

# SENATE MOTION

**MADAM PRESIDENT:**

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

- 1 Page 8, line 7, after "in" insert "**actual**".
- 2 Page 8, line 10, after "in" insert "**actual**".
- 3 Page 8, delete lines 11 through 21, begin a new paragraph and
- 4 insert:
- 5 "SECTION 17. IC 9-13-2-118, AS AMENDED BY P.L.125-2012,
- 6 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2013]: Sec. 118. (a) Except as provided in subsection (b),
- 8 "operator", when used in reference to a vehicle, means a person, other
- 9 than a chauffeur or a public passenger chauffeur, who:
- 10 (1) drives or is in ~~actual physical control of~~ **operates** a vehicle
- 11 upon a highway; or
- 12 (2) is exercising control over or steering a motor vehicle being
- 13 towed by another vehicle.
- 14 (b) "Operator", for purposes of IC 9-25, means a person other than
- 15 a chauffeur who is in actual physical control of a motor vehicle."
- 16 Page 29, line 24, delete "may".
- 17 Page 29, strike lines 24 through 25.
- 18 Page 44, between lines 35 and 36, begin a new paragraph and insert:
- 19 "SECTION 71. IC 9-27-6-5, AS AMENDED BY P.L.125-2012,
- 20 SECTION 304, IS AMENDED TO READ AS FOLLOWS
- 21 [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) As used in this section,
- 22 "advisory board" refers to the driver education advisory board
- 23 established by subsection (b).
- 24 (b) The driver education advisory board is established to advise the
- 25 commissioner in the administration of the policies of the commission
- 26 and the bureau regarding driver education.
- 27 (c) The advisory board is composed of seven (7) individuals
- 28 appointed by the commissioner as follows:
- 29 (1) Three (3) members must be driver education professionals
- 30 endorsed by the bureau under section 8 of this chapter. In the

- 1 selection of individuals for membership under this subdivision,  
 2 consideration must be given to driver education instruction  
 3 performed in urban and rural areas.
- 4 (2) One (1) member must be a traffic safety advocate.  
 5 (3) One (1) member must be a representative of the bureau.  
 6 (4) One (1) member must be a representative of higher education.  
 7 (5) One (1) member must be a representative of the insurance  
 8 industry.
- 9 (d) A member of the advisory board serves a two (2) year term. A  
 10 member may not ~~serve~~ **be appointed to** more than two (2) consecutive  
 11 full terms. Each member serves until the member's successor is  
 12 appointed and qualified.
- 13 (e) A member of the advisory board may be removed for good  
 14 cause.
- 15 (f) A vacancy on the advisory board shall be filled by the  
 16 appointment by the commissioner of an individual to fill the position  
 17 to which the vacating member was appointed under subsection (c) for  
 18 the vacating member's unexpired term.
- 19 (g) The advisory board shall:  
 20 (1) consult with and advise the commissioner in the  
 21 administration of the policies of the commission and the bureau  
 22 regarding driver education; and  
 23 (2) suggest rules regarding the education and training of persons  
 24 to operate or drive motor vehicles or to prepare a person for an  
 25 examination or validation for a driver's license.
- 26 (h) A member of the advisory board is not subject to liability in a  
 27 civil action for bodily injury or property damage arising from or  
 28 thought to have arisen from an action taken in good faith as a member  
 29 of the advisory board."
- 30 Page 48, line 9, strike "committee" and insert "**board**".  
 31 Page 48, line 12, delete "serve" and insert "**be appointed to**".  
 32 Renumber all SECTIONS consecutively.  
 (Reference is to SB 538 as printed February 1, 2013.)

---

Senator YOUNG R MICHAEL