

SENATE BILL No. 538

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-1-8-1; IC 9-13-2; IC 9-24; IC 9-27; IC 9-30.

Synopsis: Various motor vehicle issues. Makes various changes to motor vehicles laws concerning credentials, convictions, 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. Changes the membership of the motorcycle operator safety education program advisory committee.

Effective: July 1, 2013.

Wyss, Arnold J

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

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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.

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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;



- 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 9-13-2-4 IS AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2013]: Sec. 4. "Approved driver education
25 course" means a course offered by a high school or driver education
26 school that the ~~superintendent of public instruction bureau~~ periodically
27 designates as approved, after taking into consideration the standards
28 and methods of instruction necessary to ensure adequate training for
29 the operation of a motor vehicle.

30 SECTION 3. IC 9-13-2-5, AS AMENDED BY P.L.145-2011,
31 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2013]: Sec. 5. ~~(a) This subsection expires December 31, 2011.~~

33 "Approved motorcycle driver education and training course" means:

34 (1) a course offered by a public or private secondary school; a
35 new motorcycle dealer; or other driver education school offering
36 motorcycle driver training as developed and approved by the state
37 superintendent of public instruction and the bureau; or

38 (2) a course that is offered by a commercial driving school or new
39 motorcycle dealer and that is approved by the bureau.

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

42 (1) a course offered by a public or private secondary school, a

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1 new motorcycle dealer, or another driver education school
 2 offering motorcycle driver training as developed and approved by
 3 the bureau; or

4 (2) a course that is:

5 (A) offered by a commercial driving school or new motorcycle
 6 dealer; and

7 (B) approved by the bureau.

8 SECTION 4. IC 9-13-2-16 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 16. "Bureau", **unless**
 10 **otherwise indicated**, refers to the bureau of motor vehicles.

11 SECTION 5. IC 9-13-2-21, AS AMENDED BY P.L.125-2012,
 12 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2013]: Sec. 21. (a) "Chauffeur", except as provided in
 14 subsection (b), means a person:

15 (1) operating a motor vehicle registered as having a gross weight
 16 of **at least** sixteen thousand (16,000) pounds **or more but not**
 17 **more than twenty-six thousand (26,000) pounds** for the purpose
 18 of transporting property for hire; or

19 (2) operating a private bus.

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

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

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

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

27 SECTION 6. IC 9-13-2-28.5 IS REPEALED [EFFECTIVE JULY
 28 1, 2013]. Sec. 28.5: "~~Commercial driver training school~~", for purposes
 29 of ~~IC 9-27-6~~, has the meaning set forth in ~~IC 9-27-6-3~~.

30 SECTION 7. IC 9-13-2-47.2 IS ADDED TO THE INDIANA CODE
 31 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 32 1, 2013]: Sec. 47.2. "**Driver training school**", for purposes of
 33 **IC 9-27-6**, has the meaning set forth in **IC 9-27-6-3**.

34 SECTION 8. IC 9-13-2-48, AS AMENDED BY P.L.125-2012,
 35 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2013]: Sec. 48. (a) Except as provided in subsection (b),
 37 "driver's license" means any type of license issued by the state
 38 authorizing an individual to operate a ~~motor~~ **the type of vehicle for**
 39 **which the license was issued, in the manner for which the license**
 40 **was issued**, on public streets, roads, or highways.

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

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

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

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

8 SECTION 10. IC 9-13-2-78, AS AMENDED BY P.L.2-2007,
 9 SECTION 139, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2013]: Sec. 78. "Indiana resident" refers to a
 11 person who is one (1) of the following:

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

17 (A) Attending a postsecondary educational institution.

18 (B) Serving on active duty in the armed forces of the United
 19 States.

20 (C) **Temporary employment.**

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

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

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

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

30 (5) A person who has more than one-half (1/2) of the person's
 31 gross income (as defined in Section 61 of the Internal Revenue
 32 Code) derived from sources in Indiana using the provisions
 33 applicable to determining the source of adjusted gross income that
 34 are set forth in IC 6-3-2-2. However, a person who is considered
 35 a resident under this subdivision is not a resident if the person
 36 proves by a preponderance of the evidence that the person is not
 37 a resident under subdivisions (1) through (4).

38 (6) A person who:

39 (A) is enrolled as a student of a truck driver training school;

40 (B) has legal residence in another state but is living in Indiana
 41 temporarily for the express purpose of taking a course of study
 42 from the truck driver training school; and

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1 (C) intends to return to the person's state of residence upon
 2 completion of the course of study of the truck driver training
 3 school.

4 SECTION 11. IC 9-13-2-92, AS AMENDED BY P.L.114-2012,
 5 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2013]: Sec. 92. (a) "Law enforcement officer", except as
 7 provided in subsection (b), includes the following:

- 8 (1) A state police officer.
 9 (2) A city, town, or county police officer.
 10 (3) A sheriff.
 11 (4) A county coroner **in accordance with IC 36-2-14-4.**
 12 (5) A conservation officer.
 13 (6) An individual assigned as a **motor carrier inspector duties and**
 14 **limitations** under ~~IC 10-11-2-26(a)~~: **IC 10-11-2-26.**
 15 (7) A member of a consolidated law enforcement department
 16 established under IC 36-3-1-5.1.
 17 (8) An excise police officer of the alcohol and tobacco
 18 commission.

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

21 SECTION 12. IC 9-13-2-110 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 110. "Moving traffic
 23 offense" ~~for purposes of IC 9-25-9-1 and IC 9-30-3-14, has the meaning~~
 24 ~~set forth in IC 9-30-3-14(a):~~ **means a violation of a statute, an**
 25 **ordinance, a rule, or a regulation relating to the operation or use**
 26 **of a motor vehicle while the motor vehicle is in motion.**

27 SECTION 13. IC 9-13-2-112 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 112. "Nonmoving
 29 traffic offense" ~~for purposes of IC 9-30-3, has the meaning set forth in~~
 30 ~~IC 9-30-3-4:~~ **means a violation of a statute, an ordinance, or a**
 31 **regulation concerning the following:**

32 (1) **The parking or standing of motor vehicles.**

33 (2) **Motor vehicles that are not in motion.**

34 SECTION 14. IC 9-13-2-117.5, AS AMENDED BY P.L.125-2012,
 35 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2013]: Sec. 117.5. (a) "Operate", except as provided in
 37 subsection (b), means to navigate **or otherwise be in physical control**
 38 **of a vehicle.**

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

41 SECTION 15. IC 9-13-2-118, AS AMENDED BY P.L.125-2012,
 42 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2013]: Sec. 118. (a) Except as provided in subsection (b),
 2 "operator", when used in reference to a vehicle, means a person, other
 3 than a chauffeur or a public passenger chauffeur, who:

- 4 (1) drives, **operates**, or is in actual physical control of a vehicle
 5 upon a highway; or
 6 (2) is exercising control over or steering a motor vehicle being
 7 towed by another vehicle.

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

10 SECTION 16. IC 9-13-2-143, AS AMENDED BY P.L.125-2012,
 11 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2013]: Sec. 143. "Public passenger chauffeur" means a person
 13 who operates a motor vehicle designed to transport **not more than**
 14 fifteen (15) individuals, ~~or more~~, including the driver, while in use as
 15 a public passenger carrying vehicle for hire. The term does not include
 16 a person who operates a medical services vehicle.

17 SECTION 17. IC 9-13-2-183 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 183. "Traffic offense"
 19 for purposes of ~~IC 9-30-3~~; has the meaning set forth in ~~IC 9-30-3-5~~.
 20 means:

- 21 (1) a violation of a statute, an ordinance, a rule, or a
 22 regulation relating to the operation or use of motor vehicles;
 23 and
 24 (2) any violation of a statute, an ordinance, or a regulation
 25 relating to the use of streets and highways by pedestrians or
 26 by the operation of any other vehicle.

27 SECTION 18. IC 9-14-2-8, AS ADDED BY P.L.145-2011,
 28 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2013]: Sec. 8. (a) Notwithstanding IC 9-24-10-4(d),
 30 IC 9-27-6-6(b), ~~IC 9-27-6-7(b)~~, IC 9-27-6-8(b), IC 9-27-6-9(b),
 31 IC 9-27-6-11, and IC 9-29-9-3.5, the bureau shall carry out the duties
 32 imposed upon it under IC 9-24-10-4(d), IC 9-27-6-6(b), ~~IC 9-27-6-7(b)~~,
 33 IC 9-27-6-8(b), IC 9-27-6-9(b), IC 9-27-6-11, and IC 9-29-9-3.5,
 34 through the adoption of interim written guidelines approved by the
 35 commissioner of the bureau.

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

37 SECTION 19. IC 9-24-1-1.5, AS AMENDED BY P.L.125-2012,
 38 SECTION 160, IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2013]: Sec. 1.5. (a) ~~The standards set forth in~~
 40 ~~IC 3-5-5 to determine the residence of an individual applying to~~
 41 ~~become a voter apply to the determination of the residence of An~~
 42 ~~individual applying who is an Indiana resident is eligible to apply for~~

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1 a license under this article.

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

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

6 (2) otherwise qualified to receive the license.

7 SECTION 20. IC 9-24-1-5, AS AMENDED BY P.L.125-2012,
8 SECTION 163, IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) An individual must have a
10 valid driver's license that may be any of the following to operate a
11 motorcycle upon a ~~public~~ **an Indiana** highway:

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

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

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

18 (b) An individual who held a motorcycle operator's license on
19 December 31, 2011, must hold a valid operator's, chauffeur's, public
20 passenger chauffeur's, or commercial driver's license with a motorcycle
21 endorsement in order to operate ~~the~~ **a** motorcycle after December 31,
22 2011, without restrictions.

23 SECTION 21. IC 9-24-1-7, AS AMENDED BY P.L.125-2012,
24 SECTION 165, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) Sections 1 through 5 **(4)** of
26 this chapter do not apply to the following individuals:

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

29 (2) An individual **who is at least sixteen (16) years and one**
30 **hundred eighty (180) days of age**, while operating:

31 (A) a road roller;

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

35 (C) a ditch digging apparatus;

36 (D) a well drilling apparatus;

37 (E) a concrete mixer; or

38 (F) a farm tractor, a farm wagon (as defined in
39 IC 9-13-2-60(a)(2)), or an implement of agriculture designed
40 to be operated primarily in a farm field or on farm premises;
41 that is being temporarily drawn, moved, or propelled on a public
42 highway. However, to operate a farm wagon (as defined in

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- 1 IC 9-13-2-60(a)(2)) on a highway, an individual must be at least
 2 fifteen (15) years of age.
- 3 (3) A nonresident who:
- 4 (A) is at least sixteen (16) years and ~~one (1) month~~ **one**
 5 **hundred eighty (180) days** of age;
- 6 (B) has in the nonresident's immediate possession a valid
 7 driver's license that was issued to the nonresident in the
 8 nonresident's home state or country; and
- 9 (C) is lawfully admitted into the United States;
 10 while operating a motor vehicle upon a public highway only as an
 11 operator.
- 12 (4) A nonresident who:
- 13 (A) is at least eighteen (18) years of age;
- 14 (B) has in the nonresident's immediate possession a valid
 15 chauffeur's license that was issued to the nonresident in the
 16 nonresident's home state or country; and
- 17 (C) is lawfully admitted into the United States;
 18 while operating a motor vehicle upon a public highway, either as
 19 an operator or a chauffeur.
- 20 (5) A nonresident who:
- 21 (A) is at least eighteen (18) years of age; and
- 22 (B) has in the nonresident's immediate possession a valid
 23 license issued by the nonresident's home state for the operation
 24 of any motor vehicle upon a public highway when in use as a
 25 public passenger carrying vehicle;
 26 while operating a motor vehicle upon a public highway, either as
 27 an operator or a public passenger chauffeur.
- 28 (6) An individual who is legally licensed to operate a motor
 29 vehicle in the state of the individual's residence and who is
 30 employed in Indiana, subject to the restrictions imposed by the
 31 state of the individual's residence.
- 32 (7) A new resident of Indiana who possesses a valid, unrestricted
 33 driver's license issued by the resident's former state of residence,
 34 for a period of sixty (60) days after becoming a resident of
 35 Indiana.
- 36 (8) An individual who is an engineer, a conductor, a brakeman, or
 37 another member of the crew of a locomotive or a train that is
 38 being operated upon rails, including the operation of the
 39 locomotive or the train on a crossing over a street or a highway.
 40 An individual described in this subdivision is not required to
 41 display a license to a law enforcement officer in connection with
 42 the operation of a locomotive or a train in Indiana.

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

4 SECTION 22. IC 9-24-2-3, AS AMENDED BY P.L.125-2012,
5 SECTION 169, IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) The bureau may not issue a
7 driver's license or learner's permit or grant driving privileges to the
8 following individuals:

9 (1) An individual whose ~~license issued under Indiana law to~~
10 ~~operate a motor vehicle as an operator; a chauffeur; or a public~~
11 ~~passenger chauffeur has driving privileges have~~ been suspended,
12 during the period for which the ~~license was driving privileges~~
13 ~~are~~ suspended, or to an individual whose **driver's** license has
14 been revoked, until the time the bureau is authorized under
15 Indiana law to issue the individual a new license.

16 (2) An individual whose learner's permit has been suspended or
17 revoked until the time the bureau is authorized under Indiana law
18 to issue the individual a new permit.

19 (3) An individual who, in the opinion of the bureau, is afflicted
20 with or suffering from a physical or mental disability or disease
21 that prevents the individual from exercising reasonable and
22 ordinary control over a motor vehicle while operating the vehicle
23 upon the public highways.

24 (4) An individual who is unable to understand highway warnings
25 or direction signs written in the English language.

26 (5) An individual who is required under this article to take an
27 examination unless:

- 28 (A) the person successfully passes the examination; **or**
- 29 (B) **the bureau waives the examination requirement.**

30 (6) An individual who is required under IC 9-25 or any other
31 statute to deposit or provide proof of financial responsibility and
32 who has not deposited or provided that proof.

33 (7) An individual when the bureau has good cause to believe that
34 the operation of a motor vehicle on a public highway of Indiana
35 by the individual would be inimical to public safety or welfare.

36 (8) An individual who is the subject of an order issued by:
37 (A) a court under IC 31-14-12-4 or IC 31-16-12-7 (or
38 IC 31-1-11.5-13 or IC 31-6-6.1-16 before their repeal); or
39 (B) the Title IV-D agency;
40 ordering that a driver's license or permit not be issued to the
41 individual.

42 (9) An individual who has not presented valid documentary

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1 evidence to the bureau of the person's legal status in the United
2 States, as required by IC 9-24-9-2.5.

3 **(10) An individual who does not otherwise satisfy the**
4 **requirements of this article.**

5 (b) An individual subject to epileptic seizures may not be denied a
6 driver's license or permit under this section if the individual presents
7 a statement from a licensed physician, on a form prescribed by the
8 bureau, that the individual is under medication and is free from
9 seizures while under medication.

10 SECTION 23. IC 9-24-2-3.1, AS AMENDED BY P.L.125-2012,
11 SECTION 170, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2013]: Sec. 3.1. (a) If a petitioner named in an
13 order issued under section 3(a)(8) of this chapter has a valid
14 commercial driver's license, the bureau shall not immediately suspend
15 the person's commercial driving privileges but shall indicate on the
16 person's record that the person has conditional driving privileges to
17 operate a motor vehicle to and from the person's place of employment
18 and in the course of the person's employment.

19 (b) Conditional driving privileges described in subsection (a) are
20 valid for thirty (30) days from the date of the notice sent by the bureau.
21 If the person obtains an ~~amended~~ order **for conditional driving**
22 **privileges** within the thirty (30) days, the person may continue to
23 operate a motor vehicle with the conditional driving privileges beyond
24 the thirty (30) day period.

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

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

- 36 (1) The person becomes eighteen (18) years of age.
- 37 (2) One hundred twenty (120) days after the person is suspended.
- 38 ~~or the end of a semester during which the person returns to~~
39 ~~school; whichever is longer.~~
- 40 (3) The suspension, expulsion, or exclusion is reversed after the
41 person has had a hearing under IC 20-33-8.

42 (b) The bureau shall promptly mail a notice to the person's last

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- 1 known address that states the following:
- 2 (1) That the person's driving privileges will be ~~invalidated~~
- 3 **suspended** for a specified period commencing five (5) days after
- 4 the date of the notice.
- 5 (2) That the person has the right to appeal the suspension of the
- 6 driving privileges.
- 7 (c) If an aggrieved person believes that:
- 8 (1) the information provided was technically incorrect; or
- 9 (2) the bureau committed a technical or procedural error;
- 10 the aggrieved person may appeal the invalidation of a license under
- 11 section 5 of this chapter.
- 12 (d) If a person satisfies the conditions for reinstatement of a license
- 13 under this section, the person may submit to the bureau **for review** the
- 14 necessary information certifying that at least one (1) of the events
- 15 described in subsection (a) has occurred.
- 16 (e) Upon **reviewing and** certifying the information received under
- 17 subsection (d), the bureau shall reinstate the person's driving privileges.
- 18 (f) A person may not operate a motor vehicle in violation of this
- 19 section.
- 20 (g) A person whose driving privileges are suspended under this
- 21 section **may is eligible to** apply for restricted driving privileges under
- 22 IC 9-24-15.
- 23 (h) The bureau shall reinstate the driving privileges of a person
- 24 whose driving privileges were suspended under this section if the
- 25 person does the following:
- 26 (1) Establishes to the satisfaction of the principal of the school
- 27 where the action occurred that caused the suspension of the
- 28 driving privileges that the person has:
- 29 (A) enrolled in a full-time or part-time program of education;
- 30 and
- 31 (B) participated for thirty (30) or more days in the program of
- 32 education.
- 33 (2) Submits to the bureau a form developed by the bureau that
- 34 contains:
- 35 (A) the verified signature of the principal or the president of
- 36 the governing body of the school described in subdivision (1);
- 37 and
- 38 (B) notification to the bureau that the person has complied
- 39 with subdivision (1).
- 40 A person may appeal the decision of a principal under subdivision (1)
- 41 to the governing body of the school corporation where the principal's
- 42 school is located.

