second time, ordered engrossed.
February 5, 2013, engrossed. Read third time, call withdrawn, returned to second reading.
February 11, 2013, re-read second time.
February 12, 2013, re-ordered engrossed.
February 14, 2013, read third time, passed. Yeas 48, nays 0.
HOUSE ACTION
February 26, 2013, read first time and referred to Committee on Roads and Transportation.
March 21, 2013, reported — Do Pass.

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court shall recommend suspension of a person's driving privileges for at least 90 days but less than a year for failure to provide proof of financial responsibility. (Under current law, the court may make such a recommendation.) Provides that if a court suspends a person's driving privileges or vehicle registration for failure to provide proof of financial responsibility, and fails to recommend a fixed term of suspension or recommends a fixed term that is less than the minimum term of suspension required by law, the bureau shall impose the applicable minimum term of suspension required by law. Requires a nonresident to provide proof of financial responsibility by having an insurance carrier file a certificate of compliance with the bureau. Prescribes a process by which a person whose driving privileges are suspended for failure to provide proof of financial responsibility may contest the suspension based on an assertion of material error. Provides that a person found to have operated a motor vehicle without financial responsibility must provide proof of future financial responsibility for a period of three years beginning on the date on which the suspension of the person's driving privileges ends. Provides that expungement or other removal from a person's record of an underlying conviction for which the bureau sends to the person a request for evidence of financial responsibility does not alter or otherwise affect a penalty imposed by the bureau on the person for the person's failure to provide evidence of financial responsibility. Makes other amendments to various provisions concerning proof of financial responsibility and proof of future financial responsibility. Abolishes the previously uninsured motorist registry.

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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. 620

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

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

- 1 SECTION 1. IC 9-13-2-177.3, AS AMENDED BY P.L.185-2011,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]: Sec. 177.3. (a) "Telecommunications device", for
4 purposes of IC 9-21-8, **IC 9-25-4-7**, and IC 9-24-11-3.3, means an
5 electronic or digital telecommunications device. The term includes a:
6 (1) wireless telephone;
7 (2) personal digital assistant;
8 (3) pager; or
9 (4) text messaging device.
10 (b) The term does not include:
11 (1) amateur radio equipment that is being operated by a person
12 licensed as an amateur radio operator by the Federal
13 Communications Commission under 47 CFR Part 97; or
14 (2) a communications system installed in a commercial motor
15 vehicle weighing more than ten thousand (10,000) pounds.

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1 SECTION 2. IC 9-25-1-1 IS REPEALED [EFFECTIVE JULY 1,
2 2013]. ~~Sec. 1. This article does not apply to a judgment in a civil~~
3 ~~action.~~

4 SECTION 3. IC 9-25-1-4 IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2013]: Sec. 4. The provisions of this article
6 relating to ~~insurance~~ **financial responsibility** do not apply to a person
7 who has registered a motor vehicle in Indiana if the person obtains a
8 certificate of self-insurance from the bureau under IC 9-25-4-11.

9 SECTION 4. IC 9-25-3-1 IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2013]: Sec. 1. The bureau ~~has~~ **shall have** access
11 to all reports of motor vehicle accidents filed with the state police
12 department to administer this article.

13 SECTION 5. IC 9-25-3-2 IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) Whenever under Indiana law
15 the bureau may suspend or revoke a **driver's license or driving**
16 **privileges** if the operator of a motor vehicle is a resident of Indiana, the
17 bureau may suspend or revoke the **driver's license or driving**
18 **privileges** of or forbid the operation of a motor vehicle in Indiana
19 ~~owned~~ by an operator who is a nonresident.

20 (b) Whenever under Indiana law the bureau may suspend or revoke
21 the registration certificate and registration plates of a motor vehicle if
22 the owner of the motor vehicle is a resident of Indiana, the bureau may
23 forbid the operation within Indiana of a motor vehicle if the owner of
24 the motor vehicle is a nonresident.

25 (c) The bureau shall transmit to the motor vehicle bureau or state
26 officer performing the functions of a bureau in the state in which a
27 nonresident resides a certified copy of the following:

28 (1) A conviction of, **or an administrative action concerning**, the
29 nonresident that has resulted in the suspension of the
30 nonresident's driving privilege in Indiana.

