



February 1, 2013

SENATE BILL No. 538

DIGEST OF SB 538 (Updated January 29, 2013 11:50 am - DI 71)

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

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

Effective: July 1, 2013.

Wyss, Arnold J

January 14, 2013, read first time and referred to Committee on Homeland Security, Transportation and Veterans Affairs.
January 31, 2013, amended, reported favorably — Do Pass.

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February 1, 2013

First Regular Session 118th General Assembly (2013)

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

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

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

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;

SB 538—LS 7224/DI 103+



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



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

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

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

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

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

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

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

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

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

29 (B) law enforcement; and

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

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

33 (3) Stimulate criminal and juvenile justice research.

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

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

38 (6) Administer victim and witness assistance funds.

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

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

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- 1 state.
- 2 (9) Serve as the criminal justice statistical analysis center for this
- 3 state.
- 4 (10) Identify grants and other funds that can be used by the
- 5 department of correction to carry out its responsibilities
- 6 concerning sex or violent offender registration under IC 11-8-8.
- 7 (11) Administer the application and approval process for
- 8 designating an area of a consolidated or second class city as a
- 9 public safety improvement area under IC 36-8-19.5.
- 10 (12) Develop and maintain a meth watch program to inform
- 11 retailers and the public about illicit methamphetamine production,
- 12 distribution, and use in Indiana.
- 13 (13) Establish, maintain, and operate, subject to specific
- 14 appropriation by the general assembly, a web site containing a list
- 15 of properties (as defined in IC 5-2-6-19(b)) that have been used
- 16 as the site of a methamphetamine laboratory.
- 17 (14) Develop and manage the gang crime witness protection
- 18 program established by section 21 of this chapter.
- 19 (15) Identify grants and other funds that can be used to fund the
- 20 gang crime witness protection program.
- 21 ~~(16) After December 31, 2008, administer the licensing of:~~
- 22 ~~(A) commercial driver training schools; and~~
- 23 ~~(B) instructors at commercial driver training schools.~~
- 24 ~~(17) (16) Administer any sexual offense services.~~
- 25 ~~(18) (17) Administer domestic violence programs.~~
- 26 ~~(19) (18) Administer assistance to victims of human sexual~~
- 27 ~~trafficking offenses as provided in IC 35-42-3.5-4.~~
- 28 ~~(20) (19) Administer the domestic violence prevention and~~
- 29 ~~treatment fund under IC 5-2-6.7.~~
- 30 ~~(21) (20) Administer the family violence and victim assistance~~
- 31 ~~fund under IC 5-2-6.8.~~

32 SECTION 3. IC 9-13-2-4 IS AMENDED TO READ AS FOLLOWS

33 [EFFECTIVE JULY 1, 2013]: Sec. 4. "Approved driver education

34 course" means a course offered by a high school or driver education

35 school that the ~~superintendent of public instruction bureau~~ periodically

36 designates as approved, after taking into consideration the standards

37 and methods of instruction necessary to ensure adequate training for

38 the operation of a motor vehicle.

39 SECTION 4. IC 9-13-2-5, AS AMENDED BY P.L.145-2011,

40 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

41 JULY 1, 2013]: Sec. 5. ~~(a) This subsection expires December 31, 2011.~~

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

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

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

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

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

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

- 24 (1) operating a motor vehicle registered as having a gross weight
- 25 of **at least** sixteen thousand (16,000) pounds **or more but not**
- 26 **more than twenty-six thousand (26,000) pounds** for the purpose
- 27 of transporting property for hire; or
- 28 (2) operating a private bus.

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

- 30 (1) who is employed for hire for the principal purpose of
- 31 operating a motor vehicle upon the highways;
- 32 (2) who operates a motor vehicle while in use as a carrier of
- 33 passengers or property for hire; or
- 34 (3) who drives or operates a motor vehicle while in use as a
- 35 school bus for the transportation of pupils to or from school.

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

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

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

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

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

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

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

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

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

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

29 (A) Attending a postsecondary educational institution.