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1 SECTION 25. IC 9-24-3-2.5, AS AMENDED BY P.L.125-2012,
 2 SECTION 174, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2013]: Sec. 2.5. (a) Except as provided in
 4 section 3 of this chapter, an individual must satisfy the requirements set
 5 forth in one (1) of the following subdivisions to receive an operator's
 6 license:

7 (1) The individual meets the following conditions:

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

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

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

14 (D) Passes the required examination.

15 (E) Completes at least fifty (50) hours of supervised driving
 16 practice, of which at least ten (10) hours are nighttime driving,
 17 with:

18 (i) a licensed instructor or a licensed driver, **with valid**
 19 **driving privileges**, who is at least twenty-five (25) years of
 20 age; or

21 (ii) the spouse of the individual who is **a licensed driver**
 22 **with valid driving privileges and is** at least twenty-one
 23 (21) years of age;

24 (2) The individual meets the following conditions:

25 (A) Is at least sixteen (16) years and two hundred seventy
 26 (270) days of age.

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

29 (C) Passes the required examination.

30 (D) Completes at least fifty (50) hours of supervised driving
 31 practice, of which at least ten (10) hours are nighttime driving,
 32 with:

33 (i) a licensed instructor or a licensed driver, **with valid**
 34 **driving privileges**, who is at least twenty-five (25) years of
 35 age; or

36 (ii) the spouse of the individual who is **a licensed driver**
 37 **with valid driving privileges and is** at least twenty-one
 38 (21) years of age;

39 (3) The individual meets the following conditions:

40 (A) Is at least sixteen (16) years and one hundred eighty (180)
 41 days of age but less than eighteen (18) years of age.

42 (B) Has previously been a nonresident of Indiana, but, at the

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- 1 time of application, qualifies as an Indiana resident.
- 2 (C) Has held a valid driver's license, excluding a learner's
- 3 permit or the equivalent, in the state or a combination of states
- 4 in which the individual formerly resided for at least one
- 5 hundred eighty (180) days.
- 6 (D) Passes the required ~~examination.~~ **examinations.**
- 7 (4) The individual meets the following conditions:
- 8 (A) Is at least eighteen (18) years of age.
- 9 (B) Has previously been a nonresident of Indiana but, at the
- 10 time of application, qualifies as an Indiana resident.
- 11 (C) Held a valid driver's license, excluding a learner's permit
- 12 or the equivalent, from the state of prior residence.
- 13 (D) Passes the required ~~examination.~~ **examinations.**
- 14 (b) An applicant who is required to complete at least fifty (50) hours
- 15 of supervised practice driving under subsection (a)(1)(E) or (a)(2)(D)
- 16 must submit to the commission under IC 9-24-9-2(c) evidence of the
- 17 time logged in practice driving.
- 18 SECTION 26. IC 9-24-4-4.5 IS ADDED TO THE INDIANA CODE
- 19 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
- 20 **1, 2013]: Sec. 4.5. To receive a chauffeur's license, an individual**
- 21 **must surrender any and all driver's licenses issued to the individual**
- 22 **by Indiana or any other jurisdiction.**
- 23 SECTION 27. IC 9-24-5-3, AS AMENDED BY P.L.125-2012,
- 24 SECTION 182, IS AMENDED TO READ AS FOLLOWS
- 25 [EFFECTIVE JULY 1, 2013]: Sec. 3. A public passenger chauffeur's
- 26 license entitles the licensee to:
- 27 (1) **transport persons for hire; and**
- 28 (2) **operate a motor vehicle, except a commercial motor vehicle**
- 29 **or a motorcycle without the proper permit or endorsement;**
- 30 **upon a public highway.**
- 31 SECTION 28. IC 9-24-6-2.1 IS ADDED TO THE INDIANA CODE
- 32 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
- 33 **1, 2013]: Sec. 2.1. To receive a commercial driver's license under**
- 34 **this chapter, an individual must surrender any and all driver's**
- 35 **licenses issued to the individual by Indiana or any other**
- 36 **jurisdiction.**
- 37 SECTION 29. IC 9-24-7-4, AS AMENDED BY P.L.125-2012,
- 38 SECTION 199, IS AMENDED TO READ AS FOLLOWS
- 39 [EFFECTIVE JULY 1, 2013]: Sec. 4. A learner's permit authorizes the
- 40 permit holder to operate a motor vehicle, except a motorcycle or
- 41 commercial motor vehicle, upon a public highway under the following
- 42 conditions:

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- 1 (1) While the holder is participating in practice driving in an
- 2 approved driver education course and is accompanied by a
- 3 certified driver education instructor or student teacher in the front
- 4 seat of a motor vehicle equipped with dual controls.
- 5 (2) While the holder is participating in practice driving after
- 6 having commenced an approved driver education course and the
- 7 seat beside the holder is occupied by a ~~parent, stepparent, or~~
- 8 ~~guardian of the holder who holds a valid driver's license: a~~
- 9 **licensed driver with valid driving privileges who is at least:**
- 10 (A) **twenty-five (25) years of age; or**
- 11 (B) **if the licensed driver is the holder's spouse, twenty-one**
- 12 **(21) years of age.**
- 13 (3) If the holder is not participating in an approved driver
- 14 education course, and is less than eighteen (18) years of age, the
- 15 holder may participate in practice driving if the seat beside the
- 16 holder is occupied by a ~~guardian, stepparent, or relative of the~~
- 17 ~~holder who is at least twenty-one (21) years of age and holds a~~
- 18 ~~valid driver's license: a licensed driver with valid driving~~
- 19 ~~privileges who is at least:~~
- 20 (A) **twenty-five (25) years of age; or**
- 21 (B) **if the licensed driver is the holder's spouse, twenty-one**
- 22 **(21) years of age.**
- 23 (4) If the holder is not participating in an approved driver
- 24 education course, and is at least eighteen (18) years of age, the
- 25 holder may participate in practice driving if accompanied in the
- 26 vehicle by an ~~individual who holds a valid driver's license: a~~
- 27 ~~licensed driver with valid driving privileges who is at least~~
- 28 ~~twenty-one (21) years of age.~~

29 SECTION 30. IC 9-24-7-7, AS ADDED BY P.L.145-2011,
 30 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2013]: Sec. 7. The bureau shall publish **the following:**

- 32 (1) An online driving guide that may be used by the holder of a
- 33 learner's permit and the parent of the holder of a learner's permit,
- 34 if applicable. ~~The driving guide must include a~~
- 35 (2) **An online** log that must be completed to show evidence of the
- 36 completion of the hours of supervised practice driving required
- 37 under IC 9-24-3-2.5(a)(1)(E) or IC 9-24-3-2.5(a)(2)(D).

38 SECTION 31. IC 9-24-8-4, AS AMENDED BY P.L.125-2012,
 39 SECTION 202, IS AMENDED TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) Except as provided in
 41 subsections (b) and (c), the bureau shall validate an operator's, a
 42 chauffeur's, a public passenger chauffeur's, or a commercial driver's

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1 license for motorcycle operation upon a highway by endorsement to a
2 person who:

3 (1) satisfactorily completes the written and approved operational
4 skills tests;

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

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

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

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

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

20 (d) The bureau shall develop and implement both a written test and
21 an operational skills test to determine whether an applicant for a
22 motorcycle endorsement demonstrates the necessary knowledge and
23 skills to operate a motorcycle upon a highway. The written test must be
24 made available at license branch locations approved by the bureau. The
25 operational skills test must be given at locations designated by the
26 bureau. The bureau shall adopt rules under IC 4-22-2 to establish
27 standards for persons administering operational skills tests and the
28 provisions of the operational skills test. An individual applying for a
29 motorcycle endorsement must pass the written exam before taking the
30 operational skills test. If an applicant fails to satisfactorily complete
31 either the written or operational tests, the applicant may reapply for and
32 must be offered the examination upon the same terms and conditions
33 as applicants may reapply for and be offered examinations for an
34 operator's license. The bureau shall publish and make available at all
35 locations where an individual may apply for an operator's license
36 information concerning a motorcycle endorsement.

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

42 (f) A person who held a valid Indiana motorcycle operator's license

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1 on December 31, 2011, may be issued a motorcycle operator's
 2 endorsement after December 31, 2011, on a valid Indiana operator's,
 3 chauffeur's, public passenger chauffeur's, or commercial driver's
 4 license after:

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

9 SECTION 32. IC 9-24-8-6 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. In addition to any
 11 other penalty, the bureau:

- 12 (1) shall revoke the motorcycle learner's permit of a person
 13 ~~holding a motorcycle learner's permit~~ who is convicted of
 14 operating a motorcycle under the influence of alcohol; and
- 15 (2) **may not issue a motorcycle learner's permit or motorcycle**
 16 **endorsement to a person referred to in subdivision (1)** for at
 17 least (1) year ~~from~~ **after** the date of the **person's** conviction.

18 SECTION 33. IC 9-24-9-1 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) Each application
 20 for a permit or license under this chapter must:

- 21 (1) be made upon the approved form for the application furnished
 22 by the bureau;
- 23 (2) include a signed affidavit in which the applicant swears or
 24 affirms that the information set forth in the application by the
 25 applicant is correct; and
- 26 (3) include a voter registration form as provided in IC 3-7-14 and
 27 42 U.S.C. 1973gg-3(c)(1).

28 ~~The application must be presented in person. However, an online~~
 29 ~~application does not have to include a voter registration form~~
 30 ~~under subdivision (3).~~

31 (b) The Indiana election commission may prescribe a voter
 32 registration form for use under subsection (a) that is a separate
 33 document from the remaining portions of the application described in
 34 subsection (a)(1) and (a)(2) if the voter registration form remains a part
 35 of the application, as required under 42 U.S.C. 1973gg-3(c)(1).

36 SECTION 34. IC 9-24-9-2, AS AMENDED BY P.L.125-2012,
 37 SECTION 203, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) Except as provided in
 39 subsection (b), each application for a license or permit under this
 40 chapter must require the following information:

- 41 (1) The full legal name of the applicant.
- 42 (2) The applicant's date of birth.

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- 1 (3) The gender of the applicant.
 2 (4) The applicant's height, weight, hair color, and eye color.
 3 (5) The principal address and mailing address of the applicant.
 4 (6) A:
 5 (A) valid Social Security number; or
 6 (B) verification of an applicant's:
 7 (i) ineligibility to be issued a Social Security number; and
 8 (ii) identity and lawful status.
 9 (7) Whether the applicant has been subject to fainting spells or
 10 seizures.
 11 (8) Whether the applicant has been licensed as an operator, a
 12 chauffeur, or a public passenger chauffeur or has been the holder
 13 of a learner's permit, and if so, when and by what state.
 14 (9) Whether the applicant's license or permit has ever been
 15 suspended or revoked, and if so, the date of and the reason for the
 16 suspension or revocation.
 17 (10) Whether the applicant has been convicted of a crime
 18 punishable as a felony under Indiana motor vehicle law or any
 19 other felony in the commission of which a motor vehicle was
 20 used.
 21 (11) Whether the applicant has a physical or mental disability,
 22 and if so, the nature of the disability and other information the
 23 bureau directs.
 24 (12) The signature of the applicant **showing the applicant's legal**
 25 **name as it appears or will appear on the license or permit.**
 26 **(13) A digital photograph of the applicant.**
 27 The bureau shall maintain records of the information provided under
 28 subdivisions (1) through ~~(12)~~: **(13)**.
 29 (b) For purposes of subsection (a), an individual certified as a
 30 program participant in the address confidentiality program under
 31 IC 5-26.5 is not required to provide the individual's principal address
 32 and mailing address, but may provide an address designated by the
 33 office of the attorney general under IC 5-26.5 as the individual's
 34 principal address and mailing address.
 35 (c) In addition to the information required by subsection (a), an
 36 applicant who is required to complete at least fifty (50) hours of
 37 supervised practice driving under IC 9-24-3-2.5(a)(1)(E) or
 38 IC 9-24-3-2.5(a)(2)(D) must submit to the ~~commission~~ **bureau**
 39 evidence of the time logged in practice driving. The bureau shall
 40 maintain a record of the time log provided.
 41 (d) In addition to the information required under subsection (a), an
 42 application for a license or permit to be issued under this chapter must

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1 enable the applicant to indicate that the applicant is a veteran of the
 2 armed forces of the United States and wishes to have an indication of
 3 the applicant's veteran status appear on the license or permit. An
 4 applicant who wishes to have an indication of the applicant's veteran
 5 status appear on a license or permit must:

- 6 (1) indicate on the application that the applicant:
 7 (A) is a veteran of the armed forces of the United States; and
 8 (B) wishes to have an indication of the applicant's veteran
 9 status appear on the license or permit; and
 10 (2) verify the applicant's veteran status by providing proof of
 11 discharge **or separation, other than a dishonorable discharge,**
 12 **from the armed forces of the United States.**

13 The bureau shall maintain records of the information provided under
 14 this subsection.

15 SECTION 35. IC 9-24-10-1, AS AMENDED BY P.L.145-2011,
 16 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2013]: Sec. 1. An individual who applies for a permit or
 18 license under this chapter and who is required by this chapter to take
 19 an examination shall: ~~upon applying for the permit or license:~~

- 20 (1) appear before a member of the bureau designated by the
 21 commissioner; or
 22 (2) appear before an instructor having an endorsement under
 23 IC 9-27-6-8 who did not instruct the individual applying for the
 24 license or permit in driver education;

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

27 SECTION 36. IC 9-24-10-4, AS AMENDED BY P.L.125-2012,
 28 SECTION 205, IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) Except as provided in
 30 subsection (c), an examination for a learner's permit or driver's license
 31 must include the following:

- 32 (1) A test of the following of the applicant:
 33 (A) Eyesight.
 34 (B) Ability to read and understand highway signs regulating,
 35 warning, and directing traffic.
 36 (C) Knowledge of Indiana traffic laws, including
 37 IC 9-26-1-1.5.
 38 (2) An actual demonstration of the applicant's skill in exercising
 39 ordinary and reasonable control in the operation of a motor
 40 vehicle under the type of permit or license applied for.

41 (b) The examination may include further physical and mental
 42 examination that the bureau finds necessary to determine the

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1 applicant's fitness to operate a motor vehicle safely upon Indiana
2 highways. The applicant must provide the motor vehicle used in the
3 examination.

4 (c) The bureau:

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

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

12 (A) an examination concerning:

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

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

15 (B) a skills test;

16 given by a ~~commercial~~ driver training school or an entity licensed
17 under ~~IC 9-27-6-7~~. **IC 9-27**.

18 (d) The bureau shall adopt rules under IC 4-22-2 specifying
19 requirements for a skills test given under subsection (c) and the testing
20 required under subsection (a)(1)(B) and (a)(1)(C).

21 (e) An instructor having an ~~endorsement a license~~ under
22 IC 9-27-6-8 who did not instruct the applicant for the license or permit
23 in driver education is not civilly or criminally liable for a report made
24 in good faith to the:

25 (1) bureau;

26 (2) commission; or

27 (3) driver licensing medical advisory board;

28 concerning the fitness of the applicant to operate a motor vehicle in a
29 manner that does not jeopardize the safety of individuals or property.

30 SECTION 37. IC 9-24-10-6 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. **(a)** The bureau,
32 before issuing an **initial** or a **renewal** license, **permit, or**
33 **endorsement**, may ~~examine or cause to be examined~~ **require** an
34 applicant for an ~~operator's, a chauffeur's, or a public passenger~~
35 ~~chauffeur's license and an applicant for a renewal of those licenses who~~
36 ~~has a bad driving record. to submit to an examination, an~~
37 **investigation, or both an examination and investigation, under**
38 **section 7 of this chapter.** The bureau may cause the examination or
39 **investigation** to be made whenever it appears from:

40 (1) the face of the application;

41 (2) the apparent physical or mental condition of the applicant; ~~or~~

42 **(3) the records of the bureau; or**

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1 (3) (4) any information that has come to the attention of the
2 bureau;
3 that the applicant does not apparently possess the physical, mental, or
4 other qualifications to operate a motor vehicle in a manner that does
5 not jeopardize the safety of individuals or property.

6 **(b) Upon the conclusion of all examinations or investigations**
7 **under this section, the bureau shall take appropriate action and**
8 **may:**

9 **(1) refuse to issue or reissue the license, permit, endorsement,**
10 **or privileges;**

11 **(2) suspend or revoke the license, permit, endorsement, or**
12 **privileges;**

13 **(3) issue restricted driving privileges subject to restrictions**
14 **the bureau considers necessary in the interest of public safety;**
15 **or**

16 **(4) permit the licensed driver to retain or obtain the license,**
17 **permit, endorsement, or privileges.**

18 **(c) An applicant may appeal an action taken by the bureau**
19 **under this section to the circuit or superior court of the county in**
20 **which the applicant resides.**

21 SECTION 38. IC 9-24-10-7, AS AMENDED BY P.L.210-2005,
22 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2013]: Sec. 7. (a) If the bureau has good cause to believe that
24 a licensed driver is:

25 (1) incompetent; or

26 (2) otherwise ~~not qualified to be licensed;~~ **unfit to operate a**
27 **vehicle;**

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

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

37 (1) shall take appropriate action; and

38 (2) may:

39 (A) suspend or revoke the license **or driving privileges** of the
40 licensed driver;

41 (B) permit the licensed driver to retain the license **or driving**
42 **privileges** of the licensed driver; or

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1 (C) issue a restricted license **driving privileges** subject to
 2 restrictions ~~considered~~ **the bureau considers** necessary in the
 3 interest of public safety.

4 (c) If a licensed driver refuses or neglects to submit to an
 5 examination **or investigation** under this section, the bureau may
 6 suspend or revoke the license **or driving privileges** of the licensed
 7 driver. The bureau may not suspend or revoke the license **or driving**
 8 **privileges** of the licensed driver until a reasonable investigation of the
 9 driver's continued fitness to operate a motor vehicle safely has been
 10 made by the bureau.