31 (2) An unsatisfied judgment rendered against a nonresident that
32 has resulted in the suspension of the nonresident's driving
33 privilege in Indiana.

34 SECTION 6. IC 9-25-3-4, AS AMENDED BY P.L.125-2012,
35 SECTION 243, IS AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2013]: Sec. 4. Whenever the proof of financial
37 responsibility filed by a person under this article no longer fulfills the
38 purpose for which the proof was required, the bureau shall require
39 **from the person** other proof of financial responsibility under this
40 article. ~~and If the person does not provide other proof of financial~~
41 ~~responsibility under this article, the bureau~~ shall suspend the driving
42 privileges ~~and or~~ motor vehicle registration, **or both, as determined**

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1 **by the bureau, of the person. for whom other proof of financial**
 2 **responsibility is required.**

3 SECTION 7. IC 9-25-3-5 IS AMENDED TO READ AS FOLLOWS
 4 [EFFECTIVE JULY 1, 2013]: Sec. 5. ~~(a)~~ **The bureau shall may** adopt
 5 rules under IC 4-22-2 to establish procedures, conditions, and
 6 requirements concerning the filing of proof of financial responsibility
 7 necessary to promote and ensure the effective enforcement of this
 8 article.

9 **(b) The rules must regulate the following:**

10 **(1) The effective dates and policy periods of proof of financial**
 11 **responsibility.**

12 **(2) The procedure for cancellation of proof of financial**
 13 **responsibility by the carrier or the insured.**

14 **(3) The conditions of reinstatement.**

15 **(4) Any other requirement affecting the purposes for which proof**
 16 **of financial responsibility is filed with the bureau.**

17 SECTION 8. IC 9-25-4-3, AS AMENDED BY P.L.125-2012,
 18 SECTION 245, IS AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2013]: Sec. 3. **(a)** Financial responsibility in
 20 one (1) of the forms required under this chapter must be continuously
 21 maintained as long as a motor vehicle is operated on a public highway
 22 in Indiana.

23 **(b) The bureau may, at any time, verify that a person has**
 24 **financial responsibility in effect as required under this article.**

25 **(c) The bureau shall suspend the driving privileges or motor**
 26 **vehicle registration, or both, of a person who fails to maintain**
 27 **financial responsibility as required under this article.**

28 **(d) In order to comply with this section, the bureau may**
 29 **contract with a third party to request proof of financial**
 30 **responsibility from a person as required under this article. The**
 31 **third party must comply with the requirements of this article and**
 32 **any rules adopted by the bureau.**

33 SECTION 9. IC 9-25-4-7 IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2013]: Sec. 7. **(a)** Proof of financial
 35 responsibility ~~when required under this article as requested by the~~
 36 **bureau:**

37 **(1) must be in effect on the date of the request; and**

38 **(2) may be given by any of the following methods:**

39 **(1) (A) Proof that a policy or policies of operator or motor**
 40 **vehicle liability insurance, as applicable, have been obtained**
 41 **and are in full force and effect.**

42 **(2) (B) Proof that a bond has been duly executed.**

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(3) (C) Proof that deposit has been made of money or securities.

(b) Proof of financial responsibility as requested by a law enforcement officer:

- (1) must be in effect on the date of the request; and**
- (2) may be provided in a paper or electronic format. For purposes of this subdivision, electronic formats include the display of an electronic image on a telecommunications device.**

SECTION 10. IC 9-25-4-8, AS AMENDED BY P.L.125-2012, SECTION 247, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. Proof of financial responsibility meeting the requirements set forth in this article ~~may~~ **must** be filed in a manner prescribed by the bureau by an insurance carrier of the person for whom proof is required.

SECTION 11. IC 9-25-5-1, AS AMENDED BY P.L.125-2012, SECTION 248, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) If a person is convicted of a traffic offense that requires a court appearance, the court shall require the person to show proof that financial responsibility was in force on the date of the violation in one (1) of the forms described in IC 9-25-4-4 or in the form of a certificate of self-insurance issued under IC 9-25-4-11.

(b) If a person fails to provide proof of financial responsibility as required by this section, the court shall suspend the person's current driving privileges or motor vehicle registration, or both. **If the court fails to recommend a fixed term of suspension, or recommends a fixed term that is less than the minimum term of suspension required under this article, the bureau shall impose the applicable minimum term of suspension required under this article.**

(c) A suspension under this section is subject to the same provisions concerning procedure for suspension, duration of suspension, and reinstatement applicable to other suspensions under this article.