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

32 (C) **Temporary employment.**

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

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

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

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

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

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

8 (6) A person who:

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

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

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

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

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

39 SECTION 15. IC 9-13-2-112 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 112. "Nonmoving
 41 traffic offense" ~~for purposes of IC 9-30-3, has the meaning set forth in~~
 42 ~~IC 9-30-3-4.~~ **means a violation of a statute, an ordinance, or a**

SB 538—LS 7224/DI 103+



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1 **regulation concerning the following:**

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

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

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

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

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

16 (1) drives, **operates**, or is in actual physical control of a vehicle
17 upon a highway; or

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

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

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

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

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

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

39 SECTION 20. IC 9-14-2-8, AS ADDED BY P.L.145-2011,
40 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2013]: Sec. 8. (a) Notwithstanding IC 9-24-10-4(d),
42 IC 9-27-6-6(b), ~~IC 9-27-6-7(b)~~, IC 9-27-6-8(b), IC 9-27-6-9(b),

SB 538—LS 7224/DI 103+



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

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

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

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

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

18 (2) otherwise qualified to receive the license.

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

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

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

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

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

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

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

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

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

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1 state of the individual's residence.
 2 (7) A new resident of Indiana who possesses a valid, unrestricted
 3 driver's license issued by the resident's former state of residence,
 4 for a period of sixty (60) days after becoming a resident of
 5 Indiana.
 6 (8) An individual who is an engineer, a conductor, a brakeman, or
 7 another member of the crew of a locomotive or a train that is
 8 being operated upon rails, including the operation of the
 9 locomotive or the train on a crossing over a street or a highway.
 10 An individual described in this subdivision is not required to
 11 display a license to a law enforcement officer in connection with
 12 the operation of a locomotive or a train in Indiana.
 13 **(9) An individual while operating:**
 14 **(A) a farm tractor;**
 15 **(B) a farm wagon; or**
 16 **(C) an implement of agriculture designed to be operated**
 17 **primarily in a farm field or on farm premises;**
 18 **that is being temporarily drawn, moved, or propelled on a**
 19 **public highway. However, to operate a farm wagon on a**
 20 **highway, an individual must be at least sixteen (16) years and**
 21 **one hundred eighty (180) days of age.**
 22 (b) An ordinance adopted under IC 9-21-1-3(a)(14) or
 23 IC 9-21-1-3.3(a) must require that an individual who operates a golf
 24 cart in the city, county, or town hold a driver's license.
 25 SECTION 24. IC 9-24-2-3, AS AMENDED BY P.L.125-2012,
 26 SECTION 169, IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) The bureau may not issue a
 28 driver's license or learner's permit or grant driving privileges to the
 29 following individuals:
 30 (1) An individual whose license issued under Indiana law to
 31 operate a motor vehicle as an operator, a chauffeur, or a public
 32 passenger chauffeur has driving privileges have been suspended,
 33 during the period for which the license was driving privileges
 34 are suspended, or to an individual whose driver's license has
 35 been revoked, until the time the bureau is authorized under
 36 Indiana law to issue the individual a new license.
 37 (2) An individual whose learner's permit has been suspended or
 38 revoked until the time the bureau is authorized under Indiana law
 39 to issue the individual a new permit.
 40 (3) An individual who, in the opinion of the bureau, is afflicted
 41 with or suffering from a physical or mental disability or disease
 42 that prevents the individual from exercising reasonable and

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

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1 **privileges** within the thirty (30) days, the person may continue to
 2 operate a motor vehicle with the conditional driving privileges beyond
 3 the thirty (30) day period.

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

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

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

16 (2) One hundred twenty (120) days after the person is suspended.
 17 ~~or the end of a semester during which the person returns to~~
 18 ~~school, whichever is longer.~~

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

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

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

26 (2) That the person has the right to appeal the suspension of the
 27 driving privileges.

28 (c) If an aggrieved person believes that:

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

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

31 the aggrieved person may appeal the invalidation of a license under
 32 section 5 of this chapter.

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

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

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

41 (g) A person whose driving privileges are suspended under this
 42 section **may is eligible to** apply for restricted driving privileges under

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IC 9-24-15.

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

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

- (A) enrolled in a full-time or part-time program of education; and
- (B) participated for thirty (30) or more days in the program of education.

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

- (A) the verified signature of the principal or the president of the governing body of the school described in subdivision (1); and
- (B) notification to the bureau that the person has complied with subdivision (1).