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

14 SECTION 39. IC 9-24-11-3.3, AS AMENDED BY P.L.1-2010,
 15 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2013]: Sec. 3.3. (a) This section applies to a probationary
 17 operator's license issued after June 30, 2009.

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

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

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

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

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

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

34 (3) The individual may operate a motor vehicle during the periods
 35 described in subdivisions (1) and (2) if the individual operates the
 36 motor vehicle while:

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

38 (i) lawful employment;

39 (ii) a school sanctioned activity; or

40 (iii) a religious event; or

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

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- 1 (i) at least twenty-five (25) years of age; or
 2 (ii) if the licensed driver is the individual's spouse, at
 3 least twenty-one (21) years of age.
- 4 (4) The individual may not operate a motor vehicle while using a
 5 telecommunications device until the individual becomes eighteen
 6 (18) years of age unless the telecommunications device is being
 7 used to make a 911 emergency call.
- 8 (5) Except as provided in subdivision (6), during the one hundred
 9 eighty (180) days after the issuance of the probationary license,
 10 the individual may not operate a motor vehicle in which there are
 11 passengers until the individual becomes eighteen (18) years of
 12 age unless another individual **accompanied in the front seat of**
 13 **the motor vehicle by:**
- 14 (A) who:
- 15 (i) is at least twenty-five (25) years of age; and
 16 (ii) holds a valid operator's, chauffeur's, public passenger
 17 chauffeur's, or commercial driver's license issued under this
 18 article;
- 19 (B) who is
- 20 (A) a certified driver education instructor; or
 21 (C) who is the parent, guardian, or stepparent of the operator
 22 and is at least twenty-one (21) years of age;
 23 is present in the front seat of the motor vehicle.
- 24 (B) a licensed driver with valid driving privileges who is:
- 25 (i) at least twenty-five (25) years of age; or
 26 (ii) if the licensed driver is the individual's spouse, at
 27 least twenty-one (21) years of age.
- 28 (6) The individual may operate a motor vehicle and transport:
- 29 (A) a child **or stepchild** of the individual;
 30 (B) a sibling of the individual, **including step or half siblings;**
 31 ~~(C) a child and a sibling of the individual;~~
 32 ~~(D) (C) the spouse of the individual; or~~
 33 ~~(E) a child and the spouse of the individual; (D) any~~
 34 **combination of individuals described in clauses (A)**
 35 **through (C);**
- 36 without another accompanying individual present in the motor
 37 vehicle.
- 38 (7) The individual may operate a motor vehicle only if the
 39 individual and each occupant of the motor vehicle are:
- 40 (A) properly restrained by a properly fastened safety belt; or
 41 (B) if the occupant is a child, restrained in a properly fastened
 42 child restraint system according to the manufacturer's

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1 instructions under IC 9-19-11;
 2 properly fastened about the occupant's body at all times when the
 3 motor vehicle is in motion.
 4 (c) An individual who holds a probationary license issued under this
 5 section may **be eligible to** receive an operator's license, a chauffeur's
 6 license, a public passenger chauffeur's license, or a commercial driver's
 7 license when the individual is at least eighteen (18) years of age.
 8 (d) Except as provided in IC 9-24-12-1(e), a probationary license
 9 issued under this section:
 10 (1) expires at midnight of the date thirty (30) days after the
 11 twenty-first birthday of the holder; and
 12 (2) may not be renewed.
 13 SECTION 40. IC 9-24-11-4, AS AMENDED BY P.L.184-2007,
 14 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2013]: Sec. 4. (a) An individual may not have more than one
 16 (1) ~~valid~~ driver's license **or identification card** at a time.
 17 (b) An individual may not hold a driver's license and an
 18 identification card ~~issued under IC 9-24-16~~ at the same time.
 19 SECTION 41. IC 9-24-11-5, AS AMENDED BY P.L.109-2011,
 20 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2013]: Sec. 5. (a) Except as provided in subsection (h), a
 22 permit or license issued under this chapter must contain the following
 23 information:
 24 (1) The full legal name of the permittee or licensee.
 25 (2) The date of birth of the permittee or licensee.
 26 (3) The address of the principal residence of the permittee or
 27 licensee.
 28 (4) The hair color and eye color of the permittee or licensee.
 29 (5) The date of issue and expiration date of the permit or license.
 30 (6) The gender of the permittee or licensee.
 31 (7) The unique identifying number of the permit or license.
 32 (8) The weight of the permittee or licensee.
 33 (9) The height of the permittee or licensee.
 34 (10) A reproduction of the signature of the permittee or licensee.
 35 (11) If the permittee or licensee is less than eighteen (18) years of
 36 age at the time of issuance, the dates on which the permittee or
 37 licensee will become:
 38 (A) eighteen (18) years of age; and
 39 (B) twenty-one (21) years of age.
 40 (12) If the permittee or licensee is at least eighteen (18) years of
 41 age but less than twenty-one (21) years of age at the time of
 42 issuance, the date on which the permittee or licensee will become

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1 twenty-one (21) years of age.

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

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

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

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

14 (e) This subsection applies to a permit or license issued after
15 January 1, 2007. If the applicant for a permit or license submits
16 information to the bureau concerning the applicant's medical condition,
17 the bureau shall place an identifying symbol on the face of the permit
18 or license to indicate that the applicant has a medical condition of note.
19 The bureau shall include information on the permit or license that
20 briefly describes the medical condition of the holder of the permit or
21 license. The information must be printed in a manner that alerts a
22 person reading the permit or license to the existence of the medical
23 condition. The permittee or licensee is responsible for the accuracy of
24 the information concerning the medical condition submitted under this
25 subsection. The bureau shall inform an applicant that submission of
26 information under this subsection is voluntary.

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

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

- 32 (1) has a valid, unexpired nonimmigrant visa or has nonimmigrant
33 visa status for entry in the United States;
- 34 (2) has a pending application for asylum in the United States;
- 35 (3) has a pending or approved application for temporary protected
36 status in the United States;
- 37 (4) has approved deferred action status; or
- 38 (5) has a pending application for adjustment of status to that of an
39 alien lawfully admitted for permanent residence in the United
40 States or conditional permanent residence status in the United
41 States;

42 must be clearly identified as a temporary license or permit. A

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1 temporary license or permit issued under this subsection may not be
 2 renewed without the presentation of valid documentary evidence
 3 proving that the licensee's or permittee's temporary status has been
 4 extended.

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

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

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

17 (1) indicated on the application that the permittee or licensee is a
 18 veteran of the armed forces of the United States and wishes to
 19 have an indication of the permittee's or licensee's veteran status
 20 appear on the license or permit; and

21 (2) provided proof of discharge **or separation, other than a**
 22 **dishonorable discharge, from the armed forces of the United**
 23 **States;**

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

26 SECTION 43. IC 9-24-11-9, AS AMENDED BY P.L.125-2012,
 27 SECTION 208, IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) This section applies to an
 29 individual who has an existing medical condition that causes the
 30 individual to appear intoxicated.

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

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

39 (1) provided to the bureau at the time the individual applies for ~~an~~
 40 ~~operator's~~ **the** permit or license under this section;

41 (2) carried in any vehicle that the individual operates; and

42 (3) renewed each time the individual's ~~operator's~~ license is

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1 renewed.

2 (d) The bureau ~~shall~~ **may** adopt rules under IC 4-22-2 to carry out

3 this section.

4 SECTION 44. IC 9-24-11-10, AS AMENDED BY P.L.125-2012,

5 SECTION 209, IS AMENDED TO READ AS FOLLOWS

6 [EFFECTIVE JULY 1, 2013]: Sec. 10. (a) In addition to any other

7 penalty imposed for a conviction under section 8(c) of this chapter, the

8 court shall recommend that the person's driving privileges be

9 suspended for a fixed period of at least ninety (90) days and not more

10 than two (2) years.

11 (b) The court shall specify:

12 (1) the length of the fixed period of suspension; and

13 (2) the date the fixed period of suspension begins;

14 whenever the court makes a recommendation under subsection (a). If

15 the court fails to recommend a fixed term of suspension, **or**

16 **recommends a fixed term that is less than the minimum term**

17 **required by statute**, the bureau shall impose the minimum period of

18 suspension required under this chapter.

19 SECTION 45. IC 9-24-11-11, AS AMENDED BY P.L.125-2012,

20 SECTION 210, IS AMENDED TO READ AS FOLLOWS

21 [EFFECTIVE JULY 1, 2013]: Sec. 11. The bureau shall, upon

22 receiving a record of conviction of a person under section 8(c) of this

23 chapter, set a period of suspension for a fixed period of at least ninety

24 (90) days and not more than two (2) years. The bureau shall fix this

25 period in accordance with the recommendation of the court that entered

26 the conviction, as provided in section 10 of this chapter. If the court

27 fails to recommend a fixed term of suspension, **or recommends a fixed**

28 **term that is less than the minimum term required by statute**, the

29 bureau shall impose the minimum period of suspension required under

30 this chapter.

31 SECTION 46. IC 9-24-12-3, AS AMENDED BY P.L.3-2008,

32 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

33 JULY 1, 2013]: Sec. 3. (a) Except as provided in sections 11 and 12 of

34 this chapter, a public passenger chauffeur's license issued under this

35 article expires at midnight of the birthday of the holder that occurs four

36 (4) years following the date of issuance.

37 (b) **Except as provided in sections 10, 11, and 12 of this chapter,**

38 **a public passenger chauffeur's license issued under this article to**

39 **an applicant who is at least seventy-five (75) years of age expires at**

40 **midnight of the birthday of the holder that occurs two (2) years**

41 **following the date of issuance.**

42 SECTION 47. IC 9-24-12-5, AS AMENDED BY P.L.125-2012,

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1 SECTION 212, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) Except as provided in
 3 subsection (b), an individual applying for renewal of an operator's, a
 4 chauffeur's, or a public passenger chauffeur's license must apply in
 5 person at a license branch and do the following:

- 6 (1) Pass an eyesight examination.
 7 (2) Pass a written examination if:
 8 (A) the applicant has at least six (6) active points on the
 9 applicant's driving record maintained by the bureau; ~~or~~
 10 (B) the applicant holds a valid operator's license, has not
 11 reached the applicant's twenty-first birthday, and has active
 12 points on the applicant's driving record maintained by the
 13 bureau; **or**
 14 **(C) the applicant is in possession of a driver's license that**
 15 **is expired beyond one hundred eighty (180) days.**

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

- 22 (1) A valid computerized image of the individual must exist
 23 within the records of the bureau.
 24 (2) The previous renewal of the individual's operator's,
 25 chauffeur's, or public passenger chauffeur's license must not have
 26 been by mail or by electronic service.
 27 (3) The application for or previous renewal of the individual's
 28 license must have included a test of the individual's eyesight
 29 approved by the bureau.
 30 (4) If the individual were applying for the license renewal in
 31 person at a license branch, the individual would not be required
 32 under subsection (a)(2) to submit to a written examination.
 33 (5) The individual must be a citizen of the United States, as
 34 shown in the records of the bureau.
 35 (6) There must not have been any change in the:
 36 (A) address; or
 37 (B) name;
 38 of the individual since the issuance or previous renewal of the
 39 individual's operator's, chauffeur's, or public passenger chauffeur's
 40 license.
 41 (7) The operator's, chauffeur's, or public passenger chauffeur's
 42 license of the individual must not be:

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- 1 (A) suspended; or
 2 (B) expired more than one hundred eighty (180) days;
 3 at the time of the application for renewal.
 4 (8) The individual must be less than seventy-five (75) years of age
 5 at the time of the application for renewal.
 6 (c) An individual applying for the renewal of an operator's, a
 7 chauffeur's, or a public passenger chauffeur's license must apply in
 8 person at a license branch under subsection (a) if the individual is not
 9 entitled to apply by mail or by electronic service under rules adopted
 10 under subsection (b).
 11 SECTION 48. IC 9-24-12-6, AS AMENDED BY P.L.76-2009,
 12 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2013]: Sec. 6. (a) As used in this section, "good cause"
 14 includes the following:
 15 (1) Temporarily residing at least fifty (50) miles outside the
 16 boundaries of Indiana.
 17 (2) Serving in the armed forces of the United States.
 18 (b) The bureau may renew a valid Indiana operator's license held by
 19 an individual temporarily residing outside Indiana if the applicant does
 20 the following:
 21 (1) Shows good cause why the license cannot be renewed within
 22 Indiana.
 23 (2) Submits a completed application provided by the bureau and
 24 payment of the fee required in IC 9-29-9.
 25 (3) Submits a written affidavit that affirms that no source
 26 document upon which the operator's license was issued has
 27 changed or been altered since the prior issuance of the operator's
 28 license.
 29 (c) The Indiana operator's license of an individual who is
 30 temporarily residing outside Indiana remains valid for thirty (30) days
 31 beyond the expiration date of that license if the individual meets the
 32 following conditions:
 33 (1) Has applied for a renewal of the license.
 34 (2) Has not been denied a renewal of the license by the bureau.
 35 (d) Upon receiving an application for the renewal of an Indiana
 36 operator's license from an individual temporarily residing outside
 37 Indiana, the bureau shall do the following:
 38 (1) Either renew or deny the renewal of the license within ten (10)
 39 days.
 40 (2) Notify the individual of the decision.
 41 (e) (a) When the Indiana driver's license of an individual who is
 42 temporarily residing outside Indiana because of service in the armed

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1 forces of the United States has expired, the driver's license remains
2 valid for ninety (90) days following the individual's discharge from
3 service in the armed forces or postdeployment in the armed forces. To
4 obtain a renewed driver's license, the individual must do the following:

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

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

11 An individual who held a commercial driver's license that expired
12 during **the individual's** service in the armed forces may renew the
13 commercial driver's license as if the commercial driver's license had
14 not expired but had remained valid during the period of service in the
15 armed forces of the United States.

16 **(b) When the Indiana driver's license of an individual who is**
17 **temporarily residing outside Indiana because of the service of a**
18 **spouse, parent, or guardian in the armed forces of the United**
19 **States has expired, the driver's license remains valid for ninety (90)**
20 **days following the discharge from service in the armed forces or**
21 **end of deployment in the armed forces of the individual's spouse,**
22 **parent, or guardian. To obtain a renewed driver's license, the**
23 **individual must do the following:**

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

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

31 SECTION 49. IC 9-24-12-10, AS AMENDED BY P.L.109-2011,
32 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2013]: Sec. 10. Except as provided in section 11 of this
34 chapter, after June 30, 2005:

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

36 (2) a chauffeur's; **or**

37 **(3) a public passenger chauffeur's;**

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

41 SECTION 50. IC 9-24-15-1, AS AMENDED BY P.L.125-2012,
42 SECTION 215, IS AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2013]: Sec. 1. ~~(a)~~ **Except as provided in**
 2 **subsection (b)**; This chapter does not apply to the following:

3 (1) A suspension of a ~~driving license~~ **driving privileges** upon the
 4 failure of an individual to file security or proof of financial
 5 responsibility following an accident as required by or upon the
 6 failure of any individual to satisfy a judgment for damages arising
 7 out of the use of a motor vehicle on a public highway as provided
 8 for in IC 9-25. **However, if an individual is not otherwise**
 9 **ineligible, a court may grant a petition for restricted driving**
 10 **privileges from an individual who:**

11 (A) **received a request for evidence of financial**
 12 **responsibility after:**

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

14 (ii) **a conviction of a motor vehicle violation under**
 15 **IC 9-25-9-1; and**

16 (B) **failed to provide proof of financial responsibility under**
 17 **IC 9-25-6;**

18 **only if the individual shows by a preponderance of the**
 19 **evidence that the failure to maintain financial responsibility**
 20 **was inadvertent.**

21 (2) When suspension of **driving privileges** is by reason of:

22 (A) physical, mental, or emotional instability;

23 (B) having caused serious bodily injury to or the death of
 24 another person when operating a motor vehicle after
 25 knowingly or intentionally failing to take prescribed
 26 medication, the taking of which was a condition of the
 27 issuance of the operator's restricted driver's license; or

28 (C) the applicant has been convicted of involuntary
 29 manslaughter or reckless homicide as a result of an automobile
 30 accident.

31 (3) A suspension of the ~~license~~ **driving privileges** of an applicant
 32 whose license has been previously suspended **more than one (1)**
 33 **time.**

34 (4) A suspension of the ~~license~~ **driving privileges** of an applicant
 35 who has failed to use timely appeal procedures provided by the
 36 bureau.

37 (5) After June 30, 2005, a suspension of the ~~license~~ **driving**
 38 **privileges** of an applicant whose commercial driver's license has
 39 been disqualified under 49 CFR 383.51 or other applicable
 40 federal or state law, including an alcohol or a controlled substance
 41 conviction under IC 9-30-5-4 or 49 CFR 391.15.

42 (6) **A person who is a habitual violator of traffic laws under**

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1 **IC 9-30-10.**

2 (b) A court may grant a petition for restricted driving privileges
3 from an individual who:

4 (1) received a request for evidence of financial responsibility
5 after:

6 (A) an accident under IC 9-25-5-2; or

7 (B) a conviction of a motor vehicle violation under
8 IC 9-25-9-1; and

9 (2) failed to provide proof of financial responsibility under
10 IC 9-25-6;

11 if the individual shows by a preponderance of the evidence that the
12 failure to maintain financial responsibility was inadvertent.

13 SECTION 51. IC 9-24-15-2, AS AMENDED BY P.L.125-2012,
14 SECTION 216, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2013]: Sec. 2. If:

16 (1) an individual's driving license ~~has~~ **privileges have** been
17 suspended under Indiana motor vehicle law;

18 (2) because of the nature of the individual's employment, the
19 suspension would work an undue hardship and burden upon the
20 individual's family or dependents; and

21 (3) the individual is ~~eligible~~ **not ineligible** for restricted driving
22 privileges under section 1 of this chapter;

23 the individual may file a verified petition for restricted driving
24 privileges for the sole purpose of driving to and from work and in the
25 course of employment during the period of the driving license
26 suspension.