SECTION 12. IC 9-25-5-3, AS AMENDED BY P.L.125-2012, SECTION 250, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) A request for evidence of financial responsibility must do the following:

- (1) Direct a person ~~identified under section 2 of this chapter~~ to provide the bureau with evidence that financial responsibility was in effect with respect to the motor vehicle, ~~or the operation of the motor vehicle~~, operated by the person on the date of the accident described in the accident report: requested.**

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1 (2) Instruct the person on how to furnish the bureau with evidence
2 of financial responsibility in compliance with this article.

3 (3) Warn the person that failure to furnish evidence of financial
4 responsibility to the bureau will result in suspension of the
5 person's current driving privileges or motor vehicle registration,
6 or both, under this article.

7 (b) The bureau shall mail a request for evidence of financial
8 responsibility to a person ~~identified under section 2 of this chapter~~ by
9 first class mail ~~at to~~ the **mailing address of the person** appearing in the
10 records of the bureau.

11 SECTION 13. IC 9-25-5-5, AS AMENDED BY P.L.125-2012,
12 SECTION 252, IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) A person who receives a
14 request for evidence of financial responsibility under section 3 of this
15 chapter shall ensure that the insurance company of the person set forth
16 in the certificate of compliance provides to the bureau the following
17 information concerning the form of financial responsibility that was in
18 effect ~~with respect to the motor vehicle~~ on the date in question:

19 (1) If an operator's or a motor vehicle liability policy was in effect,
20 the following:

21 (A) The name ~~and address~~ of the insurer.

22 ~~(B) The limits of coverage of the policy.~~

23 ~~(C) (B) The identification number applying to the policy.~~

24 ~~(D) (C) Dates of coverage of the policy.~~

25 **(D) Confirmation that financial responsibility covering the**
26 **motor vehicle or operator, as applicable, was in effect on**
27 **the date in question.**

28 (E) Other information requested by the bureau.

29 (2) If a bond was in effect, the following:

30 (A) The name and address of the bond company or surety.

31 (B) The face amount of the bond.

32 (C) Dates the bond was in effect.

33 (D) Other information requested by the bureau.

34 (3) If self-insurance was in effect under IC 9-25-4-11, the
35 following:

36 (A) The date on which the certificate of self-insurance was
37 issued by the bureau.

38 (B) The name of the person to whom the certificate of
39 self-insurance was issued.

40 (C) Other information requested by the bureau.

41 (b) A person who requests information or verification of coverage
42 to complete a certificate of compliance under subsection (a) from:

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1 (1) an insurance company; or
 2 (2) an insurance producer;
 3 is not required to give the company or the producer a reason for
 4 requesting the information unless the person has been involved in an
 5 accident.

6 SECTION 14. IC 9-25-5-7 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. Whenever a person
 8 required to give proof of financial responsibility under ~~section 3 of this~~
 9 ~~chapter article~~ is not the owner of a motor vehicle, an operator's policy
 10 of liability insurance is sufficient proof of financial responsibility.

11 SECTION 15. IC 9-25-5-8, AS AMENDED BY P.L.125-2012,
 12 SECTION 254, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) An insurance carrier that has
 14 issued a motor vehicle liability policy or policies meeting the
 15 requirements of this article shall, upon request of the named insured,
 16 file with the bureau an appropriate certificate **of compliance** that meets
 17 the requirements of this article and shows that a policy or policies ~~have~~
 18 ~~been issued.~~ **were in effect on the date requested.**

19 (b) The issuance of a certificate **of compliance** to serve as proof of
 20 financial responsibility under this article is conclusive evidence that a
 21 motor vehicle liability policy in the certificate **of compliance** cited
 22 conforms to all the requirements of this article.