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

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

- (1) The individual meets the following conditions:
 - (A) Is at least sixteen (16) years and one hundred eighty (180) days of age.
 - (B) Has held a valid learner's permit for at least one hundred eighty (180) days.
 - (C) Obtains an instructor's certification that the individual has satisfactorily completed an approved driver education course.
 - (D) Passes the required examination.
 - (E) Completes at least fifty (50) hours of supervised driving practice, of which at least ten (10) hours are nighttime driving, with:
 - (i) a licensed instructor or a licensed driver, **with valid driving privileges**, who is at least twenty-five (25) years of age; or
 - (ii) the spouse of the individual who is a **licensed driver**

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- 1 **with valid driving privileges and is** at least twenty-one
- 2 (21) years of age;
- 3 (2) The individual meets the following conditions:
- 4 (A) Is at least sixteen (16) years and two hundred seventy
- 5 (270) days of age.
- 6 (B) Has held a valid learner's permit for at least one hundred
- 7 eighty (180) days.
- 8 (C) Passes the required examination.
- 9 (D) Completes at least fifty (50) hours of supervised driving
- 10 practice, of which at least ten (10) hours are nighttime driving,
- 11 with:
- 12 (i) a licensed instructor or a licensed driver, **with valid**
- 13 **driving privileges**, who is at least twenty-five (25) years of
- 14 age; or
- 15 (ii) the spouse of the individual who is **a licensed driver**
- 16 **with valid driving privileges and is** at least twenty-one
- 17 (21) years of age;
- 18 (3) The individual meets the following conditions:
- 19 (A) Is at least sixteen (16) years and one hundred eighty (180)
- 20 days of age but less than eighteen (18) years of age.
- 21 (B) Has previously been a nonresident of Indiana, but, at the
- 22 time of application, qualifies as an Indiana resident.
- 23 (C) Has held a valid driver's license, excluding a learner's
- 24 permit or the equivalent, in the state or a combination of states
- 25 in which the individual formerly resided for at least one
- 26 hundred eighty (180) days.
- 27 (D) Passes the required ~~examination~~ **examinations**.
- 28 (4) The individual meets the following conditions:
- 29 (A) Is at least eighteen (18) years of age.
- 30 (B) Has previously been a nonresident of Indiana but, at the
- 31 time of application, qualifies as an Indiana resident.
- 32 (C) Held a valid driver's license, excluding a learner's permit
- 33 or the equivalent, from the state of prior residence.
- 34 (D) Passes the required ~~examination~~ **examinations**.
- 35 (b) An applicant who is required to complete at least fifty (50) hours
- 36 of supervised practice driving under subsection (a)(1)(E) or (a)(2)(D)
- 37 must submit to the commission under IC 9-24-9-2(c) evidence of the
- 38 time logged in practice driving.
- 39 SECTION 28. IC 9-24-4-4.5 IS ADDED TO THE INDIANA CODE
- 40 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
- 41 1, 2013]: **Sec. 4.5. To receive a chauffeur's license, an individual**
- 42 **must surrender any and all driver's licenses issued to the individual**

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by Indiana or any other jurisdiction.

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

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

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

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

- (c) Rules adopted under this section must include the following:
- (1) Establishment of classes and periods of validation of commercial driver's licenses, including the period set forth in ~~IC 9-24-12-6(c)~~ **IC 9-24-12-6(a)**.
 - (2) Standards for commercial driver's licenses, including suspension and revocation procedures.
 - (3) Requirements for documentation of eligibility for legal employment, as set forth in 8 CFR 274a.2, and proof of Indiana residence.
 - (4) Development of written or oral tests, driving tests, and fitness requirements.
 - (5) Defining the commercial driver's licenses by classification and the information to be contained on the licenses, including a unique identifier of the holder.
 - (6) Establishing fees for the issuance of commercial driver's licenses, including fees for testing and examination.
 - (7) Procedures for the notification by the holder of a commercial driver's license to the bureau and the driver's employer of pointable traffic offense convictions.
 - (8) Conditions for reciprocity with other states, including requirements for a written commercial driver's license test and operational skills test, and a hazardous materials endorsement written test and operational skills test, before a license may be

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- 1 issued.
- 2 (9) Certification of commercial motor vehicle operators who
- 3 transport one (1) or more metal coils that, individually or grouped
- 4 together, weigh at least two thousand two hundred sixty-eight
- 5 (2,268) kilograms (five thousand (5,000) pounds), as to proper
- 6 load securement of the metal coil or coils as provided in 49 CFR
- 7 393.120.
- 8 (10) Other rules necessary to administer this chapter.
- 9 (d) 49 CFR 383 through 384 and 49 CFR 393.120 are adopted as
- 10 Indiana law.