27 SECTION 52. IC 9-24-15-3, AS AMENDED BY P.L.125-2012,
28 SECTION 217, IS AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2013]: Sec. 3. The following information must
30 be included in a petition filed under section 2 of this chapter:

31 (1) The petitioner's age, place of residence, and occupation.

32 (2) That the petitioner has never been convicted of a similar
33 offense or been previously suspended **more than one (1) time**.

34 (3) The reason and nature of the hardship or burden upon the
35 petitioner's family or dependents.

36 (4) The nature of and the necessity of the use of a motor vehicle
37 in the petitioner's employment.

38 (5) The petitioner's place of employment, hours worked, and route
39 to be traveled for employment purposes.

40 (6) A certified copy of the petitioner's driving record in Indiana
41 and other states in which the petitioner has held driving
42 privileges, including all states in which the petitioner has held a

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commercial driver's license.
(7) **If applicable**, a verified statement that the petitioner meets eligibility requirements for a restricted license driving privileges as set forth in section 6.5 of this chapter.

SECTION 53. IC 9-24-15-6.5, AS AMENDED BY P.L.125-2012, SECTION 220, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6.5. (a) The court shall grant a petition for restricted driving privileges filed under this chapter **by a person whose driving privileges were suspended under IC 9-30-6-9(c) or IC 35-48-4-15** if all of the following conditions exist:

- (1) The person was not convicted of one (1) or more of the following:
 - (A) A Class D felony under IC 9-30-5-4 before July 1, 1996, or a Class D felony or a Class C felony under IC 9-30-5-4 after June 30, 1996.
 - (B) A Class C felony under IC 9-30-5-5 before July 1, 1996, or a Class C felony or a Class B felony under IC 9-30-5-5 after June 30, 1996.
- ~~(2) The person's driving privileges were suspended under IC 9-30-6-9(c) or IC 35-48-4-15.~~
- ~~(3)~~ **(2)** The driving that was the basis of the suspension was not in connection with the person's work.
- ~~(4)~~ **(3)** The person does not have a previous conviction for operating while intoxicated.
- (4) The driving privileges of the person have not previously been suspended more than one (1) time for any reason.**
- (5) The person is participating in a rehabilitation program certified by either the division of mental health and addiction or the Indiana judicial center.

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

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

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1 privileges.

2 (d) If a court requires installation of a certified ignition interlock

3 device under subsection (c), the court shall order the bureau to record

4 this requirement in the person's driving record in accordance with

5 IC 9-14-3-7. When the person is no longer required to operate only a

6 motor vehicle equipped with an ignition interlock device, the court

7 shall notify the bureau that the ignition interlock use requirement has

8 expired and order the bureau to update its records accordingly.

9 SECTION 54. IC 9-24-15-6.7, AS AMENDED BY P.L.125-2012,

10 SECTION 221, IS AMENDED TO READ AS FOLLOWS

11 [EFFECTIVE JULY 1, 2013]: Sec. 6.7. (a) If a petitioner whose driving

12 ~~license or permit is~~ **privileges are** suspended under IC 9-30-13-6,

13 IC 9-30-13-7, or IC 9-30-13-8 proves to the satisfaction of the court

14 that public transportation is unavailable for travel by the petitioner:

15 (1) to and from the petitioner's regular place of employment;

16 (2) in the course of the petitioner's regular employment;

17 (3) to and from the petitioner's place of worship; or

18 (4) to participate in parenting time with the petitioner's children

19 consistent with a court order granting parenting time;

20 the court may grant a petition for restricted driving privileges filed

21 under this chapter.

22 (b) Restricted driving privileges issued by the bureau under this

23 section must specify that the restricted driving privileges are valid only

24 for purposes of driving under the conditions described in subsection

25 (a).

26 (c) Restricted driving privileges issued by the bureau under this

27 section shall be:

28 (1) issued in the same manner; and

29 (2) subject to all requirements;

30 as other permits under this chapter.

31 SECTION 55. IC 9-24-15-11, AS AMENDED BY P.L.125-2012,

32 SECTION 225, IS AMENDED TO READ AS FOLLOWS

33 [EFFECTIVE JULY 1, 2013]: Sec. 11. (a) A person who:

34 (1) has been granted restricted driving privileges; and

35 (2) operates a motor vehicle:

36 (A) in violation of the terms, limitations, or restrictions set out

37 by the court; and

38 (B) during the period of suspension of the person's current

39 driving license;

40 commits a Class B misdemeanor.

41 (b) The bureau shall, upon receipt of notice of a conviction for a

42 violation of this section, do the following:

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- 1 (1) Revoke the person's restricted driving privileges.
- 2 (2) Suspend the person's current driving license for ~~two (2) years~~
- 3 ~~in addition to the original existing period of suspension.~~ **any**
- 4 **additional suspension period designated by the court.**
- 5 In addition, the bureau may not issue restricted driving privileges to the
- 6 person during the original existing or **any** additional period of
- 7 suspension.
- 8 SECTION 56. IC 9-24-16-2, AS AMENDED BY P.L.125-2012,
- 9 SECTION 226, IS AMENDED TO READ AS FOLLOWS
- 10 [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) An application for an
- 11 identification card issued under this chapter must require the following
- 12 information concerning an applicant:
- 13 (1) The full legal name of the applicant.
- 14 (2) The applicant's date of birth.
- 15 (3) The gender of the applicant.
- 16 (4) The applicant's height, weight, hair color, and eye color.
- 17 (5) The principal address and mailing address of the applicant.
- 18 (6) A:
- 19 (A) valid Social Security number; or
- 20 (B) verification of an applicant's:
- 21 (i) ineligibility to be issued a Social Security number; and
- 22 (ii) identity and lawful status.
- 23 (7) A digital photograph of the applicant.
- 24 (8) The signature of the applicant **showing the applicant's legal**
- 25 **name as it will appear on the identification card.**
- 26 The bureau shall maintain records of the information provided under
- 27 subdivisions (1) through (8).
- 28 (b) The bureau may invalidate an identification card that the bureau
- 29 believes to have been issued as a result of fraudulent documentation.
- 30 (c) The bureau:
- 31 (1) shall adopt rules under IC 4-22-2 to establish a procedure to
- 32 verify an applicant's identity and lawful status; and
- 33 (2) may adopt rules to establish a procedure to temporarily
- 34 invalidate an identification card that it believes to have been
- 35 issued based on fraudulent documentation.
- 36 (d) For purposes of subsection (a), an individual certified as a
- 37 program participant in the address confidentiality program under
- 38 IC 5-26.5 is not required to provide the individual's principal address
- 39 and mailing address, but may provide an address designated by the
- 40 office of the attorney general under IC 5-26.5 as the individual's
- 41 principal address and mailing address.
- 42 (e) In addition to the information required under subsection (a), an

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1 application for an identification card to be issued under this chapter
 2 must enable the applicant to indicate that the applicant is a veteran of
 3 the armed forces of the United States and wishes to have an indication
 4 of the applicant's veteran status appear on the identification card. An
 5 applicant who wishes to have an indication of the applicant's veteran
 6 status appear on the identification card must:

7 (1) indicate on the application that the applicant:

8 (A) is a veteran of the armed forces of the United States; and

9 (B) wishes to have an indication of the applicant's veteran
 10 status appear on the identification card; and

11 (2) verify the applicant's veteran status by providing proof of
 12 discharge **or separation, other than a dishonorable discharge,**
 13 **from the armed forces of the United States.**

14 The bureau shall maintain records of the information provided under
 15 this subsection.

16 SECTION 57. IC 9-24-16-3, AS AMENDED BY P.L.125-2012,
 17 SECTION 227, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) An identification card must
 19 have the same dimensions and shape as a driver's license, but the card
 20 must have markings sufficient to distinguish the card from a driver's
 21 license.

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

26 (1) Full legal name.

27 (2) The address of the principal residence.

28 (3) Date of birth.

29 (4) Date of issue and date of expiration.

30 (5) Unique identification number.

31 (6) Gender.

32 (7) Weight.

33 (8) Height.

34 (9) Color of eyes and hair.

35 (10) Reproduction of the signature of the individual identified.

36 (11) Whether the individual is blind (as defined in
 37 IC 12-7-2-21(1)).

38 (12) If the individual is less than eighteen (18) years of age at the
 39 time of issuance, the dates on which the individual will become:

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

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

42 (13) If the individual is at least eighteen (18) years of age but less

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1 than twenty-one (21) years of age at the time of issuance, the date
2 on which the individual will become twenty-one (21) years of age.

3 (14) Digital photograph of the individual.

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

8 (d) If the individual:

9 (1) has indicated on the application that the individual is a veteran
10 of the armed forces of the United States and wishes to have an
11 indication of the applicant's veteran status appear on the
12 identification card; and

13 (2) has provided proof of **any discharge or separation, other**
14 **than a dishonorable discharge, from the armed forces of the**
15 **United States;**

16 an indication of the individual's veteran status shall be shown on the
17 identification card.

18 (e) If the applicant for an identification card submits information to
19 the bureau concerning the applicant's medical condition, the bureau
20 shall place an identifying symbol on the face of the identification card
21 to indicate that the applicant has a medical condition of note. The
22 bureau shall include information on the identification card that briefly
23 describes the medical condition of the holder of the card. The
24 information must be printed in a manner that alerts a person reading the
25 card to the existence of the medical condition. The applicant for an
26 identification card is responsible for the accuracy of the information
27 concerning the medical condition submitted under this subsection. The
28 bureau shall inform an applicant that submission of information under
29 this subsection is voluntary.

30 (f) An identification card issued by the state to an individual who:

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

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

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

36 (4) has approved deferred action status; or

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

41 must be clearly identified as a temporary identification card. A
42 temporary identification card issued under this subsection may not be

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1 renewed without the presentation of valid documentary evidence
 2 proving that the holder of the identification card's temporary status has
 3 been extended.

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

10 SECTION 58. IC 9-24-16-10, AS AMENDED BY P.L.125-2012,
 11 SECTION 231, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2013]: Sec. 10. (a) The bureau may adopt rules
 13 under IC 4-22-2 and prescribe all forms necessary to implement this
 14 chapter. However, the bureau may not impose a fee for the issuance of:

- 15 (1) an original;
- 16 (2) a renewal of an; ~~or~~
- 17 (3) a replacement; **or**
- 18 **(4) an amended;**

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

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

- 22 (1) does not have a valid Indiana driver's license; and
- 23 (2) will be at least eighteen (18) years of age and eligible to vote
 24 in the next general, municipal, or special election.

25 SECTION 59. IC 9-24-18-1, AS AMENDED BY P.L.125-2012,
 26 SECTION 235, IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) A person, except a person
 28 exempted under IC 9-24-1-7, who knowingly or intentionally operates
 29 a motor vehicle upon a highway and has never received a valid driving
 30 license commits a Class C misdemeanor. However, the offense is a
 31 Class A misdemeanor if the person has a prior unrelated conviction
 32 under this section.

33 (b) In addition to any other penalty imposed for a conviction under
 34 this section, the court shall recommend that the person be prohibited
 35 from receiving a valid driving license for a fixed period of at least
 36 ninety (90) days and not more than two (2) years.

37 (c) The court shall specify:

- 38 (1) the length of the fixed period of the prohibition; and
- 39 (2) the date the fixed period of the prohibition begins;

40 whenever the court makes a recommendation under subsection (b).

41 (d) The bureau shall, upon receiving a record of conviction of a
 42 person upon a charge of operating a motor vehicle while never having

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1 received a valid driving license, prohibit the person from receiving a
 2 driving license **by placing a suspension of driving privileges on the**
 3 **person's record** for a fixed period of at least ninety (90) days and not
 4 more than two (2) years. The bureau shall fix this period in accordance
 5 with the recommendation of the court that entered the conviction, as
 6 provided in subsection (c). If the court fails to recommend a fixed term
 7 of suspension, **or recommends a fixed term that is less than the**
 8 **minimum term required by statute**, the bureau shall impose the
 9 minimum period of suspension required under this chapter.

10 (e) In a prosecution under this section, the burden is on the
 11 defendant to prove by a preponderance of the evidence that the
 12 defendant had been issued a **driving driver's** license or permit that was
 13 valid at the time of the alleged offense.

14 SECTION 60. IC 9-24-18-3, AS AMENDED BY P.L.125-2012,
 15 SECTION 236, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) A person that has a motor
 17 vehicle in the person's custody may not cause or knowingly permit a
 18 person to **drive operate** the vehicle upon a highway unless the person
 19 holds a valid license or permit under this article **for the type of vehicle**
 20 **that the person is operating.**

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

22 SECTION 61. IC 9-24-18-4 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) A person may not
 24 authorize or knowingly permit a motor vehicle owned by the person or
 25 under the person's control to be **driven operated** by a person who does
 26 not have a legal right to do so or in violation of this title.

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

28 SECTION 62. IC 9-24-18-9, AS AMENDED BY P.L.125-2012,
 29 SECTION 238, IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) The bureau may establish a
 31 driving record for an Indiana resident who does not hold any type of
 32 valid driving license. The driving record shall be established for an
 33 unlicensed driver when **the bureau receives** an abstract of court
 34 conviction ~~has been received by the bureau.~~ **for the type of conviction**
 35 **that would appear on an official driver's record.**

36 (b) If an unlicensed driver applies for and receives any type of
 37 **driving driver's** license in Indiana, the person's driving record as an
 38 unlicensed driver shall be recorded on the permanent record file. An
 39 unlicensed driver who has had at least two (2) traffic violation
 40 convictions in Indiana within twenty-four (24) months before applying
 41 for any type of **driving driver's** license may not be issued a license
 42 within one (1) year after the date of the second traffic conviction as

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1 indicated on the abstract of court conviction record. If the bureau issues
 2 a license without knowledge of the second conviction, the bureau shall
 3 suspend the license **for one (1) year** upon learning of the second
 4 conviction and notify the person of the reason for the suspension and
 5 the term of the suspension.

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

9 SECTION 63. IC 9-24-18-12, AS AMENDED BY P.L.125-2012,
 10 SECTION 239, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2013]: Sec. 12. Upon receipt of a court order
 12 under IC 7.1-5-7-7 (minor possessing, consuming, or transporting
 13 alcohol or having alcohol present in a bodily substance), the bureau
 14 shall suspend the minor's driving privileges for the period ordered by
 15 the court. **If the court fails to recommend a fixed term of**
 16 **suspension, or recommends a fixed term that is less than the**
 17 **minimum term required by statute, the bureau shall impose the**
 18 **minimum period of suspension required under IC 7.1-5-7.**

19 SECTION 64. IC 9-24-19-5, AS AMENDED BY P.L.125-2012,
 20 SECTION 240, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) In addition to any other
 22 penalty imposed for a conviction under this chapter, the court shall
 23 recommend that the person's driving privileges be suspended for a
 24 fixed period of not less than ninety (90) days and not more than two (2)
 25 years.

26 (b) The court shall specify:

- 27 (1) the length of the fixed period of suspension; and
- 28 (2) the date the fixed period of suspension begins;

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

30 (c) The bureau shall, upon receiving a record of conviction of a
 31 person upon a charge of driving a motor vehicle while the driving
 32 privileges, permit, or license of the person is suspended, fix the period
 33 of suspension in accordance with the recommendation of the court. If
 34 the court fails to recommend a fixed term of suspension, **or**
 35 **recommends a fixed term that is less than the minimum term**
 36 **required by statute**, the bureau shall impose the minimum period of
 37 suspension required under this chapter.

38 SECTION 65. IC 9-24-19-7 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. In a prosecution
 40 under this chapter, the burden is on the defendant to prove by a
 41 preponderance of the evidence that the defendant had been issued a
 42 ~~driving~~ **driver's** license or permit that was valid at the time of the

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1 alleged offense.

2 SECTION 66. IC 9-27-6-3, AS ADDED BY P.L.145-2011,
3 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2013]: Sec. 3. (a) As used in this chapter, "~~commercial~~" driver
5 training school" means:

6 (1) a business enterprise that:

7 (1) (A) is conducted by an individual, an association, a
8 partnership, a limited liability company, or a corporation for
9 the education and training of persons, practically or
10 theoretically, or both, to operate or drive motor vehicles or to
11 prepare an applicant for an examination or validation under
12 IC 9-24 for a driver's license; and

13 (2) (B) charges consideration or tuition for the provision of
14 services; or

15 (2) a driver education program operated under the authority
16 of:

17 (A) a school corporation (as defined in IC 36-1-2-17);

18 (B) a nonpublic secondary school that voluntarily becomes
19 accredited under IC 20-19-2-8;

20 (C) a nonpublic secondary school recognized under
21 IC 20-19-2-10;

22 (D) a postsecondary proprietary educational institution (as
23 defined in IC 22-4.1-21-9);

24 (E) a postsecondary credit bearing proprietary educational
25 institution (as defined in IC 21-18.5-2-12);

26 (F) a state educational institution (as defined in
27 IC 21-7-13-32); or

28 (G) a nonaccredited nonpublic school.

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

32 SECTION 67. IC 9-27-6-4, AS AMENDED BY P.L.107-2012,
33 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2013]: Sec. 4. As used in this chapter, "instructor" means the
35 following:

36 (1) An individual, whether acting as the operator of a ~~commercial~~
37 driver training school or on behalf of a ~~commercial~~ driver training
38 school, who for compensation teaches, conducts classes for, gives
39 demonstrations to, or supervises the practice of individuals
40 learning to operate or drive motor vehicles or preparing to take an
41 examination for a driver's license.