23 SECTION 16. IC 9-25-5-9, AS AMENDED BY P.L.125-2012,
 24 SECTION 255, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2013]: Sec. 9. Whenever an insurance carrier
 26 has certified a motor vehicle liability policy under this chapter for the
 27 purpose of furnishing evidence of future financial responsibility, the
 28 insurance carrier shall give ten (10) days written notice to the bureau
 29 before cancellation of the policy. The policy continues in full force and
 30 effect until the date of cancellation specified in the notice or until the
 31 policy's expiration. ~~A policy subsequently procured and certified, on~~
 32 ~~the effective date of the policy's certification, terminates the insurance~~
 33 ~~previously certified with respect to a motor vehicle designated in both~~
 34 ~~certificates.~~

35 SECTION 17. IC 9-25-5-10, AS AMENDED BY P.L.125-2012,
 36 SECTION 256, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2013]: Sec. 10. (a) A nonresident ~~may~~ **must**
 38 give proof of financial responsibility ~~in one (1) of the following ways:~~
 39 ~~(1) The nonresident owner of a foreign motor vehicle may give proof~~
 40 ~~of financial responsibility by having an insurance carrier authorized to~~
 41 ~~transact business in the state in which the motor vehicle described in~~
 42 ~~the certificate is registered file a certificate of compliance with the~~

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1 bureau: (2) A nonresident who does not own a motor vehicle may give
 2 proof of financial responsibility by having an insurance carrier
 3 authorized to transact business in the state in which the nonresident
 4 resides by having an insurance carrier file a certificate of compliance
 5 with the bureau.

6 (b) A certificate of compliance filed under subsection (a) must
 7 conform to this chapter.

8 SECTION 18. IC 9-25-6-1, AS AMENDED BY P.L.125-2012,
 9 SECTION 257, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) If:

11 (1) the bureau receives a certificate of compliance for a person
 12 identified under IC 9-25-5-2 within forty (40) days after the date
 13 on which the bureau mailed the request for evidence of financial
 14 responsibility to the person; and

15 (2) the certificate of compliance indicates that financial
 16 responsibility was in effect with respect to the motor vehicle or
 17 the operation of the motor vehicle at the time of the accident
 18 described in the accident report;

19 the bureau may not suspend the person's driving privileges.

20 (b) If:

21 (1) the bureau receives a certificate of compliance from a person
 22 presented with a request for evidence of financial responsibility
 23 under IC 9-25-9-1 within forty (40) days after the date on which
 24 the person was presented with the request; and

25 (2) the certificate of compliance indicates that financial
 26 responsibility was in effect with respect to the motor vehicle or
 27 the operation of the motor vehicle that the person was operating
 28 when the person committed the violation described in the
 29 judgment or abstract received by the bureau under IC 9-25-9-1;

30 the bureau may not suspend the person's driving privileges.

31 (c) If:

32 (1) the bureau receives a certificate of compliance for a person
 33 identified under IC 9-25-10 (**before its repeal**) within forty (40)
 34 days after the date on which the bureau mailed the request for
 35 evidence of financial responsibility to the person; and

36 (2) the certificate of compliance indicates that financial
 37 responsibility was in effect with respect to the motor vehicle or
 38 the operation of the motor vehicle for the date requested; ~~under~~
 39 ~~IC 9-25-10;~~

40 the bureau may not suspend the driving privileges of the person.

41 SECTION 19. IC 9-25-6-2, AS AMENDED BY P.L.125-2012,
 42 SECTION 258, IS AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) If the bureau finds that a
 2 statement as to the existence of financial responsibility in a certificate
 3 of compliance received for a person identified under IC 9-25 is
 4 materially false, the bureau shall take action under subsection (b).

5 (b) Upon finding that the statement referred to in subsection (a) is
 6 false, the bureau shall immediately suspend the person's driving
 7 privileges or motor vehicle registration, or both, **as determined by the**
 8 **bureau**, for at least ninety (90) days and not more than one (1) year.

9 SECTION 20. IC 9-25-6-3, AS AMENDED BY P.L.125-2012,
 10 SECTION 259, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) If the bureau:

12 (1) does not receive a certificate of compliance for a person
 13 identified under IC 9-25-5-2 within forty (40) days after the date
 14 on which the bureau mailed the request for evidence of financial
 15 responsibility to the person; or

16 (2) receives a certificate that does not indicate that financial
 17 responsibility was in effect with respect to the motor vehicle
 18 operated by the person **or operation of the motor vehicle by the**
 19 **person** on the date of the accident referred to in IC 9-25-5-2;

20 the bureau shall take action under subsection (d).