11 SECTION 31. IC 9-24-6-2.1 IS ADDED TO THE INDIANA CODE
 12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 13 1, 2013]: **Sec. 2.1. To receive a commercial driver's license under
 14 this chapter, an individual must surrender any and all driver's
 15 licenses issued to the individual by Indiana or any other
 16 jurisdiction.**

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

- 23 (1) While the holder is participating in practice driving in an
- 24 approved driver education course and is accompanied by a
- 25 certified driver education instructor or student teacher in the front
- 26 seat of a motor vehicle equipped with dual controls.
- 27 (2) While the holder is participating in practice driving after
- 28 having commenced an approved driver education course and the
- 29 seat beside the holder is occupied by a ~~parent, stepparent, or~~
- 30 ~~guardian of the holder who holds a valid driver's license: a~~
- 31 **licensed driver with valid driving privileges who is at least:**
- 32 **(A) twenty-five (25) years of age; or**
- 33 **(B) if the licensed driver is the holder's spouse, twenty-one**
- 34 **(21) years of age.**
- 35 (3) If the holder is not participating in an approved driver
- 36 education course, and is less than eighteen (18) years of age, the
- 37 holder may participate in practice driving if the seat beside the
- 38 holder is occupied by a ~~guardian, stepparent, or relative of the~~
- 39 ~~holder who is at least twenty-one (21) years of age and holds a~~
- 40 ~~valid driver's license: a licensed driver with valid driving~~
- 41 **privileges who is at least:**
- 42 **(A) twenty-five (25) years of age; or**

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

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

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

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

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

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

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

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

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

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

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

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

(d) The bureau shall develop and implement both a written test and

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

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

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

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

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

- 34 (1) shall revoke the motorcycle learner's permit of a person
 35 ~~holding a motorcycle learner's permit~~ who is convicted of
 36 operating a motorcycle under the influence of alcohol; **and**
- 37 (2) **may not issue a motorcycle learner's permit or motorcycle**
 38 **endorsement to a person referred to in subdivision (1)** for at
 39 least (1) year ~~from~~ **after** the date of the **person's** conviction.

40 SECTION 36. IC 9-24-9-1 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) Each application
 42 for a permit or license under this chapter must:

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

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

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

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

- 21 (1) The full legal name of the applicant.
- 22 (2) The applicant's date of birth.
- 23 (3) The gender of the applicant.
- 24 (4) The applicant's height, weight, hair color, and eye color.
- 25 (5) The principal address and mailing address of the applicant.
- 26 (6) A:
- 27 (A) valid Social Security number; or
- 28 (B) verification of an applicant's:
- 29 (i) ineligibility to be issued a Social Security number; and
- 30 (ii) identity and lawful status.
- 31 (7) Whether the applicant has been subject to fainting spells or
- 32 seizures.
- 33 (8) Whether the applicant has been licensed as an operator, a
- 34 chauffeur, or a public passenger chauffeur or has been the holder
- 35 of a learner's permit, and if so, when and by what state.
- 36 (9) Whether the applicant's license or permit has ever been
- 37 suspended or revoked, and if so, the date of and the reason for the
- 38 suspension or revocation.
- 39 (10) Whether the applicant has been convicted of a crime
- 40 punishable as a felony under Indiana motor vehicle law or any
- 41 other felony in the commission of which a motor vehicle was
- 42 used.

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- 1 (11) Whether the applicant has a physical or mental disability,
- 2 and if so, the nature of the disability and other information the
- 3 bureau directs.
- 4 (12) The signature of the applicant **showing the applicant's legal**
- 5 **name as it appears or will appear on the license or permit.**
- 6 **(13) A digital photograph of the applicant.**

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

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

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

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

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

35 The bureau shall maintain records of the information provided under
 36 this subsection.

37 SECTION 38. IC 9-24-10-1, AS AMENDED BY P.L.145-2011,
 38 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2013]: Sec. 1. An individual who applies for a permit or
 40 license under this chapter and who is required by this chapter to take
 41 an examination shall: ~~upon applying for the permit or license:~~

- 42 (1) appear before a member of the bureau designated by the

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1 commissioner; or

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

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

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

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

13 (A) Eyesight.