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

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- 1 (3) An individual licensed under IC 20-28-5-1.
- 2 (4) An individual under the authority of a postsecondary
- 3 proprietary educational institution (as defined in IC 22-4.1-21-9)
- 4 or a postsecondary credit bearing proprietary educational
- 5 institution (as defined in IC 21-18.5-2-12) who is teaching,
- 6 conducting classes for, giving demonstrations to, or supervising
- 7 the practice of individuals learning to operate or drive motor
- 8 vehicles or preparing to take an examination for a driver's license.
- 9 (5) An individual under the authority of a state educational
- 10 institution (as defined in IC 21-7-13-32) who is teaching,
- 11 conducting classes for, giving demonstrations to, or supervising
- 12 the practice of individuals learning to operate or drive motor
- 13 vehicles or preparing to take an examination for a driver's license.

14 SECTION 68. IC 9-27-6-6, AS ADDED BY P.L.145-2011,
 15 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2013]: Sec. 6. (a) To establish or operate a ~~commercial~~ driver
 17 training school, the ~~commercial~~ driver training school must obtain a
 18 ~~commercial~~ driver training school license from the bureau in the
 19 manner and form prescribed by the bureau.

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

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

- 28 (1) a school corporation (as defined in IC 36-1-2-17);
- 29 (2) a nonpublic secondary school that voluntarily becomes
- 30 accredited under IC 20-19-2-8;
- 31 (3) a nonpublic secondary school recognized under
- 32 IC 20-19-2-10;
- 33 (4) a state educational institution; or
- 34 (5) a nonaccredited nonpublic school.

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

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

42 SECTION 69. IC 9-27-6-7 IS REPEALED [EFFECTIVE JULY 1,

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1 2013]. Sec. 7. (a) To establish or operate a driver education program
2 under the authority of a:

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

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

15 (b) Subject to subsection (c), the bureau shall adopt rules under
16 IC 4-22-2 that state the requirements for obtaining a school license.
17 The rules adopted must be substantially equivalent to rules adopted
18 under section 6(b) of this chapter.

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

22 SECTION 70. IC 9-27-6-8, AS ADDED BY P.L.145-2011,
23 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2013]: Sec. 8. (a) To be eligible to act as a driver education
25 instructor, an individual must obtain an instructor's **endorsement**
26 **license** from the bureau in the manner and form prescribed by the
27 bureau.

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

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

- 36 (1) meets the requirements of subsection (a) and rules adopted
37 under subsection (b);
38 (2) does not have more than the maximum number of points for
39 violating traffic laws specified by the bureau by rules adopted
40 under IC 4-22-2; and
41 (3) has a good moral character, physical condition, knowledge of
42 the rules of the road, and work history.

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

3 SECTION 71. IC 9-27-6-9, AS ADDED BY P.L.145-2011,
 4 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2013]: Sec. 9. (a) A license issued under section 6 **or 7 or 8**
 6 of this chapter ~~or an endorsement issued under section 8 of this chapter~~
 7 expires on the last day of the fiscal year **in even numbered years** and
 8 may be renewed upon application to the bureau.

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

12 (c) A license ~~or endorsement~~ fee may not be refunded if the license
 13 ~~or endorsement~~ application is rejected or the license is suspended or
 14 revoked.

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

18 SECTION 72. IC 9-27-6-10, AS ADDED BY P.L.145-2011,
 19 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2013]: Sec. 10. The bureau may refuse to issue, refuse to
 21 renew, cancel, suspend, or revoke a license ~~or an endorsement~~ issued
 22 under this chapter if it is shown that the person:

- 23 (1) who applied for the license ~~or endorsement~~ does not meet the
- 24 requirements necessary to obtain the license; ~~or endorsement;~~
- 25 (2) no longer meets the requirements necessary to maintain the
- 26 license; ~~or endorsement;~~ or
- 27 (3) has willfully violated this chapter or a rule adopted by the
- 28 bureau concerning driver education instruction.

29 SECTION 73. IC 9-27-6-11, AS ADDED BY P.L.145-2011,
 30 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2013]: Sec. 11. In addition to adopting rules under sections
 32 6(b), ~~7(b)~~, 8(b), and 9(b) of this chapter, the bureau shall adopt rules
 33 under IC 4-22-2 concerning the following:

- 34 (1) Methods and procedures for the investigation and evaluation
- 35 of the qualifications of individuals applying for licenses under
- 36 sections 6 and **7 8** of this chapter. ~~and endorsements under section~~
 37 ~~8 of this chapter.~~
- 38 (2) The criteria upon which to issue, deny, suspend, renew, and
- 39 revoke licenses ~~and endorsements~~ under section 10 of this
- 40 chapter, including requirements for continuing education for
- 41 instructors.
- 42 (3) Procedures for:

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- 1 (A) the investigation into potential grounds for; and
 2 (B) conduct of hearings on;
 3 the issuance, renewal, cancellation, suspension, or revocation of
 4 a license. ~~or an endorsement.~~
 5 (4) Standards for classroom and in-car driver education
 6 curriculum (including classroom instruction, Internet instruction,
 7 and practice driving) and equipment. Classroom instruction
 8 standards established under this subdivision must provide for
 9 instruction about:
 10 (A) railroad-highway grade crossing safety; and
 11 (B) the procedure for participation in the human organ donor
 12 program;
 13 and must limit classroom instruction to students at least fifteen
 14 (15) years of age.
 15 (5) Limitations on the number of:
 16 (A) hours an instructor may teach in a day; and
 17 (B) classroom and driving hours in which a driver education
 18 student may participate during a day.
 19 (6) Programs to improve parental involvement in driver
 20 education.
 21 (7) Establishment and maintenance of standards for instructors of
 22 driver education, including:
 23 (A) secondary school driver education instructors;
 24 (B) commercial driver training school instructors; and
 25 (C) higher education driver education instructors.
- 26 SECTION 74. IC 9-27-7-6, AS ADDED BY P.L.145-2011,
 27 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2013]: Sec. 6. (a) The commissioner shall appoint a five (5)
 29 member advisory committee consisting of at least three (3) active
 30 motorcyclists to serve in an advisory capacity to the program.
 31 **(b) A member of the advisory board serves a three (3) year**
 32 **term. A member may not serve more than two (2) consecutive full**
 33 **terms. Each member serves until the member's successor is**
 34 **appointed and qualified.**
 35 **(c) A member of the advisory board may be removed for good**
 36 **cause.**
 37 **(d) A vacancy on the advisory board shall be filled by the**
 38 **appointment by the commissioner of an individual to fill the**
 39 **position to which the vacating member was appointed under**
 40 **subsection (a) for the vacating member's unexpired term.**
 41 **(e) A member of the advisory board is not subject to liability in**
 42 **a civil action for bodily injury or property damage arising from or**

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1 **thought to have arisen from an action taken in good faith as a**
2 **member of the advisory board.**

3 SECTION 75. IC 9-30-2-7 IS REPEALED [EFFECTIVE JULY 1,
4 2013]. Sec. 7: (a) The:

- 5 (1) superintendent of the state police department;
- 6 (2) police chief of each city or the police chief's designee;
- 7 (3) sheriff of each county; and
- 8 (4) town marshal or police chief of each town;

9 shall report to the bureau immediately the arrest of a person for a
10 violation of an Indiana law or a city ordinance relating to the operation
11 of motor vehicles upon the highways.

12 (b) The report must state the following:

- 13 (1) The offense with which the operator or driver is charged;
- 14 (2) The court in which pending;
- 15 (3) The names of all available witnesses to the violation;
- 16 (4) The name and address of the operator;
- 17 (5) If the operator is the holder of a license, the following:
 - 18 (A) The kind of license and license number;
 - 19 (B) The license plate number of the vehicle operated by the
20 operator;

21 (c) The bureau shall cause the report:

- 22 (1) to be filed in the bureau; and
- 23 (2) retained for at least two (2) years.

24 (d) The bureau shall prescribe and the bureau shall furnish the form
25 of the report required by this section:

26 SECTION 76. IC 9-30-3-4 IS REPEALED [EFFECTIVE JULY 1,
27 2013]. Sec. 4: As used in this chapter, "nonmoving traffic offense"
28 means a violation of a statute, an ordinance, or a regulation concerning
29 the following:

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

32 SECTION 77. IC 9-30-3-5 IS REPEALED [EFFECTIVE JULY 1,
33 2013]. Sec. 5: As used in this chapter, "traffic offense" means a
34 violation of a statute, an ordinance, or a regulation relating to the
35 operation or use of motor vehicles and any violation of a statute, an
36 ordinance, or a regulation relating to the use of streets and highways by
37 pedestrians or by the operation of any other vehicle:

38 SECTION 78. IC 9-30-3-8, AS AMENDED BY P.L.125-2012,
39 SECTION 324, IS AMENDED TO READ AS FOLLOWS
40 [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) The court may issue a warrant
41 for the arrest of a defendant who is an Indiana resident and who fails
42 to appear or answer a traffic information and summons or a complaint

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1 and summons served upon the defendant. If the warrant is not executed
 2 within thirty (30) days after issue, the court shall promptly forward the
 3 court copy of the traffic information and summons or complaint and
 4 summons to the bureau indicating that the defendant failed to appear
 5 in court as ordered. The court shall then mark the case as failure to
 6 appear on the court's records.

7 (b) If a defendant who is not an Indiana resident fails to appear or
 8 answer a traffic summons served upon the defendant and upon which
 9 the information or complaint has been filed thirty (30) days after the
 10 return date of the information and summons or complaint and
 11 summons, the court shall promptly forward the court copy of the traffic
 12 information and summons or complaint and summons to the bureau.
 13 The bureau shall notify the motor vehicle commission of the state of
 14 the nonresident defendant of the defendant's failure to appear and also
 15 of any action taken by the bureau relative to the Indiana driving
 16 privileges of the defendant. If the defendant fails to appear or otherwise
 17 answer within thirty (30) days, the court shall mark the case as failure
 18 to appear on the court's records.

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

- 21 (1) violation of a traffic ordinance; or
 22 (2) commission of a traffic infraction;

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

26 (d) If the bureau receives a copy of the traffic information and
 27 summons or complaint and summons for failure to appear in court
 28 **under subsection (a) or (b)** or a notice of failure to pay under
 29 subsection (c), either on a form prescribed by the bureau or in an
 30 electronic format prescribed by the division of state court
 31 administration, the bureau shall suspend the driving privileges of the
 32 defendant until the defendant appears in court and the case has been
 33 disposed of, or until the date payment is received by the court. The
 34 order of suspension may be served upon the defendant by mailing the
 35 order by first class mail to the defendant at the last address shown for
 36 the defendant in the records of the bureau. ~~The order takes effect on the~~
 37 ~~date the order is mailed.~~

38 (e) For nonresidents of Indiana, the order of suspension shall be
 39 mailed to the defendant at the address given to the arresting officer or
 40 the clerk of court by the defendant as shown by the traffic information
 41 or complaint. ~~The order takes effect on the date of mailing.~~ A copy of
 42 the order shall also be sent to the motor vehicle bureau of the state of

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1 the nonresident defendant. If:

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

4 (2) the defendant subsequently appears in court to answer the
5 charges against the defendant;

6 the court shall proceed to hear and determine the case in the same
7 manner as other cases pending in the court. Upon final determination
8 of the case, the court shall notify the bureau of the determination either
9 in an electronic format or upon forms prescribed by the bureau. The
10 notification shall be made by the court within ten (10) days after the
11 final determination of the case, and information from the original copy
12 of the traffic information and summons or complaint and summons
13 must accompany the notification.

14 SECTION 79. IC 9-30-3-12, AS AMENDED BY P.L.125-2012,
15 SECTION 326, IS AMENDED TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2013]: Sec. 12. (a) If during any twelve (12)
17 month period a person has committed moving traffic violations for
18 which the person has:

19 (1) been convicted of at least two (2) traffic misdemeanors;

20 (2) had at least two (2) traffic judgments entered against the
21 person; or

22 (3) been convicted of at least one (1) traffic misdemeanor and has
23 had at least one (1) traffic judgment entered against the person;

24 the bureau may require the person to attend and satisfactorily complete
25 a ~~defensive driving school~~ **driver safety** program approved by the
26 bureau. The person shall pay all applicable fees required by the bureau.

27 (b) This subsection applies to an individual who holds a
28 probationary license under IC 9-24-11-3.3 or is less than eighteen (18)
29 years of age. An individual is required to attend and satisfactorily
30 complete a ~~defensive driving school~~ **driver safety** program approved
31 by the bureau if either of the following occurs at least twice or if both
32 of the following have occurred when the individual was less than
33 eighteen (18) years of age:

34 (1) The individual has been convicted of a moving traffic offense
35 (as defined in section 14(a) of this chapter), other than an offense
36 that solely involves motor vehicle equipment.

37 (2) The individual has been the operator of a motor vehicle
38 involved in an accident for which a report is required to be filed
39 under IC 9-26-2.

40 The individual shall pay all applicable fees required by the bureau.

41 (c) The bureau may suspend the driving privileges of any person
42 who:

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- 1 (1) fails to attend a ~~defensive driving school~~ **driver safety**
- 2 program; or
- 3 (2) fails to satisfactorily complete a ~~defensive driving school~~
- 4 **driver safety** program;
- 5 as required by this section.

6 (d) Notwithstanding IC 33-37-4-2, any court may suspend one-half
 7 (1/2) of each applicable court cost (including fees) for which a person
 8 is liable due to a traffic violation if the person enrolls in and completes
 9 a ~~defensive driving school~~ **driver safety program** or a similar school
 10 conducted by an agency of the state or local government.

11 SECTION 80. IC 9-30-3-14 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 14. ~~(a) As used in this~~
 13 ~~section, "moving traffic offense" means a violation of a statute, an~~
 14 ~~ordinance, or a rule relating to the operation or use of motor vehicles~~
 15 ~~while the motor vehicle is in motion.~~

16 ~~(b)~~ If a court convicts a person for a moving traffic offense and the
 17 person is known or believed by the court not to be the owner of the
 18 motor vehicle, the court shall, within seven (7) days after entering the
 19 conviction, deposit with the United States Postal Service, first class
 20 postage prepaid, notice addressed to the owner of the motor vehicle
 21 giving the owner the following information:

- 22 (1) The name and address of the person convicted.
- 23 (2) The name and address of the owner of the motor vehicle.
- 24 (3) The offense upon which the conviction was made.
- 25 (4) The date of arrest of the person convicted and the location of
- 26 the place of the offense.
- 27 (5) The license plate number of the motor vehicle.
- 28 (6) The operator's or chauffeur's license number of the person
- 29 convicted.
- 30 (7) The date of the conviction and the name of the court making
- 31 the conviction.

32 SECTION 81. IC 9-30-3-16, AS AMENDED BY P.L.125-2012,
 33 SECTION 328, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2013]: Sec. 16. (a) If a person has been found
 35 to have committed a traffic offense, the court may do the following:

- 36 (1) Require the person to attend and satisfactorily complete a
- 37 driver improvement **or safety** course that has been approved by
- 38 the court ~~and the bureau~~ **or by** the bureau.
- 39 (2) Place the person on probation for up to one (1) year.
- 40 (3) Suspend the person's driving privileges for up to thirty (30)
- 41 days **or as otherwise provided in statute.**
- 42 (b) A driver improvement **or safety** course required under

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1 subsection (a) may be financed by assessing a reasonable charge as
 2 determined by the course provider and approved by the bureau.

3 SECTION 82. IC 9-30-4-1 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. Upon any reasonable
 5 ground appearing on the records of the bureau, the bureau may do the
 6 following:

7 (1) Suspend or revoke the current driving **privileges or driver's**
 8 license of any person.

9 (2) Suspend or revoke the certificate of registration and license
 10 plate for any motor vehicle.

11 SECTION 83. IC 9-30-4-6, AS AMENDED BY P.L.125-2012,
 12 SECTION 330, AND AS AMENDED BY P.L.126-2012, SECTION
 13 29, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) Whenever the bureau
 15 suspends or revokes the current driver's license **or driving privileges**
 16 upon receiving a record of the conviction of a person for any offense
 17 under the motor vehicle laws not enumerated under subsection (b), the
 18 bureau may also suspend any of the certificates of registration and
 19 license plates issued for any motor vehicle registered in the name of the
 20 person so convicted. However, the bureau may not suspend the
 21 evidence of registration, unless otherwise required by law, if the person
 22 has given or gives and maintains during the three (3) years following
 23 the date of suspension or revocation proof of financial responsibility in
 24 the future in the manner specified in this section.

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

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

31 (2) Perjury or knowingly making a false affidavit to the
 32 department under this chapter or any other law requiring the
 33 registration of motor vehicles or regulating motor vehicle
 34 operation upon the highways.