21 (b) If the bureau:

22 (1) does not receive a certificate of compliance for a person
 23 presented with a request for evidence of financial responsibility
 24 under IC 9-25-9-1 within forty (40) days after the date on which
 25 the person was presented with the request; or

26 (2) receives a certificate that does not indicate that financial
 27 responsibility was in effect with respect to the motor vehicle **or**
 28 **operation of the motor vehicle** that the person was operating
 29 when the person committed the violation described in the
 30 judgment or abstract received by the bureau under IC 9-25-9-1;

31 the bureau shall take action under subsection (d).

32 (c) If the bureau:

33 (1) does not receive a certificate of compliance for a person
 34 presented with a request under IC 9-25-10 (**before its repeal**) not
 35 later than forty (40) days after the date on which the person was
 36 presented with the request; or

37 (2) receives a certificate that does not indicate that financial
 38 responsibility was in effect **on the date requested**;

39 the bureau shall take action under subsection (d).

40 (d) Under the conditions set forth in subsection (a), (b), or (c), the
 41 bureau shall immediately suspend the person's driving privileges or
 42 motor vehicle registration, or both, **as determined by the bureau**, for

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1 at least ninety (90) days and not more than one (1) year.

2 (e) Except as provided in subsection (f), if subsection (a), (b), or (c)
3 applies to a person, the bureau shall suspend the driving privileges of
4 the person irrespective of the following:

5 (1) The sale or other disposition of the motor vehicle by the
6 owner.

7 (2) The cancellation or expiration of the registration of the motor
8 vehicle.

9 (3) An assertion by the person that the person did not own the
10 motor vehicle and therefore had no control over whether financial
11 responsibility was in effect with respect to the motor vehicle.

12 (f) The bureau shall not suspend the driving privileges of a person
13 to which subsection (a), (b), or (c) applies if the person, through a
14 certificate of compliance or another communication with the bureau,
15 establishes to the satisfaction of the bureau that the motor vehicle that
16 the person was operating when the accident referred to in subsection
17 (a) took place or when the violation referred to in subsection (b) **or** (c)
18 was committed was:

19 (1) rented from a rental company; or

20 (2) owned by the person's employer and operated by the person in
21 the normal course of the person's employment.

22 SECTION 21. IC 9-25-6-3.5, AS AMENDED BY P.L.125-2012,
23 SECTION 260, IS AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2013]: Sec. 3.5. If a person violates:

25 (1) IC 9-25-4;

26 (2) IC 9-25-5;

27 (3) section 2 or 3 of this chapter; or

28 (4) IC 9-25-10 (**before its repeal**);

29 more than one (1) time within a three (3) year period, the person's
30 driving privileges or motor vehicle registration may be suspended for
31 not more than one (1) year.

32 SECTION 22. IC 9-25-6-4, AS AMENDED BY P.L.125-2012,
33 SECTION 261, IS AMENDED TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) This section does not apply
35 to judgments entered **by a court** at least seven (7) years after the date
36 of the accident.

37 (b) "Judgment", as used in this section, means a judgment in excess
38 of two hundred dollars (\$200) for bodily injury, death, or property
39 damages arising out of the use of a motor vehicle upon a public
40 highway.

41 (c) The bureau shall suspend for a period of not more than seven (7)
42 years from the date of judgment the driving privileges of a person upon

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1 receiving a verified report that the person has failed for a period of
2 ninety (90) days to satisfy a judgment.

3 SECTION 23. IC 9-25-6-14, AS AMENDED BY P.L.125-2012,
4 SECTION 270, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2013]: Sec. 14. (a) The bureau shall reinstate
6 the driving privileges or motor vehicle registration, or both:

7 (1) subject to section 15 of this chapter, after ~~ninety (90) days~~
8 **expiration of the imposed period** of suspension if the person has
9 furnished the bureau with a ~~certificate of compliance showing that~~
10 **proof of future** financial responsibility; ~~is in effect with respect~~
11 **to the vehicle;** or

12 (2) if financial responsibility was in effect with respect to a motor
13 vehicle on the date requested but the bureau does not receive a
14 certificate of compliance indicating this fact until after the
15 person's driving privileges are suspended under this article, the
16 person's driving privileges shall be reinstated when the bureau
17 receives the certificate of compliance.