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

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

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

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

26 (c) The bureau:

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

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

34 (A) an examination concerning:

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

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

37 (B) a skills test;

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

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

SB 538—LS 7224/DI 103+



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

- 5 (1) bureau;
 6 (2) commission; or
 7 (3) driver licensing medical advisory board;

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

10 SECTION 40. IC 9-24-10-6 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. **(a)** The bureau,
 12 before issuing **an initial or a renewal** license, **permit, or**
 13 **endorsement**, may ~~examine or cause to be examined~~ **require** an
 14 applicant for an operator's; a chauffeur's; or a public passenger
 15 chauffeur's license and an applicant for a renewal of those licenses who
 16 has a bad driving record: **to submit to an examination, an**
 17 **investigation, or both an examination and investigation, under**
 18 **section 7 of this chapter.** The bureau may cause the examination or
 19 **investigation** to be made whenever it appears from:

- 20 (1) the face of the application;
 21 (2) the apparent physical or mental condition of the applicant; ~~or~~
 22 **(3) the records of the bureau; or**
 23 ~~(3)~~ **(4)** any information that has come to the attention of the
 24 bureau;

25 that the applicant does not apparently possess the physical, mental, or
 26 other qualifications to operate a motor vehicle in a manner that does
 27 not jeopardize the safety of individuals or property.

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

- 31 **(1) refuse to issue or reissue the license, permit, endorsement,**
 32 **or privileges;**
 33 **(2) suspend or revoke the license, permit, endorsement, or**
 34 **privileges;**
 35 **(3) issue restricted driving privileges subject to restrictions**
 36 **the bureau considers necessary in the interest of public safety;**
 37 **or**
 38 **(4) permit the licensed driver to retain or obtain the license,**
 39 **permit, endorsement, or privileges.**

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

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

5 (1) incompetent; or

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

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

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

17 (1) shall take appropriate action; and

18 (2) may:

19 (A) suspend or revoke the license **or driving privileges** of the
 20 licensed driver;

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

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

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

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

36 SECTION 42. IC 9-24-11-3.3, AS AMENDED BY P.L.1-2010,
 37 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2013]: Sec. 3.3. (a) This section applies to a probationary
 39 operator's license issued after June 30, 2009.

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

SB 538—LS 7224/DI 103+



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- 1 (1) Except as provided in subdivision (3), the individual may not
- 2 operate a motor vehicle from 10 p.m. until 5 a.m. of the following
- 3 morning during the first one hundred eighty (180) days after
- 4 issuance of the probationary license.
- 5 (2) Except as provided in subdivision (3), after one hundred
- 6 eighty (180) days after issuance of the probationary license, and
- 7 until the individual becomes eighteen (18) years of age, an
- 8 individual may not operate a motor vehicle:
- 9 (A) between 1 a.m. and 5 a.m. on a Saturday or Sunday;
- 10 (B) after 11 p.m. on Sunday, Monday, Tuesday, Wednesday,
- 11 or Thursday; or
- 12 (C) before 5 a.m. on Monday, Tuesday, Wednesday, Thursday,
- 13 or Friday.
- 14 (3) The individual may operate a motor vehicle during the periods
- 15 described in subdivisions (1) and (2) if the individual operates the
- 16 motor vehicle while:
- 17 (A) participating in, going to, or returning from:
- 18 (i) lawful employment;
- 19 (ii) a school sanctioned activity; or
- 20 (iii) a religious event; or
- 21 (B) accompanied by a licensed driver **with valid driving**
- 22 **privileges who is:**
- 23 (i) at least twenty-five (25) years of age; or
- 24 (ii) **if the licensed driver is the individual's spouse, at**
- 25 **least twenty-one (21) years of age.**
- 26 (4) The individual may not operate a motor vehicle while using a
- 27 telecommunications device until the individual becomes eighteen
- 28 (18) years of age unless the telecommunications device is being
- 29 used to make a 911 emergency call.
- 30 (5) Except as provided in subdivision (6), during the one hundred
- 31 eighty (180) days after the issuance of the probationary license,
- 32 the individual may not operate a motor vehicle in which there are
- 33 passengers until the individual becomes eighteen (18) years of
- 34 age unless ~~another individual~~ **accompanied in the front seat of**
- 35 **the motor vehicle by:**
- 36 ~~(A) who:~~
- 37 (i) is at least twenty-five (25) years of age; and
- 38 (ii) holds a valid operator's, chauffeur's, public passenger
- 39 chauffeur's, or commercial driver's license issued under this
- 40 article;
- 41 ~~(B) who is~~
- 42 (A) a certified driver education instructor; or