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

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

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

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- 1 (6) Possession, distribution, manufacture, cultivation, transfer,
 2 use, or sale of a controlled substance or counterfeit substance, or
 3 attempting or conspiring to possess, distribute, manufacture,
 4 cultivate, transfer, use, or sell a controlled substance or
 5 counterfeit substance.
- 6 (c) The license of a person shall also be suspended upon conviction
 7 in another jurisdiction for any offense described in *subsections*
 8 *subsection* (b)(1), (b)(2), (b)(3), (b)(4), and (b)(5), except if property
 9 damage is less than two hundred dollars (\$200), the bureau may
 10 determine whether the driver's license **or driving privileges** and
 11 certificates of registration and license plates shall be suspended or
 12 revoked. The license of a person shall also be suspended upon
 13 conviction in another jurisdiction for any offense described in
 14 subsection (b)(6).
- 15 (d) A suspension or revocation remains in effect and a new or
 16 renewal license may not be issued to the person and a motor vehicle
 17 may not be registered in the name of the person as follows:
- 18 (1) Except as provided in subdivisions (2), (3), (4), and (5), and
 19 subject to section 6.5 of this chapter, for six (6) months from the
 20 date of conviction or on the date on which the person is otherwise
 21 eligible for a license, whichever is later. Except as provided in
 22 IC 35-48-4-15, this includes a person convicted of a crime for
 23 which the person's **driving privilege or driver's** license is
 24 suspended or revoked under subsection (b)(6).
- 25 (2) Subject to section 6.5 of this chapter, upon conviction of an
 26 offense described in subsection (b)(1), for a fixed period of not
 27 less than two (2) years and not more than five (5) years, to be
 28 fixed by the bureau based upon recommendation of the court
 29 entering a conviction. **If the court fails to recommend a fixed**
 30 **term of suspension, or recommends a fixed term that is less**
 31 **than the minimum term required by statute, the bureau shall**
 32 **impose the minimum period of suspension required under this**
 33 **chapter.** A new or reinstated **driver's** license **or driving**
 34 **privileges** may not be issued to the person unless that person,
 35 within the three (3) years following the expiration of the
 36 suspension or revocation, gives and maintains in force at all times
 37 during the effective period of a new or reinstated license proof of
 38 financial responsibility in the future in the manner specified in
 39 this chapter. However, the liability of the insurance carrier under
 40 a motor vehicle liability policy that is furnished for proof of
 41 financial responsibility in the future as set out in this chapter
 42 becomes absolute whenever loss or damage covered by the policy

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1 occurs, and the satisfaction by the insured of a final judgment for
 2 loss or damage is not a condition precedent to the right or
 3 obligation of the carrier to make payment on account of loss or
 4 damage, but the insurance carrier has the right to settle a claim
 5 covered by the policy. If the settlement is made in good faith, the
 6 amount shall be deductive from the limits of liability specified in
 7 the policy. A policy may not be canceled or annulled with respect
 8 to a loss or damage by an agreement between the carrier and the
 9 insured after the insured has become responsible for the loss or
 10 damage, and a cancellation or annulment is void. The policy may
 11 provide that the insured or any other person covered by the policy
 12 shall reimburse the insurance carrier for payment made on
 13 account of any loss or damage claim or suit involving a breach of
 14 the terms, provisions, or conditions of the policy. If the policy
 15 provides for limits in excess of the limits specified in this chapter,
 16 the insurance carrier may plead against any plaintiff, with respect
 17 to the amount of the excess limits of liability, any defenses that
 18 the carrier may be entitled to plead against the insured. The policy
 19 may further provide for prorating of the insurance with other
 20 applicable valid and collectible insurance. An action does not lie
 21 against the insurance carrier by or on behalf of any claimant under
 22 the policy until a final judgment has been obtained after actual
 23 trial by or on behalf of any claimant under the policy.

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

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

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

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

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

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

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

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- 1 (A) exceeded the speed limit by at least twenty (20) miles per
 2 hour;
 3 (B) committed criminal recklessness with a vehicle
 4 (IC 35-42-2-2); or
 5 (C) engaged in aggressive driving (as defined in
 6 IC 9-21-8-55(b));
 7 while committing the felony, and the person has a prior unrelated
 8 conviction for a felony under ~~IC 35-44-3-3(b)~~; IC 35-44.1-3-1(b),
 9 for two (2) years after the date the person was convicted. The
 10 convicted person has the burden of applying for a new or renewal
 11 license and establishing that the two (2) year period described in
 12 this subdivision and subject to section 6.5 of this chapter has
 13 elapsed.
- 14 (e) The bureau may take action as required in this section upon
 15 receiving satisfactory evidence of a conviction of a person in another
 16 state.
- 17 (f) For the purpose of this chapter, "conviction" includes any of the
 18 following:
 19 (1) A conviction upon a plea of guilty.
 20 (2) A determination of guilt by a jury or court, even if:
 21 (A) no sentence is imposed; or
 22 (B) a sentence is suspended.
 23 (3) A forfeiture of bail, bond, or collateral deposited to secure the
 24 defendant's appearance for trial, unless the forfeiture is vacated.
 25 (4) A payment of money as a penalty or as costs in accordance
 26 with an agreement between a moving traffic violator and a traffic
 27 violations bureau.
- 28 (g) A suspension or revocation under this section or under
 29 ~~IC 9-25-6-8~~ IC 9-30-13-0.5 stands pending appeal of the conviction to
 30 a higher court and may be set aside or modified only upon the receipt
 31 by the bureau of the certificate of the court reversing or modifying the
 32 judgment that the cause has been reversed or modified. However, if the
 33 suspension or revocation follows a conviction in a court of no record
 34 in Indiana, the suspension or revocation is stayed pending appeal of the
 35 conviction to a court of record.
- 36 (h) A person aggrieved by an order or act of the bureau under this
 37 section or ~~IC 9-25-6-8~~ IC 9-30-13-0.5 may file a petition for a court
 38 review.
- 39 SECTION 84. IC 9-30-4-7 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) A person whose:
 41 (1) ~~operator's or chauffeur's~~ **driver's** license; or
 42 (2) certificate of registration or license plate;

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1 has been suspended **or revoked** and has not been reinstated shall
 2 immediately return the **driver's** license, certificate of registration, and
 3 license plate to the bureau. A person who knowingly fails to comply
 4 with this requirement commits a Class C misdemeanor.

5 (b) The bureau may:

6 (1) take possession of a license, certificate of registration, or
 7 license plate upon the suspension **or revocation**; or

8 (2) direct a law enforcement officer to take possession and return
 9 the license, certificate, or license plate to the office of the bureau.

10 (c) All law enforcement officers are authorized as agents of the
 11 bureau to seize the license, certificate of registration, and license plate
 12 of a person who fails to surrender the license, certificate, or license
 13 plate. A law enforcement officer shall notify the bureau of the seizure.

14 SECTION 85. IC 9-30-4-9, AS AMENDED BY P.L.125-2012,
 15 SECTION 333, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) Upon the filing of a complaint
 17 in writing with the bureau against a person holding a current driver's
 18 license or permit or applying for a driver's license, permit, or renewal,
 19 the bureau may cite the person for a hearing to consider the suspension
 20 or revocation of the person's license, permit, or driving privileges upon
 21 any of the following charges **or allegations**:

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

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

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

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

32 (b) Whenever the bureau ~~issues a citation~~ **determines a hearing is**
 33 **necessary** upon a complaint in writing for any of the reasons set out in
 34 this section, the bureau shall immediately notify the licensee or permit
 35 holder of the hearing. The ~~citation notice~~ **notice** must state the time, date, and
 36 place where the hearing will be held and that the licensee or permit
 37 holder has the right to appear and to be heard. At the hearing the
 38 bureau or the deputy or agent may issue an order of suspension or
 39 revocation of, or decline to suspend or revoke, the license, permit, or
 40 driving privileges of the person.

41 (c) The bureau or the deputy or agent may suspend or revoke the
 42 driver's license, permit, or driving privileges of a person and any of the

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1 certificates of registration and license plates for a motor vehicle or
 2 require the person ~~cited~~ to operate for a period of one (1) year under
 3 restricted driving privileges and make the reports the bureau requires.

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

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

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

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

15 (f) The bureau may suspend or revoke the license, permit, or driving
 16 privileges of an Indiana resident for a period of not more than one (1)
 17 year upon receiving notice of the conviction of the person in another
 18 state of an offense that, if committed in Indiana, would be grounds for
 19 the suspension or revocation of the license, permit, or driving
 20 privileges. The bureau may, upon receiving a record of the conviction
 21 in Indiana of a nonresident driver of a motor vehicle of an offense
 22 under Indiana motor vehicle laws, forward a certified copy of the
 23 record to the motor vehicle administrator in the state where the person
 24 convicted is a resident.

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

29 (h) A suspension or revocation under this section stands pending
 30 any proceeding for review of an action of the bureau taken under this
 31 section.

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

36 SECTION 86. IC 9-30-5-10, AS AMENDED BY P.L.125-2012,
 37 SECTION 339, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2013]: Sec. 10. (a) In addition to a criminal
 39 penalty imposed for an offense under this chapter, IC 35-46-9, or
 40 IC 14-15-8 (before its repeal), the court shall, after reviewing the
 41 person's bureau driving record and other relevant evidence, recommend
 42 the suspension of the person's driving privileges for the fixed period of

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1 time specified under this section. The court may require that a period
 2 of suspension recommended under this section be imposed, if
 3 applicable, before a period of incarceration or after a period of
 4 incarceration, or both before and after a period of incarceration, as long
 5 as the suspension otherwise complies with the periods established in
 6 this section.

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

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

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

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

15 (c) If ~~the court finds that~~ the person has a previous conviction of
 16 operating a vehicle or a motorboat while intoxicated and the previous
 17 conviction occurred more than five (5) years but less than ten (10)
 18 years before the conviction under consideration by the court, the court
 19 shall recommend the suspension of the person's driving privileges for
 20 at least one hundred eighty (180) days but not more than two (2) years.
 21 The court may stay the execution of that part of the suspension that
 22 exceeds the minimum period of suspension and grant the person
 23 probationary driving privileges for a period of time equal to the length
 24 of the stay.

25 (d) If ~~the court finds that~~ the person has a previous conviction of
 26 operating a vehicle or a motorboat while intoxicated and the previous
 27 conviction occurred less than five (5) years before the conviction under
 28 consideration by the court, the court shall recommend the suspension
 29 of the person's driving privileges for at least one (1) year but not more
 30 than two (2) years. The court may stay the execution of that part of the
 31 suspension that exceeds the minimum period of suspension and grant
 32 the person probationary driving privileges for a period of time equal to
 33 the length of the stay. If the court grants probationary driving privileges
 34 under this subsection, the court shall order that the probationary driving
 35 privileges include the requirement that the person may not operate a
 36 motor vehicle unless the motor vehicle is equipped with a functioning
 37 certified ignition interlock device under IC 9-30-8. However, the court
 38 may grant probationary driving privileges under this subsection without
 39 requiring the installation of an ignition interlock device if the person is
 40 successfully participating in a court supervised alcohol treatment
 41 program in which the person is taking disulfiram or a similar substance
 42 that the court determines is effective in treating alcohol abuse. The

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1 person granted probationary driving privileges under this subsection
 2 shall pay all costs associated with the installation of an ignition
 3 interlock device unless the sentencing court determines that the person
 4 is indigent.

5 (e) If the conviction under consideration by the court is for an
 6 offense under:

- 7 (1) section 4 of this chapter;
- 8 (2) section 5 of this chapter;
- 9 (3) IC 14-15-8-8(b) (before its repeal);
- 10 (4) IC 14-15-8-8(c) (before its repeal);
- 11 (5) IC 35-46-9-6(b); or
- 12 (6) IC 35-46-9-6(c);

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

15 (f) If the conviction under consideration by the court is for an
 16 offense involving the use of a controlled substance listed in schedule
 17 I, II, III, IV, or V of IC 35-48-2, in which a vehicle was used in the
 18 offense, the court shall recommend the suspension or revocation of the
 19 person's driving privileges for at least six (6) months.

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

26 SECTION 87. IC 9-30-5-12 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 12. (a) If:

- 28 (1) a court recommends suspension of a person's driving
 29 privileges under section 10(b) of this chapter for an offense
 30 committed under this chapter; and
- 31 (2) the person did not refuse to submit to a chemical test offered
 32 under IC 9-30-6-2 during the investigation of the offense;

33 the court may stay the execution of the suspension of the person's
 34 driving privileges and grant the person probationary driving privileges
 35 for one hundred eighty (180) days.

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

38 (c) If:

- 39 (1) a court recommends suspension of a person's driving
 40 privileges under section 10(c), 10(d), or 10(e) of this chapter for
 41 an offense committed under this chapter; and
- 42 (2) the period of suspension recommended by the court exceeds

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1 the minimum permissible fixed period of suspension specified
 2 under section 10 of this chapter;
 3 the court may stay the execution of that part of the suspension that
 4 exceeds the minimum fixed period of suspension and grant the person
 5 probationary driving privileges for a period of time equal to the length
 6 of the stay.

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

11 (e) Before a court may grant probationary driving privileges under
 12 this section, the person to whom the probationary driving privileges
 13 will be granted must meet the burden of proving eligibility to receive
 14 probationary driving privileges.

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

17 SECTION 88. IC 9-30-5-14, AS AMENDED BY P.L.2-2005,
 18 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2013]: Sec. 14. (a) A person whose driving privileges are
 20 suspended under section 10 of this chapter:

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

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

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

31 **(c) The bureau shall designate a period of suspension of driving**
 32 **privileges imposed under section 10 of this chapter as consecutive**
 33 **to any period of suspension imposed under IC 9-30-6-9(b) unless**
 34 **the sentencing order of the court, under subsection (a), in the best**
 35 **interest of society, terminates all or part of the remaining**
 36 **suspension under IC 9-30-6-9(b).**

37 SECTION 89. IC 9-30-6-7 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) If a person
 39 refuses to submit to a chemical test, the arresting officer shall inform
 40 the person that refusal will result in the suspension of the person's
 41 driving privileges.

42 (b) If a person refuses to submit to a chemical test after having been

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1 advised that the refusal will result in the suspension of driving
 2 privileges or submits to a chemical test that results in prima facie
 3 evidence of intoxication, the arresting officer shall do the following:

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

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

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

11 SECTION 90. IC 9-30-6-8, AS AMENDED BY P.L.125-2012,
 12 SECTION 344, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) Whenever a judicial officer
 14 has determined that there was probable cause to believe that a person
 15 has violated IC 9-30-5, IC 35-46-9, or IC 14-15-8 (before its repeal),
 16 the clerk of the court shall forward:

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

18 (2) a bureau certificate as described in section 16 of this chapter;
 19 to the bureau.

20 (b) The probable cause affidavit required under section 7(b)(2) of
 21 this chapter must do the following:

22 (1) Set forth the grounds for the arresting officer's belief that there
 23 was probable cause that the arrested person was operating a
 24 vehicle in violation of IC 9-30-5 or a motorboat in violation of
 25 IC 35-46-9 or IC 14-15-8 (before its repeal).

26 (2) State that the person was arrested for a violation of IC 9-30-5
 27 or operating a motorboat in violation of IC 35-46-9 or IC 14-15-8
 28 (before its repeal).

29 (3) State whether the person:

30 (A) refused to submit to a chemical test when offered; or

31 (B) submitted to a chemical test that resulted in prima facie
 32 evidence that the person was intoxicated.

33 (4) Be sworn to by the arresting officer.

34 (c) Except as provided in subsection (d), if it is determined under
 35 subsection (a) that there was probable cause to believe that a person
 36 has violated IC 9-30-5, IC 35-46-9, or IC 14-15-8 (before its repeal), at
 37 the initial hearing of the matter held under IC 35-33-7-1 the court shall
 38 recommend immediate suspension of the person's driving privileges to
 39 take effect on the date the order is entered, and forward to the bureau
 40 a copy of the order recommending immediate suspension of driving
 41 privileges.

42 (d) If it is determined under subsection (a) that there is probable

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1 cause to believe that a person violated IC 9-30-5, the court may, as an
2 alternative to suspension of the person's driving privileges under
3 subsection (c), issue an order recommending that the person be
4 prohibited from operating a motor vehicle unless the motor vehicle is
5 equipped with a functioning certified ignition interlock device under
6 IC 9-30-8 until the bureau is notified by a court that the criminal
7 charges against the person have been resolved.

8 SECTION 91. IC 9-30-6-8.5 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8.5. (a) If the bureau
10 receives an order recommending use of an ignition interlock device
11 under section 8(d) of this chapter, the bureau shall immediately do the
12 following:

13 (1) Mail a notice to the person's ~~last known~~ **address contained in**
14 **the records of the bureau** stating that the person may not operate
15 a motor vehicle unless the motor vehicle is equipped with a
16 functioning certified ignition interlock device under IC 9-30-8
17 commencing:

- 18 (A) five (5) days after the date of the notice; or
 - 19 (B) on the date the court enters an order recommending use of
20 an ignition interlock device;
- 21 whichever occurs first.

22 (2) Notify the person of the right to a judicial review under
23 section 10 of this chapter.

24 (b) Notwithstanding IC 4-21.5, an action that the bureau is required
25 to take under this section is not subject to any administrative
26 adjudication under IC 4-21.5.

27 SECTION 92. IC 9-30-6-9, AS AMENDED BY P.L.125-2012,
28 SECTION 345, IS AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) This section does not apply
30 if an ignition interlock device order is issued under section 8(d) of this
31 chapter.

32 (b) If the affidavit under section 8(b) of this chapter states that a
33 person refused to submit to a chemical test, the bureau shall suspend
34 the driving privileges of the person:

- 35 (1) for:
 - 36 (A) one (1) year; or
 - 37 (B) if the person has at least one (1) previous conviction for
38 operating while intoxicated, two (2) years; or
- 39 (2) until the suspension is ordered terminated under IC 9-30-5.

40 (c) If the affidavit under section 8(b) of this chapter states that a
41 chemical test resulted in prima facie evidence that a person was
42 intoxicated, the bureau shall suspend the driving privileges of the

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- 1 person:
- 2 (1) for one hundred eighty (180) days; or
- 3 (2) until the bureau is notified by a court that the charges have
- 4 been disposed of;
- 5 whichever occurs first.
- 6 (d) Whenever the bureau is required to suspend a person's driving
- 7 privileges under this section, the bureau shall immediately do the
- 8 following:
- 9 (1) Mail a notice to the person's ~~last known~~ address ~~that must state~~
- 10 **contained in the records of the bureau stating** that the person's
- 11 driving privileges will be suspended for a specified period,
- 12 commencing:
- 13 (A) ~~five (5)~~ **seven (7)** days after the date of the notice; or
- 14 (B) on the date the court enters an order recommending
- 15 suspension of the person's driving privileges under section 8(c)
- 16 of this chapter;
- 17 whichever occurs first.
- 18 (2) Notify the person of the right to a judicial review under
- 19 section 10 of this chapter.
- 20 (e) Notwithstanding IC 4-21.5, an action that the bureau is required
- 21 to take under this article is not subject to any administrative
- 22 adjudication under IC 4-21.5.
- 23 (f) If a person is granted probationary driving privileges under
- 24 IC 9-30-5 and the bureau has not received the probable cause affidavit
- 25 described in section 8(b) of this chapter, the bureau shall suspend the
- 26 person's driving privileges for a period of thirty (30) days. After the
- 27 thirty (30) day period has elapsed, the bureau shall, upon receiving a
- 28 reinstatement fee, if applicable, from the person who was granted
- 29 probationary driving privileges, issue the person probationary driving
- 30 privileges if the person otherwise qualifies.
- 31 (g) If the bureau receives an order granting probationary driving
- 32 privileges to a person who, according to the records of the bureau, has
- 33 a prior conviction for operating while intoxicated, the bureau shall do
- 34 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 probationary driving
- 38 privileges.
- 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 93. IC 9-30-6-12, AS AMENDED BY P.L.125-2012,
 5 SECTION 346, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2013]: Sec. 12. (a) If a court recommends
 7 suspension of driving privileges under this chapter, IC 9-30-5, or
 8 IC 9-30-9, the bureau shall fix the period of suspension in accordance
 9 with the recommendation of the court. If the court fails to recommend
 10 a fixed period of suspension, **or recommends a fixed term that is less**
 11 **than the minimum term required by statute**, the bureau shall impose
 12 the minimum period of suspension required by statute.