18 (b) Upon receipt of a certificate of compliance under this section,
19 the bureau shall ~~expunge from the bureau's data base~~ **remove from the**
20 **person's driving record** the administrative suspension caused by the
21 failure to notify the bureau that the person had financial responsibility
22 in effect on the date of the violation.

23 SECTION 24. IC 9-25-6-16, AS AMENDED BY P.L.125-2012,
24 SECTION 272, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2013]: Sec. 16. (a) A person whose driving
26 privileges are suspended under this article may ~~seek a review of the~~
27 ~~suspension under IC 4-21.5-3-7.~~ **notify the bureau, in writing, that**
28 **the bureau's records contain a material error with respect to the**
29 **suspension of the person's driving privileges. The bureau shall,**
30 **within thirty (30) days after the date on which the bureau receives**
31 **the notice, determine whether a material error was made with**
32 **respect to the suspension of the person's driving privileges.**

33 (b) If the bureau determines that a material error was made
34 with respect to the suspension of the person's driving privileges, the
35 bureau shall reinstate the person's driving privileges.

36 (c) If applicable, the bureau shall notify the prosecuting
37 attorney of the county where the suspension originated that the
38 bureau has determined that a material error exists. The
39 prosecuting attorney is entitled to respond to the bureau's
40 determination.

41 (d) An action taken or a determination made by the bureau
42 under this section is not subject to IC 4-21.5. However, the person

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1 **may file a petition for judicial review under this chapter.**
2 SECTION 25. IC 9-25-6-19.2, AS AMENDED BY P.L.125-2012,
3 SECTION 276, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2013]: Sec. 19.2. The bureau may suspend the
5 **driving privileges or** registration of a motor vehicle, **owned by a**
6 **registrant or both, of a person** who provides the bureau with false
7 evidence of financial responsibility under this article.
8 SECTION 26. IC 9-25-7-1 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. The bureau may not
10 **suspend or** revoke the **driving driver's** license, **driving privileges,** or
11 registration plates of the owner or operator of a motor vehicle who has
12 been involved in a motor vehicle accident resulting in bodily injury or
13 death or in damage to property in excess of one thousand dollars
14 (\$1,000) solely because of failure to provide evidence of financial
15 responsibility whenever the:
16 (1) owner or operator was insured by an insurance company for
17 public liability and property damage at the time of the accident;
18 and
19 (2) insurance company becomes insolvent after the accident or
20 within fifteen (15) days before the accident;
21 if the insurance company was authorized and qualified to do business
22 in Indiana on the effective date of the policy.
23 SECTION 27. IC 9-25-7-3 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) The bureau shall,
25 upon request, cancel a bond or return a certificate of insurance, direct
26 the treasurer of state to return to the person entitled any money or
27 securities deposited under this article as proof of financial
28 responsibility, or waive the requirement of filing proof of financial
29 responsibility in any of the following circumstances:
30 (1) At any time after three (3) years from the date the proof was
31 required, if during the three (3) year period preceding the request
32 the person furnishing the proof has not been convicted of an
33 offense referred to in IC 9-30-4-6.
34 (2) If the person on whose behalf the proof was filed dies or the
35 person becomes permanently incapable of operating a motor
36 vehicle.
37 (3) If the person who has given proof of financial responsibility
38 surrenders the person's ~~operator's or chauffeur's~~ **driver's** license,
39 registration certificates, and registration plates to the bureau. The
40 bureau may not release the proof if an action for damages upon a
41 liability referred to in this article is pending, a judgment upon a
42 liability is outstanding and unsatisfied, or the bureau has received

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1 notice that the person has, within the period of three (3) months
 2 immediately preceding, been involved as a driver in a motor
 3 vehicle accident. An affidavit of the applicant of the nonexistence
 4 of the facts referred to in this subdivision is sufficient evidence of
 5 the nonexistence of the facts in the absence of evidence to the
 6 contrary in the records of the department.

7 (b) Whenever a person to whom proof has been surrendered under
 8 subsection (a)(3) applies for an operator's or chauffeur's license or the
 9 registration of a motor vehicle within a period of three (3) years from
 10 the date the proof of financial responsibility was originally required,
 11 the bureau shall reject the application unless the applicant reestablishes
 12 the proof for the remainder of the period.