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1 ~~(C)~~ who is the parent, guardian, or stepparent of the operator
2 and is at least twenty-one (21) years of age;
3 is present in the front seat of the motor vehicle.
4 **(B) a licensed driver with valid driving privileges who is:**
5 **(i) at least twenty-five (25) years of age; or**
6 **(ii) if the licensed driver is the individual's spouse, at**
7 **least twenty-one (21) years of age.**
8 (6) The individual may operate a motor vehicle and transport:
9 (A) a child **or stepchild** of the individual;
10 (B) a sibling of the individual, **including step or half siblings;**
11 ~~(C) a child and a sibling of the individual;~~
12 ~~(D) (C) the spouse of the individual; or~~
13 ~~(E) a child and the spouse of the individual;~~ **(D) any**
14 **combination of individuals described in clauses (A)**
15 **through (C);**
16 without another accompanying individual present in the motor
17 vehicle.
18 (7) The individual may operate a motor vehicle only if the
19 individual and each occupant of the motor vehicle are:
20 (A) properly restrained by a properly fastened safety belt; or
21 (B) if the occupant is a child, restrained in a properly fastened
22 child restraint system according to the manufacturer's
23 instructions under IC 9-19-11;
24 properly fastened about the occupant's body at all times when the
25 motor vehicle is in motion.
26 (c) An individual who holds a probationary license issued under this
27 section may **be eligible to** receive an operator's license, a chauffeur's
28 license, a public passenger chauffeur's license, or a commercial driver's
29 license when the individual is at least eighteen (18) years of age.
30 (d) Except as provided in IC 9-24-12-1(e), a probationary license
31 issued under this section:
32 (1) expires at midnight of the date thirty (30) days after the
33 twenty-first birthday of the holder; and
34 (2) may not be renewed.
35 SECTION 43. IC 9-24-11-4, AS AMENDED BY P.L.184-2007,
36 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2013]: Sec. 4. (a) An individual may not have more than one
38 (1) ~~valid~~ driver's license **or identification card** at a time.
39 (b) An individual may not hold a driver's license and an
40 identification card ~~issued under IC 9-24-16~~ at the same time.
41 SECTION 44. IC 9-24-11-5, AS AMENDED BY P.L.109-2011,
42 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2013]: Sec. 5. (a) Except as provided in subsection (h), a
 2 permit or license issued under this chapter must contain the following
 3 information:

- 4 (1) The full legal name of the permittee or licensee.
 5 (2) The date of birth of the permittee or licensee.
 6 (3) The address of the principal residence of the permittee or
 7 licensee.
 8 (4) The hair color and eye color of the permittee or licensee.
 9 (5) The date of issue and expiration date of the permit or license.
 10 (6) The gender of the permittee or licensee.
 11 (7) The unique identifying number of the permit or license.
 12 (8) The weight of the permittee or licensee.
 13 (9) The height of the permittee or licensee.
 14 (10) A reproduction of the signature of the permittee or licensee.
 15 (11) If the permittee or licensee is less than eighteen (18) years of
 16 age at the time of issuance, the dates on which the permittee or
 17 licensee will become:
 18 (A) eighteen (18) years of age; and
 19 (B) twenty-one (21) years of age.
 20 (12) If the permittee or licensee is at least eighteen (18) years of
 21 age but less than twenty-one (21) years of age at the time of
 22 issuance, the date on which the permittee or licensee will become
 23 twenty-one (21) years of age.
 24 (13) Except as provided in ~~subsection~~ **subsections (b) and (c)**, a
 25 digital photograph of the permittee or licensee.
 26 (b) A motorcycle learner's permit issued under IC 9-24-8 does not
 27 require a digital photograph.
 28 (c) The bureau may provide for the omission of a photograph or
 29 computerized image from any license or permit if there is good cause
 30 for the omission. However, a license issued without a digital
 31 photograph must include the language described in subsection (f).
 32 (d) The information contained on the permit or license as required
 33 by subsection (a)(11) or (a)(12) for a permittee or licensee who is less
 34 than twenty-one (21) years of age at the time of issuance shall be
 35 printed prominently on the permit or license.
 36 (e) This subsection applies to a permit or license issued after
 37 January 1, 2007. If the applicant for a permit or license submits
 38 information to the bureau concerning the applicant's medical condition,
 39 the bureau shall place an identifying symbol on the face of the permit
 40 or license to indicate that the applicant has a medical condition of note.
 41 The bureau shall include information on the permit or license that
 42 briefly describes the medical condition of the holder of the permit or