13 (b) Except as provided in subsection (c), during the three (3) years
 14 following the termination of the suspension the person's driving
 15 privileges remain suspended until the person provides proof of future
 16 financial responsibility in force under IC 9-25.

17 (c) If a court recommends suspension of a person's driving
 18 privileges for a conviction under IC 9-30-5, during the three (3) years
 19 following the termination of the suspension the person's driving
 20 privileges remain suspended until the person provides proof of future
 21 financial responsibility in force under IC 9-25. However, if a court
 22 recommends suspension of the driving privileges **under IC 9-30-5** of
 23 a person who is arrested for or charged with an offense committed
 24 under IC 9-30-5, the person is not required to provide proof of future
 25 financial responsibility under IC 9-25 unless **and until** the person is
 26 convicted under IC 9-30-5.

27 (d) If at any time during the three (3) years following the
 28 termination of the suspension imposed under subsection (a) a person
 29 who has provided proof of future financial responsibility under IC 9-25
 30 fails to maintain the proof, the bureau shall suspend the person's
 31 driving privileges until the person again provides proof of future
 32 financial responsibility under IC 9-25.

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

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

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

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

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

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

8 SECTION 95. IC 9-30-8-1, AS AMENDED BY P.L.172-2006,
9 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2013]: Sec. 1. (a) If a court orders the installation of a
11 certified ignition interlock device ~~under IC 9-30-5~~ on a motor vehicle
12 that a person whose license is restricted owns or expects to operate,
13 except as provided in subsection (b), the court shall set the time that the
14 installation must remain in effect. However, the term may not exceed
15 the maximum term of imprisonment the court could have imposed. The
16 person shall pay the cost of installation unless the sentencing court
17 determines that the person is indigent.

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

21 SECTION 96. IC 9-30-10-4, AS AMENDED BY P.L.125-2012,
22 SECTION 349, IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) A person who has
24 accumulated at least two (2) judgments within a ten (10) year period
25 for any of the following violations, singularly or in combination, and
26 not arising out of the same incident, is a habitual violator:

27 (1) Reckless homicide resulting from the operation of a motor
28 vehicle.

29 (2) Voluntary or involuntary manslaughter resulting from the
30 operation of a motor vehicle.

31 (3) Failure of the driver of a motor vehicle involved in an accident
32 resulting in death or injury to any person to stop at the scene of
33 the accident and give the required information and assistance.

34 (4) Operation of a vehicle while intoxicated resulting in death.

35 (5) Before July 1, 1997, operation of a vehicle with at least
36 ten-hundredths percent (0.10%) alcohol in the blood resulting in
37 death.

38 (6) After June 30, 1997, and before July 1, 2001, operation of a
39 vehicle with an alcohol concentration equivalent to at least
40 ten-hundredths (0.10) gram of alcohol per:

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

42 (B) two hundred ten (210) liters of the breath;

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1 resulting in death.

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

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

6 (B) two hundred ten (210) liters of the breath;

7 resulting in death.

8 (b) A person who has accumulated at least three (3) judgments
9 within a ten (10) year period for any of the following violations,
10 singularly or in combination, and not arising out of the same incident,
11 is a habitual violator:

12 (1) Operation of a vehicle while intoxicated.

13 (2) Before July 1, 1997, operation of a vehicle with at least
14 ten-hundredths percent (0.10%) alcohol in the blood.

15 (3) After June 30, 1997, and before July 1, 2001, operation of a
16 vehicle with an alcohol concentration equivalent to at least
17 ten-hundredths (0.10) gram of alcohol per:

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

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

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

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

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

25 (5) Operating a motor vehicle while the person's license to do so
26 has been suspended or revoked as a result of the person's
27 conviction of an offense under IC 9-1-4-52 (repealed July 1,
28 1991), IC 9-24-18-5(b) (repealed July 1, 2000), IC 9-24-19-2, **or**
29 IC 9-24-19-3, **or IC 9-24-19-4.**

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

32 (7) Reckless driving.

33 (8) Criminal recklessness involving the operation of a motor
34 vehicle.

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

36 (10) Violating IC 9-4-1-40 (repealed July 1, 1991), IC 9-4-1-46
37 (repealed July 1, 1991), IC 9-26-1-1(1), IC 9-26-1-1(2),
38 IC 9-26-1-2(1), IC 9-26-1-2(2), IC 9-26-1-3, or IC 9-26-1-4.

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

41 A judgment for a violation enumerated in subsection (a) shall be added
42 to the violations described in this subsection for the purposes of this

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- 1 subsection.
- 2 (c) A person who has accumulated at least ten (10) judgments
3 within a ten (10) year period for any traffic violation, except a parking
4 or an equipment violation, of the type required to be reported to the
5 bureau, singularly or in combination, and not arising out of the same
6 incident, is a habitual violator. However, at least one (1) of the
7 judgments must be for a violation enumerated in subsection (a) or (b).
8 A judgment for a violation enumerated in subsection (a) or (b) shall be
9 added to the judgments described in this subsection for the purposes of
10 this subsection.
- 11 (d) For purposes of this section, a judgment includes a judgment in
12 any other jurisdiction in which the elements of the offense for which
13 the conviction was entered are substantially similar to the elements of
14 the offenses described in subsections (a), **and (b), and (c).**
- 15 (e) For purposes of this section, the offense date is used when
16 determining the number of judgments accumulated within a ten (10)
17 year period.
- 18 SECTION 97. IC 9-30-10-5 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) If it appears from
20 the records maintained ~~in~~ **by** the bureau that a person's driving record
21 makes the person a habitual violator under section 4 of this chapter, the
22 bureau shall mail a notice to the person's last known address that
23 informs the person that the person's driving privileges will be
24 suspended in thirty (30) days because the person is a habitual violator
25 according to the records of the bureau.
- 26 (b) Thirty (30) days after the bureau has mailed a notice under this
27 section, the bureau shall suspend the person's driving privileges for:
- 28 (1) except as provided in subdivision (2), ten (10) years if the
29 person is a habitual violator under section 4(a) of this chapter;
30 (2) life if the person is a habitual violator under section 4(a) of
31 this chapter and has at least two (2) violations under section
32 4(a)(4) through 4(a)(7) of this chapter;
33 (3) ten (10) years if the person is a habitual violator under section
34 4(b) of this chapter; or
35 (4) five (5) years if the person is a habitual violator under section
36 4(c) of this chapter.
- 37 (c) The notice must inform the person that the person may be
38 entitled to relief under section 6 of this chapter or may seek judicial
39 review of the person's suspension under this chapter.
- 40 (d) **Notwithstanding subsection (b), if the bureau does not**
41 **discover that a person's driving record makes the person a**
42 **habitual traffic violator under section 4 of this chapter for more**

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1 than three (3) years after the bureau receives the person's final
 2 qualifying conviction, the bureau, upon notice to the person, shall
 3 suspend the person's driving privileges for the remaining
 4 applicable period under subsection (b). A reduction in a period of
 5 suspension under this subsection does not affect the requirements
 6 under section 9 of this chapter concerning probation and restricted
 7 driving privileges.

8 SECTION 98. IC 9-30-10-9, AS AMENDED BY P.L.125-2012,
 9 SECTION 352, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) This section does not apply
 11 to a person who:

- 12 (1) holds a commercial driver's license; and
 13 (2) has been charged with an offense involving the operation of
 14 a motor vehicle in accordance with the federal Motor Carrier
 15 Safety Improvement Act of 1999 (MCSIA) (Public Law
 16 106-159.113 Stat. 1748).

17 (b) If a court finds that a person:

- 18 (1) is a habitual violator under section 4(c) of this chapter;
 19 (2) has not been previously placed on probation under this section
 20 by a court;
 21 (3) operates a vehicle for commercial or business purposes, and
 22 the person's mileage for commercial or business purposes:
 23 (A) is substantially in excess of the mileage of an average
 24 driver; and
 25 (B) may have been a factor that contributed to the person's
 26 poor driving record; ~~and~~

27 (4) does not have:

- 28 (A) a judgment for a violation enumerated in section 4(a) of
 29 this chapter; or
 30 (B) at least three (3) judgments (singularly or in combination
 31 and not arising out of the same incident) of the violations
 32 enumerated in section 4(b) of this chapter; **and**

33 **(5) has not violated the terms of the person's suspension by**
 34 **operating a vehicle;**

35 the court may place the person on probation in accordance with
 36 subsection (d).

37 (c) If a court finds that a person:

- 38 (1) is a habitual violator under section 4(b) of this chapter;
 39 (2) has not been previously placed on probation under this section
 40 by a court;
 41 (3) does not have a judgment for any violation listed in section
 42 4(a) of this chapter;

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1 (4) has had the person's driving privileges suspended under this
 2 chapter for at least five (5) consecutive years; and

3 (5) has not violated the terms of the person's suspension by
 4 operating a vehicle;

5 the court may place the person on probation in accordance with
 6 subsection (d). However, if the person has any judgments for operation
 7 of a vehicle before July 1, 2001, while intoxicated or with an alcohol
 8 concentration equivalent to at least ten-hundredths (0.10) gram of
 9 alcohol per one hundred (100) milliliters of the blood or two hundred
 10 ten (210) liters of the breath, or for the operation of a vehicle after June
 11 30, 2001, while intoxicated or with an alcohol concentration equivalent
 12 to at least eight-hundredths (0.08) gram of alcohol per one hundred
 13 (100) milliliters of the blood or two hundred ten (210) liters of the
 14 breath, the court, before the court places a person on probation under
 15 subsection (d), must find that the person has successfully fulfilled the
 16 requirements of a rehabilitation program certified by the division of
 17 mental health and addiction or the Indiana judicial center.

18 (d) Whenever a court places a habitual violator on probation, the
 19 court:

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

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

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

28 (A) commercial or business purposes or other employment
 29 related driving;

30 (B) specific purposes in exceptional circumstances;

31 (C) rehabilitation programs; and

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

33 (4) shall require the person to submit to reasonable monitoring
 34 requirements;

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

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

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- 1 (A) An order prohibiting the person from operating a motor
 2 vehicle or motorized bicycle with an alcohol concentration
 3 equivalent to at least two-hundredths (0.02) gram of alcohol
 4 per:
 5 (i) one hundred (100) milliliters of the person's blood; or
 6 (ii) two hundred ten (210) liters of the person's breath;
 7 or while under the influence of any other intoxicating
 8 substance.
- 9 (B) An order that the person submit to a method to monitor the
 10 person's compliance with the prohibition against operating a
 11 motor vehicle or motorized bicycle with an alcohol
 12 concentration equivalent to at least two-hundredths (0.02)
 13 gram of alcohol per:
 14 (i) one hundred (100) milliliters of the person's blood; or
 15 (ii) two hundred ten (210) liters of the person's breath;
 16 or while intoxicated (as defined under IC 9-13-2-86).
- 17 (C) The court shall determine the appropriate monitoring
 18 method, which may include one (1) or more of the following:
 19 (i) The person may operate only a motor vehicle equipped
 20 with an ignition interlock device.
 21 (ii) The person must submit to a chemical test if a law
 22 enforcement officer lawfully stops the person while
 23 operating a motor vehicle or motorized bicycle and the law
 24 enforcement officer requests that the person submit to a
 25 chemical test.
 26 (iii) The person must wear a device that detects and records
 27 the person's use of alcohol.
 28 (iv) The person must submit to any other reasonable
 29 monitoring requirement as determined by the court.
- 30 (e) If a court finds that a person:
 31 (1) is a habitual violator under section 4(b) or 4(c) of this chapter;
 32 (2) does not have any judgments for violations under section 4(a)
 33 of this chapter;
 34 (3) does not have any judgments or convictions for violations
 35 under section 4(b) of this chapter, except for judgments or
 36 convictions under section 4(b)(5) of this chapter that resulted
 37 from driving on a suspended license that was suspended for:
 38 (A) the commission of infractions only; or
 39 (B) previously driving on a suspended license;
 40 (4) has not been previously placed on probation under this section
 41 by a court; and
 42 (5) has had the person's driving privileges suspended under this

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1 chapter for at least three (3) consecutive years and has not
2 violated the terms of the person's suspension by operating a
3 vehicle for at least three (3) consecutive years;
4 the court may place the person on probation under the conditions
5 described in subsection (d)(1) through (d)(5).

6 (f) If the bureau receives an order granting probationary driving
7 privileges to a person who, according to the records of the bureau, does
8 not qualify under this chapter, the bureau shall do the following:

9 (1) Issue the person probationary driving privileges and notify the
10 prosecuting attorney of the county from which the order was
11 received that the person is not eligible for the rescission and
12 reinstatement.

13 (2) Send a certified copy of the person's driving record to the
14 prosecuting attorney.

15 The prosecuting attorney shall, in accordance with IC 35-38-1-15,
16 petition the court to correct the court's order. If the bureau does not
17 receive a corrected order within sixty (60) days, the bureau shall notify
18 the attorney general, who shall, in accordance with IC 35-38-1-15,
19 petition the court to correct the court's order.

20 SECTION 99. IC 9-30-10-13, AS AMENDED BY P.L.125-2012,
21 SECTION 355, IS AMENDED TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2013]: Sec. 13. (a) The bureau may issue
23 driving privileges to a habitual violator whose driving privileges were
24 suspended under section 5(b) of this chapter if the following conditions
25 exist:

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

29 (2) The person has met all the requirements of all applicable
30 statutes and rules relating to the licensing of motor vehicle
31 operators.

32 (3) The person files with the bureau and maintains, for three (3)
33 years after termination of suspension, proof of future financial
34 responsibility in accordance with IC 9-25.

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

- 41 (A) one hundred (100) milliliters of the person's blood; or
42 (B) two hundred ten (210) liters of the person's breath;

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

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1 **privileges** the person will submit to a chemical test at any time
2 during the period three (3) years after the bureau issues the
3 driver's license to the person if a law enforcement officer lawfully
4 stops the person while operating a motor vehicle or motorized
5 bicycle and the law enforcement officer requests that the person
6 submit to a chemical test.

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

9 (d) The bureau shall not issue driving privileges to a person who
10 does not satisfy all of the requirements set forth in subsections (a) and
11 (b).

12 SECTION 100. IC 9-30-10-14, AS AMENDED BY P.L.125-2012,
13 SECTION 356, IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2013]: Sec. 14. (a) Except as provided in
15 subsection (e), a person whose driving privileges have been suspended
16 for life may petition a court in a civil action for a rescission of the
17 suspension order and reinstatement of driving privileges if the
18 following conditions exist:

19 (1) Ten (10) years have elapsed since the date on which an order
20 for the lifetime suspension of the person's driving privileges was
21 issued.

22 (2) The person has never been convicted of a violation described
23 in section 4(a) of this chapter.

24 (3) The person has never been convicted of an offense under
25 section 17 of this chapter.

26 (4) The person has not been convicted of an offense under section
27 16 of this chapter more than one (1) time.

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

30 (1) Be verified by the petitioner.

31 (2) State the petitioner's age, date of birth, and place of residence.

32 (3) Describe the circumstances leading up to the lifetime
33 suspension of the petitioner's driving privileges.

34 (4) Aver a substantial change in the petitioner's circumstances of
35 the following:

36 (A) That indicates the petitioner would no longer pose a risk
37 to the safety of others if the petitioner's driving privileges are
38 reinstated.

39 (B) That makes the lifetime suspension of the petitioner's
40 driving privileges unreasonable.

41 (C) Indicates it is in the best interests of society for the
42 petitioner's driving privileges to be reinstated.

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1 (5) Aver that the requisite amount of time has elapsed since the
 2 date on which the order for the lifetime suspension of the person's
 3 driving privileges was issued as required under subsections (a)
 4 and (e).
 5 (6) Aver that the petitioner has never been convicted of an offense
 6 under section 17 of this chapter.
 7 (7) Aver that the petitioner has not been convicted of an offense
 8 under section 16 of this chapter more than one (1) time.
 9 (8) Aver that the petitioner has never been convicted of a
 10 violation described in section 4(a) of this chapter.
 11 (9) Be filed in a circuit or superior court having jurisdiction in the
 12 county where the petitioner resides.
 13 (10) If the petition is being filed under subsection (e), aver the
 14 existence of the conditions listed in subsection (e)(1) through
 15 (e)(3).
 16 (c) The petitioner shall serve the prosecuting attorney of the county
 17 where the petitioner resides and the bureau with a copy of the petition
 18 described in subsection (b). A responsive pleading is not required.
 19 (d) The prosecuting attorney of the county where the petitioner
 20 resides shall represent the state in the matter.
 21 (e) A person whose driving privileges have been suspended for life
 22 may petition a court in a civil action for a rescission of the suspension
 23 order and reinstatement of driving privileges if all of the following
 24 conditions exist:
 25 (1) Three (3) years have elapsed since the date on which the order
 26 for lifetime suspension of the petitioner's driving privileges was
 27 issued.
 28 (2) The petitioner's lifetime suspension was the result of driving
 29 on a suspended license that was suspended for commission of
 30 infractions only or for driving on a suspended license.
 31 (3) The petitioner has never been convicted of a violation
 32 described in section 4(a) or 4(b) of this chapter, with the
 33 exception of a judgment or conviction under section ~~4(b)(3)~~
 34 **4(b)(5)** of this chapter.
 35 (4) The petitioner has never been convicted of an offense under
 36 section 17 of this chapter.
 37 (5) The petitioner has not been convicted of an offense under
 38 section 16 of this chapter more than one (1) time.
 39 SECTION 101. IC 9-30-10-15, AS AMENDED BY P.L.125-2012,
 40 SECTION 357, IS AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2013]: Sec. 15. (a) Upon receiving a petition
 42 filed under section 14 of this chapter, a court shall set a date for hearing

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1 the matter and direct the clerk of the court to provide notice of the
2 hearing date to the following:

3 (1) The petitioner.