13 SECTION 28. IC 9-25-7-5 IS REPEALED [EFFECTIVE JULY 1,
 14 2013]. ~~Sec. 5. The bureau shall report to the department of state
 15 revenue a failure, a refusal, or the neglect of a common carrier of
 16 persons or property by motor vehicle to file a certificate of proof of
 17 financial responsibility when requested.~~

18 SECTION 29. IC 9-25-7-6, AS AMENDED BY P.L.125-2012,
 19 SECTION 279, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) This section does not apply
 21 to a person who is a resident of Indiana or who operates a motor
 22 vehicle in Indiana.

23 (b) **Subject to subsection (c)**, a person:

24 (1) whose driver's license, **driving privileges**, or registration was
 25 suspended and who is required to prove financial responsibility
 26 extending into the future in order to have the person's driving
 27 privileges reinstated; and

28 (2) who no longer operates a motor vehicle in Indiana and has
 29 become a resident of another state or foreign jurisdiction;

30 is not required to prove financial responsibility into the future in order
 31 to have the person's **driver's license**, driving privileges, or registration
 32 temporarily reinstated to allow licensing or registration in the other
 33 state or foreign jurisdiction.

34 (c) **A person described in subsection (b) who, during the three**
 35 **(3) year period following the suspension described in subsection**
 36 **(b)(1), applies to the bureau for a driver's license or registers a**
 37 **motor vehicle in Indiana must maintain proof of future financial**
 38 **responsibility for the unexpired portion of the three (3) year period**
 39 **as required under this article.**

40 SECTION 30. IC 9-25-8-2, AS AMENDED BY P.L.125-2012,
 41 SECTION 281, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) A person who knowingly:

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1 (1) operates; or
 2 (2) permits the operation of;
 3 a motor vehicle on a public highway in Indiana without financial
 4 responsibility in effect as set forth in IC 9-25-4-4 commits a Class A
 5 infraction. However, the offense is a Class C misdemeanor if the
 6 person knowingly or intentionally violates this section and has a prior
 7 unrelated conviction or judgment under this section.

8 (b) Subsection (a)(2) applies to:
 9 (1) the owner of a rental company under IC 9-25-6-3(f)(1); and
 10 (2) an employer under IC 9-25-6-3(f)(2).

11 (c) In addition to any other penalty imposed on a person for
 12 violating this section, the court ~~may~~ **shall** recommend the suspension
 13 of the person's driving privileges for at least ninety (90) days but not
 14 more than one (1) year. However, if, within the five (5) years preceding
 15 the conviction under this section, the person had a prior unrelated
 16 conviction under this section, the court shall recommend the
 17 suspension of the person's driving privileges for one (1) year.

18 (d) Upon receiving the recommendation of the court under
 19 subsection (c), the bureau shall suspend the person's driving privileges
 20 for the period recommended by the court. If no suspension is
 21 recommended by the court, **or if the court recommends a fixed term**
 22 **that is less than the minimum term required by statute**, the bureau
 23 shall impose the minimum period of suspension required under this
 24 article.

25 SECTION 31. IC 9-25-8-6 IS ADDED TO THE INDIANA CODE
 26 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
 27 1, 2013]: **Sec. 6. (a) This section applies to a person:**

- 28 (1) **who is convicted of;**
- 29 (2) **against whom a judgment is entered for;**
- 30 (3) **against whom the bureau has taken administrative action**
 31 **for; or**
- 32 (4) **who the bureau otherwise determines was;**
 33 **operating a motor vehicle without financial responsibility in**
 34 **violation of this article.**

35 (b) **A person described in subsection (a) must provide proof of**
 36 **future financial responsibility for a period of three (3) years**
 37 **beginning on the date on which the suspension of the person's**
 38 **driving privileges terminates.**

39 SECTION 32. IC 9-25-9-1, AS AMENDED BY P.L.125-2012,
 40 SECTION 283, IS AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2013]: **Sec. 1. (a) After the bureau receives:**

- 42 (1) a certified abstract under IC 9-30-13-0.5 of the record of

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- 1 conviction of a person for a violation of a law relating to motor
- 2 vehicles; ~~or~~
- 3 (2) a judgment or an abstract under IC 9-30-3-11 of a case
- 4 resulting in a conviction, judgment, or forfeiture of security
- 5 deposit; ~~or~~
- 6 **(3) a judgment, abstract, or other court order indicating the**
- 7 **conviction of a person for a violation of a law relating to**
- 8 **motor vehicles;**

9 the bureau shall determine whether the bureau is required under
 10 subsection (b) to send to the person named in the judgment, ~~or~~ abstract,
 11 **or other court order** a request for evidence of financial responsibility.