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1 license. The information must be printed in a manner that alerts a
2 person reading the permit or license to the existence of the medical
3 condition. The permittee or licensee is responsible for the accuracy of
4 the information concerning the medical condition submitted under this
5 subsection. The bureau shall inform an applicant that submission of
6 information under this subsection is voluntary.

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

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

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

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

29 (i) 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 address of the individual's
32 principal residence, but may provide an address designated by the
33 office of the attorney general under IC 5-26.5 as the address of the
34 individual's principal residence.

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

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

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1 (2) provided proof of discharge **or separation, other than a**
 2 **dishonorable discharge, from the armed forces of the United**
 3 **States;**
 4 an indication of the permittee's or licensee's veteran status shall be
 5 shown on the license or permit.
 6 SECTION 46. IC 9-24-11-9, AS AMENDED BY P.L.125-2012,
 7 SECTION 208, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) This section applies to an
 9 individual who has an existing medical condition that causes the
 10 individual to appear intoxicated.
 11 (b) An operator's, **a chauffeur's, or a public passenger chauffeur's**
 12 permit or license issued to an individual under this section must bear
 13 a restriction on the ~~operator's~~ permit or license.
 14 (c) An individual who wishes to have an operator's, **a chauffeur's,**
 15 **or a public passenger chauffeur's** permit or license issued under this
 16 section must provide a verified certificate from a physician licensed to
 17 practice in Indiana attesting to the individual's medical condition. The
 18 physician's certificate must be:
 19 (1) provided to the bureau at the time the individual applies for ~~an~~
 20 ~~operator's~~ **the** permit or license under this section;
 21 (2) carried in any vehicle that the individual operates; and
 22 (3) renewed each time the individual's ~~operator's~~ license is
 23 renewed.
 24 (d) The bureau ~~shall~~ **may** adopt rules under IC 4-22-2 to carry out
 25 this section.
 26 SECTION 47. IC 9-24-11-10, AS AMENDED BY P.L.125-2012,
 27 SECTION 209, IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2013]: Sec. 10. (a) In addition to any other
 29 penalty imposed for a conviction under section 8(c) of this chapter, the
 30 court shall recommend that the person's driving privileges be
 31 suspended for a fixed period of at least ninety (90) days and not more
 32 than two (2) years.
 33 (b) The court shall specify:
 34 (1) the length of the fixed period of suspension; and
 35 (2) the date the fixed period of suspension begins;
 36 whenever the court makes a recommendation under subsection (a). If
 37 the court fails to recommend a fixed term of suspension, **or**
 38 **recommends a fixed term that is less than the minimum term**
 39 **required by statute,** the bureau shall impose the minimum period of
 40 suspension required under this chapter.
 41 SECTION 48. IC 9-24-11-11, AS AMENDED BY P.L.125-2012,
 42 SECTION 210, IS AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2013]: Sec. 11. The bureau shall, upon
 2 receiving a record of conviction of a person under section 8(c) of this
 3 chapter, set a period of suspension for a fixed period of at least ninety
 4 (90) days and not more than two (2) years. The bureau shall fix this
 5 period in accordance with the recommendation of the court that entered
 6 the conviction, as provided in section 10 of this chapter. If the court
 7 fails to recommend a fixed term of suspension, **or recommends a fixed**
 8 **term that is less than the minimum term required by statute**, the
 9 bureau shall impose the minimum period of suspension required under
 10 this chapter.

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

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

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

28 (1) Pass an eyesight examination.