4 (2) The prosecuting attorney of the county where the petitioner
5 resides.

6 (3) The bureau.

7 (b) A court may order the rescission of the order that required the
8 suspension of the petitioner's driving privileges for life and may order
9 the bureau to reinstate the driving privileges of a petitioner whose
10 driving privileges have been suspended for life if, after the hearing of
11 the matter, the court makes the following written findings and
12 conclusions, based on clear and convincing evidence:

13 (1) That the petitioner has never been convicted of a violation
14 described in section 4(a) of this chapter.

15 (2) That the petitioner has never been convicted of an offense
16 under section 17 of this chapter.

17 (3) That the petitioner has not been convicted of an offense under
18 section 16 of this chapter more than one (1) time.

19 (4) If the person is petitioning the court under section 14(a) of this
20 chapter that ten (10) years have elapsed since the date on which
21 an order was issued that required the suspension of the petitioner's
22 driving privileges for life.

23 (5) That there has been a substantial change in the petitioner's
24 circumstances indicating the petitioner would no longer pose a
25 risk to the safety of others if the petitioner's driving privileges
26 were reinstated.

27 (6) That there has been a substantial change in the petitioner's
28 circumstances indicating that the suspension of the petitioner's
29 driving privileges for life has become unreasonable.

30 (7) That it is in the best interests of society for the petitioner's
31 driving privileges to be reinstated.

32 (8) If the person is petitioning the court under section 14(e) of this
33 chapter:

34 (A) that three (3) years have elapsed since the date the order
35 was issued that required the suspension of the petitioner's
36 driving privileges for life; and

37 (B) that the conditions listed under section 14(e) of this
38 chapter are satisfied.

39 (c) The petitioner has the burden of proof under this section and an
40 order issued under subsection (b) is a final order, appealable by any
41 party to the action.

42 (d) In an order for reinstatement of driving privileges issued under

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1 this section, the court may require the bureau to issue the prevailing
2 petitioner:

- 3 (1) driving privileges under section 13(b) of this chapter; or
4 (2) restricted driving privileges for a time and subject to
5 conditions specified by the court, which must include one (1) or
6 more of the following conditions if the person was determined to
7 be a habitual violator under IC 9-30-10-4(a)(4) through
8 IC 9-30-10-4(a)(7) or IC 9-30-10-4(b)(1) through
9 IC 9-30-10-4(b)(4):

10 (A) Specified hours during which the person may drive.

11 (B) An order prohibiting the person from operating a motor
12 vehicle or motorized bicycle with an alcohol concentration
13 equivalent to at least two-hundredths (0.02) gram of alcohol
14 per:

- 15 (i) one hundred (100) milliliters of the person's blood; or
16 (ii) two hundred ten (210) liters of the person's breath;

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

18 (C) An order that the person submit to a method to monitor the
19 person's compliance with the prohibition against operating a
20 motor vehicle or motorized bicycle with an alcohol
21 concentration equivalent to at least two-hundredths (0.02)
22 gram of alcohol per:

- 23 (i) one hundred (100) milliliters of the person's blood; or
24 (ii) two hundred ten (210) liters of the person's breath;

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

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

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

30 (ii) The person must submit to a chemical test if a law
31 enforcement officer lawfully stops the person while
32 operating a motor vehicle or motorized bicycle and the law
33 enforcement officer requests that the person submit to a
34 chemical test.

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

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

39 (e) If a court orders the bureau to issue restricted or probationary
40 driving privileges to a petitioner under subsection (d), the court shall
41 specify the conditions under which the petitioner may be issued driving
42 privileges to operate a motor vehicle under section 13(b) of this

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1 chapter. After the expiration date of the restricted or probationary
2 driving privileges and upon:

3 (1) fulfillment by the petitioner of the conditions specified by the
4 court; and

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

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

9 (f) If the bureau receives an order granting a rescission of the
10 suspension order and reinstatement of driving privileges to a person
11 who, according to the records of the bureau, does not qualify under this
12 chapter, the bureau shall do the following:

13 (1) Issue the person probationary driving privileges and notify the
14 prosecuting attorney of the county from which the order was
15 received that the person is not eligible for the rescission and
16 reinstatement.

17 (2) Send a certified copy of the person's driving record to the
18 prosecuting attorney.

19 The prosecuting attorney shall, in accordance with IC 35-38-1-15,
20 petition the court to correct the court's order. If the bureau does not
21 receive a corrected order within sixty (60) days, the bureau shall notify
22 the attorney general, who shall, in accordance with IC 35-38-1-15,
23 petition the court to correct the court's order.

24 SECTION 102. IC 9-30-10-17 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 17. **(a)** A person who
26 operates a motor vehicle after the person's driving privileges are
27 forfeited for life under section 16 of this chapter, IC 9-4-13-14
28 (repealed April 1, 1984), or IC 9-12-3-1 (repealed July 1, 1991)
29 commits a Class C felony.

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

34 SECTION 103. IC 9-30-13-1, AS AMENDED BY P.L.125-2012,
35 SECTION 366, IS AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2013]: Sec. 1. For a person who uses a motor
37 vehicle to commit recklessness under IC 35-42-2-2, the judge of the
38 court in which the person is convicted shall recommend that the driving
39 privileges of the person be suspended for not less than sixty (60) days
40 and not more than two (2) years. If the court fails to recommend a fixed
41 term of suspension, **or recommends a fixed term that is less than the**
42 **minimum term required by statute**, the bureau shall impose the

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1 minimum period of suspension required under this section.

2 SECTION 104. IC 9-30-13-2, AS AMENDED BY P.L.125-2012,
3 SECTION 367, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2013]: Sec. 2. For a person who uses a motor
5 vehicle to commit obstruction of traffic under IC 35-42-2-4, the judge
6 of the court in which the person is convicted may recommend that the
7 driving privileges of the person be suspended for not less than sixty
8 (60) days and not more than two (2) years. **If the court recommends**
9 **a fixed term of suspension that is less than the minimum term**
10 **required by statute, the bureau shall impose the minimum period**
11 **of suspension under this section.**

12 SECTION 105. IC 9-30-13-3, AS AMENDED BY P.L.125-2012,
13 SECTION 368, IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2013]: Sec. 3. For a person who uses a motor
15 vehicle to commit criminal mischief under IC 35-43-1-2, the judge of
16 the court in which the person is convicted may recommend that the
17 driving privileges of the person be suspended for not less than sixty
18 (60) days and not more than two (2) years. **If the court recommends**
19 **a fixed term of suspension that is less than the minimum term**
20 **required by statute, the bureau shall impose the minimum period**
21 **of suspension under this section.**

22 SECTION 106. IC 9-30-13-4, AS AMENDED BY P.L.125-2012,
23 SECTION 369, IS AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) If a person commits any of
25 the following offenses, the court that convicted the person shall
26 recommend the suspension of the person's driving privileges for a fixed
27 period of at least two (2) years and not more than five (5) years:

28 (1) Involuntary manslaughter resulting from the operation of a
29 motor vehicle (IC 35-42-1-4).

30 (2) Reckless homicide resulting from the operation of a motor
31 vehicle (IC 35-42-1-5).

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

36 SECTION 107. IC 9-30-13-6, AS ADDED BY P.L.125-2012,
37 SECTION 371, IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) The bureau shall, upon
39 receiving an order of a court issued under IC 31-14-12-4 or
40 IC 31-16-12-7, suspend the driving privileges of the person who is the
41 subject of the order.

42 (b) The bureau may not reinstate driving privileges suspended under

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1 this section until the bureau receives an order allowing reinstatement
2 from the court that issued the order for suspension.

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

6 (1) That the person's driving privileges are suspended, beginning
7 five (5) business days after the date the notice is mailed, and that
8 the suspension will terminate ten (10) business days after the
9 bureau receives an order allowing reinstatement from the court
10 that issued the suspension order.

11 (2) That the person has the right to petition for reinstatement of
12 driving privileges to the court that issued the order for suspension.

13 (3) That the person may be granted restricted driving privileges
14 under IC 9-24-15-6.7 if the person otherwise qualifies and can
15 prove that public transportation is unavailable for travel by the
16 person:

17 (A) to and from the person's regular place of employment;

18 (B) in the course of the person's regular employment;

19 (C) to and from the person's place of worship; or

20 (D) to participate in parenting time with the petitioner's
21 children consistent with a court order granting parenting time.

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

24 (1) the person's driving privileges are suspended under this
25 section; and

26 (2) the person has been granted restricted driving privileges under
27 IC 9-24-15 as a result of the suspension under this section.

28 **(e) The bureau shall, upon receiving a record of conviction of a**
29 **person upon a charge of driving a motor vehicle while the driving**
30 **privileges, permit, or license of the person is suspended, fix the**
31 **period of suspension in accordance with the recommendation of the**
32 **court. If the court fails to recommend a term of suspension, or**
33 **recommends a fixed term that is not prescribed by statute, the**
34 **bureau shall impose the applicable period of suspension required**
35 **by statute.**

36 SECTION 108. IC 9-30-13-7, AS ADDED BY P.L.125-2012,
37 SECTION 372, IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) If the bureau is advised by the
39 Title IV-D agency that the obligor (as defined in IC 31-25-4-4) either
40 requested a hearing under IC 31-25-4-33 and failed to appear or
41 appeared and was found to be delinquent, the bureau shall promptly
42 mail a notice to the obligor stating the following:

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

5 (A) paid the obligor's child support arrearage in full; or

6 (B) established a payment plan with the Title IV-D agency to
 7 pay the arrearage, which includes an income withholding order
 8 under IC 31-16-15-0.5 or IC 31-16-15-2.5.

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

12 (A) to and from the obligor's regular place of employment;

13 (B) in the course of the obligor's regular employment;

14 (C) to and from the obligor's place of worship; or

15 (D) to participate in parenting time with the petitioner's
 16 children consistent with a court order granting parenting time.

17 (b) The bureau may not reinstate driving privileges suspended under
 18 this section until the bureau receives a notice from the Title IV-D
 19 agency that the obligor has:

20 (1) paid the obligor's child support arrearage in full; or

21 (2) established a payment plan with the Title IV-D agency to pay
 22 the arrearage, which includes an income withholding order under
 23 IC 31-16-15-0.5 or IC 31-16-15-2.5.

24 (c) An obligor who operates a motor vehicle in violation of this
 25 section commits a Class A infraction, unless:

26 (1) the obligor's driving privileges are suspended under this
 27 section; and

28 (2) the obligor has been granted restricted driving privileges
 29 under IC 9-24-15 as a result of the suspension under this section.

30 **(d) The bureau shall, upon receiving a record of conviction of a**
 31 **person upon a charge of driving a motor vehicle while the driving**
 32 **privileges, permit, or license of the person is suspended, fix the**
 33 **period of suspension in accordance with the recommendation of the**
 34 **court. If the court fails to recommend a term of suspension, or**
 35 **recommends a fixed term that is not prescribed by statute, the**
 36 **bureau shall impose the applicable period of suspension required**
 37 **by statute.**

38 SECTION 109. IC 9-30-13-8, AS ADDED BY P.L.125-2012,
 39 SECTION 373, IS AMENDED TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) Upon receiving an order
 41 issued by a court under IC 35-43-4-8(b) concerning a person convicted
 42 of fuel theft, the bureau shall do the following:

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- 1 (1) Suspend under subsection (b) the driving privileges of the
- 2 person who is the subject of the order, whether or not the person's
- 3 current driver's license accompanies the order.
- 4 (2) Mail to the last known address of the person who is the subject
- 5 of the order a notice:
- 6 (A) stating that the person's driving privileges are being
- 7 suspended for fuel theft;
- 8 (B) setting forth the date on which the suspension takes effect
- 9 and the date on which the suspension terminates; and
- 10 (C) stating that the person may be granted restricted driving
- 11 privileges under IC 9-24-15-6.7 if the person meets the
- 12 conditions for obtaining restricted driving privileges.
- 13 (b) The suspension of the driving privileges of a person who is the
- 14 subject of an order issued under IC 35-43-4-8(b):
- 15 (1) begins five (5) business days after the date on which the
- 16 bureau mails the notice to the person under subsection (a)(2); and
- 17 (2) terminates thirty (30) days after the suspension begins.
- 18 (c) A person who operates a motor vehicle during a suspension of
- 19 the person's driving privileges under this section commits a Class A
- 20 infraction unless the person's operation of the motor vehicle is
- 21 authorized by restricted driving privileges granted to the person under
- 22 IC 9-24-15-6.7.
- 23 **(d) The bureau shall, upon receiving a record of conviction of a**
- 24 **person upon a charge of driving a motor vehicle while the driving**
- 25 **privileges, permit, or license of the person is suspended, fix the**
- 26 **period of suspension in accordance with the recommendation of the**
- 27 **court. If the court fails to recommend a term of suspension, or**
- 28 **recommends a fixed term that is not prescribed by statute, the**
- 29 **bureau shall impose the applicable period of suspension required**
- 30 **by statute.**
- 31 SECTION 110. IC 33-37-5-14 IS AMENDED TO READ AS
- 32 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 14. (a) This section
- 33 applies to criminal, infraction, and ordinance violation actions that are
- 34 traffic offenses (as defined in ~~IC 9-30-3-5~~; **IC 9-13-2-183**).
- 35 (b) The clerk shall collect a highway worksite zone fee of fifty cents
- 36 (\$0.50). However, the clerk shall collect a highway worksite zone fee
- 37 of twenty-five dollars and fifty cents (\$25.50) if:
- 38 (1) the criminal action, infraction, or ordinance violation is:
- 39 (A) exceeding a worksite speed limit (as provided in
- 40 IC 9-21-5-2 and authorized by IC 9-21-5-3); or
- 41 (B) failure to merge (as provided in IC 9-21-8-7.5); and
- 42 (2) the judge orders the clerk to collect the fee for exceeding a

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1 worksite speed limit or failure to merge.
 2 SECTION 111. IC 35-34-1-2, AS AMENDED BY P.L.2-2005,
 3 SECTION 119, IS AMENDED TO READ AS FOLLOWS
 4 [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) The indictment or information
 5 shall be in writing and allege the commission of an offense by:
 6 (1) stating the title of the action and the name of the court in
 7 which the indictment or information is filed;
 8 (2) stating the name of the offense in the words of the statute or
 9 any other words conveying the same meaning;
 10 (3) citing the statutory provision alleged to have been violated,
 11 except that any failure to include such a citation or any error in
 12 such a citation does not constitute grounds for reversal of a
 13 conviction where the defendant was not otherwise misled as to the
 14 nature of the charges against the defendant;
 15 (4) setting forth the nature and elements of the offense charged in
 16 plain and concise language without unnecessary repetition;
 17 (5) stating the date of the offense with sufficient particularity to
 18 show that the offense was committed within the period of
 19 limitations applicable to that offense;
 20 (6) stating the time of the offense as definitely as can be done if
 21 time is of the essence of the offense;
 22 (7) stating the place of the offense with sufficient particularity to
 23 show that the offense was committed within the jurisdiction of the
 24 court where the charge is to be filed;
 25 (8) stating the place of the offense as definitely as can be done if
 26 the place is of the essence of the offense; and
 27 (9) stating the name of every defendant, if known, and if not
 28 known, by designating the defendant by any name or description
 29 by which he can be identified with reasonable certainty.
 30 (b) An indictment shall be signed by:
 31 (1) the foreman or five (5) members of the grand jury; and
 32 (2) the prosecuting attorney or his deputy.
 33 An information shall be signed by the prosecuting attorney or his
 34 deputy and sworn to or affirmed by him or any other person.
 35 (c) An indictment or information shall have stated upon it the names
 36 of all the material witnesses. Other witnesses may afterwards be
 37 subpoenaed by the state, but unless the name of a witness is stated on
 38 the indictment or information, no continuance shall be granted to the
 39 state due to the absence of the witness.
 40 (d) The indictment or information shall be a plain, concise, and
 41 definite written statement of the essential facts constituting the offense
 42 charged. It need not contain a formal commencement, a formal

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1 conclusion, or any other matter not necessary to the statement.
 2 Presumptions of law and matters of which judicial notice is taken need
 3 not be stated.

4 (e) The indictment may be substantially in the following form:

5 IN THE _____ COURT OF INDIANA, 20 ____
 6 STATE OF INDIANA

7 vs. CAUSE NUMBER _____

8 A _____ B _____

9 The grand jury of the county of _____ upon their oath or
 10 affirmation do present that AB, on the _____ day of _____
 11 20____ at the county of _____ in the state of Indiana (HERE SET
 12 FORTH THE OFFENSE CHARGED).

13 (f) The information may be substantially in the same form as the
 14 indictment, substituting for the words, "the grand jury of the county of
 15 _____, upon their oath or affirmation so present" the following:
 16 "CD, being duly sworn on his oath or having affirmed, says." It is not
 17 necessary in an information to state the reason why the proceeding is
 18 by information rather than indictment.

19 (g) This section applies to a traffic offense (as defined in
 20 ~~IC 9-30-3-5~~ **IC 9-13-2-183**) if the traffic offense is:

- 21 (1) a felony; or
 22 (2) a misdemeanor.

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