12 (b) The bureau shall send a request for evidence of financial
 13 responsibility to a person referred to in subsection (a) if at least one (1)
 14 of the following applies to the person:

15 (1) The judgment, ~~or~~ abstract, **or other court order** referred to in
 16 subsection (a) reports that the person committed a moving traffic
 17 violation for which points are assessed by the bureau under the
 18 point system, and, not more than one (1) year before the date of
 19 the violation referred to in the judgment, ~~or~~ abstract, **or other**
 20 **court order**, the person committed at least two (2) previous
 21 moving traffic violations for which points are assessed by the
 22 bureau under the point system.

23 (2) The judgment, ~~or~~ abstract, **or other court order** referred to in
 24 subsection (a) reports that the person was convicted of:

25 (A) a misdemeanor; or

26 (B) a felony;

27 involving a motor vehicle.

28 (3) The judgment, ~~or~~ abstract, **or other court order** referred to in
 29 subsection (a) reports that the person committed a moving traffic
 30 violation for which points are assessed by the bureau under the
 31 point system and the ~~driver's license driving privileges~~ of the
 32 person ~~was~~ **were** previously suspended for violation of the
 33 financial responsibility requirements of IC 9-25.

34 **(c) The expungement or other removal from a person's record**
 35 **of an underlying conviction for which the bureau sends to the**
 36 **person a request for evidence of financial responsibility under this**
 37 **section does not alter or otherwise affect a penalty imposed by the**
 38 **bureau on the person for the person's failure to provide evidence**
 39 **of financial responsibility under this article.**

40 SECTION 33. IC 9-25-9-4, AS AMENDED BY P.L.125-2012,
 41 SECTION 286, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2013]: Sec. 4. A person who is presented with

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1 a request for evidence of financial responsibility under ~~section 1~~ of this
 2 chapter shall direct the insurance company of the person to set forth in
 3 the certificate of compliance the following information concerning the
 4 form of financial responsibility that was in effect ~~with respect to the~~
 5 ~~motor vehicle:~~ **on the date in question:**

6 (1) If a motor vehicle liability policy was in effect, the following:

- 7 (A) The name ~~and address~~ of the insurer.
- 8 ~~(B) The limits of coverage of the policy.~~
- 9 ~~(C) The identification number applying to the policy.~~
- 10 **(C) Dates of coverage of the policy.**
- 11 ~~(D) A statement confirming~~ **Confirmation** that financial
- 12 responsibility covering the motor vehicle ~~and or~~ operator, **as**
- 13 **applicable**, was in effect on the date ~~applicable to section 1(b)~~
- 14 **of this chapter: in question.**

15 **(E) Other information requested by the bureau.**

16 (2) If a bond was in effect, the following:

- 17 (A) The name and address of the bond company or surety.
- 18 (B) The face amount of the bond.
- 19 **(C) Dates the bond was in effect.**
- 20 **(D) Other information requested by the bureau.**

21 (3) If self-insurance was in effect under IC 9-25-4-11, the
 22 following:

- 23 (A) The date on which the certificate of self-insurance was
- 24 issued by the bureau.
- 25 (B) The name of the person to whom the certificate of
- 26 self-insurance was issued.

27 **(C) Other information requested by the bureau.**

28 SECTION 34. IC 9-25-9-6 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. The bureau shall
 30 respond to:

- 31 (1) a certificate of compliance provided to the bureau under this
- 32 chapter; or
- 33 (2) the failure of a person under this chapter to provide the bureau
- 34 with a certificate of compliance;

35 in the **appropriate** manner provided under ~~IC 9-25-6-1, IC 9-25-6-2,~~
 36 ~~and IC 9-25-6-3:~~ **this article.**

37 SECTION 35. IC 9-25-10 IS REPEALED [EFFECTIVE JULY 1,
 38 2013]. (Previously Uninsured Motorist Registry).

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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. 620, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 620 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 8, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Bill 620, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

SOLIDAY, Chair

Committee Vote: yeas 8, nays 0.

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