29 (2) Pass a written examination if:

30 (A) the applicant has at least six (6) active points on the
 31 applicant's driving record maintained by the bureau; **or**

32 (B) the applicant holds a valid operator's license, has not
 33 reached the applicant's twenty-first birthday, and has active
 34 points on the applicant's driving record maintained by the
 35 bureau; **or**

36 **(C) the applicant is in possession of a driver's license that**
 37 **is expired beyond one hundred eighty (180) days.**

38 (b) The bureau may adopt rules under IC 4-22-2 concerning the
 39 ability of a holder of an operator's, a chauffeur's, or a public passenger
 40 chauffeur's license to renew the license by mail or by electronic service.
 41 If rules are adopted under this subsection, the rules must provide that
 42 an individual's renewal of a license by mail or by electronic service is

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1 subject to the following conditions:
 2 (1) A valid computerized image of the individual must exist
 3 within the records of the bureau.
 4 (2) The previous renewal of the individual's operator's,
 5 chauffeur's, or public passenger chauffeur's license must not have
 6 been by mail or by electronic service.
 7 (3) The application for or previous renewal of the individual's
 8 license must have included a test of the individual's eyesight
 9 approved by the bureau.
 10 (4) If the individual were applying for the license renewal in
 11 person at a license branch, the individual would not be required
 12 under subsection (a)(2) to submit to a written examination.
 13 (5) The individual must be a citizen of the United States, as
 14 shown in the records of the bureau.
 15 (6) There must not have been any change in the:
 16 (A) address; or
 17 (B) name;
 18 of the individual since the issuance or previous renewal of the
 19 individual's operator's, chauffeur's, or public passenger chauffeur's
 20 license.
 21 (7) The operator's, chauffeur's, or public passenger chauffeur's
 22 license of the individual must not be:
 23 (A) suspended; or
 24 (B) expired more than one hundred eighty (180) days;
 25 at the time of the application for renewal.
 26 (8) The individual must be less than seventy-five (75) years of age
 27 at the time of the application for renewal.
 28 (c) An individual applying for the renewal of an operator's, a
 29 chauffeur's, or a public passenger chauffeur's license must apply in
 30 person at a license branch under subsection (a) if the individual is not
 31 entitled to apply by mail or by electronic service under rules adopted
 32 under subsection (b).
 33 SECTION 51. IC 9-24-12-6, AS AMENDED BY P.L.76-2009,
 34 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2013]: Sec. 6. (a) As used in this section, "good cause"
 36 includes the following:
 37 (1) Temporarily residing at least fifty (50) miles outside the
 38 boundaries of Indiana.
 39 (2) Serving in the armed forces of the United States.
 40 (b) The bureau may renew a valid Indiana operator's license held by
 41 an individual temporarily residing outside Indiana if the applicant does
 42 the following:

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- 1 (1) Shows good cause why the license cannot be renewed within
 2 Indiana.
- 3 (2) Submits a completed application provided by the bureau and
 4 payment of the fee required in IC 9-29-9.
- 5 (3) Submits a written affidavit that affirms that no source
 6 document upon which the operator's license was issued has
 7 changed or been altered since the prior issuance of the operator's
 8 license.
- 9 (c) The Indiana operator's license of an individual who is
 10 temporarily residing outside Indiana remains valid for thirty (30) days
 11 beyond the expiration date of that license if the individual meets the
 12 following conditions:
- 13 (1) Has applied for a renewal of the license.
- 14 (2) Has not been denied a renewal of the license by the bureau.
- 15 (d) Upon receiving an application for the renewal of an Indiana
 16 operator's license from an individual temporarily residing outside
 17 Indiana, the bureau shall do the following:
- 18 (1) Either renew or deny the renewal of the license within ten (10)
 19 days.
- 20 (2) Notify the individual of the decision.
- 21 (e) (a) When the Indiana driver's license of an individual who is
 22 temporarily residing outside Indiana because of service in the armed
 23 forces of the United States has expired, the driver's license remains
 24 valid for ninety (90) days following the individual's discharge from
 25 service in the armed forces or postdeployment in the armed forces. To
 26 obtain a renewed driver's license, the individual must do the following:
- 27 (1) Apply for a renewal of the driver's license during the ninety
 28 (90) day period following the individual's discharge or
 29 postdeployment in the armed forces.
- 30 (2) Show proof of the individual's discharge from service in the
 31 armed forces or status as postdeployment in the armed forces to
 32 the bureau when applying for the renewal.
- 33 An individual who held a commercial driver's license that expired
 34 during **the individual's** service in the armed forces may renew the
 35 commercial driver's license as if the commercial driver's license had
 36 not expired but had remained valid during the period of service in the
 37 armed forces of the United States.
- 38 (b) **When the Indiana driver's license of an individual who is**
 39 **temporarily residing outside Indiana because of the service of a**
 40 **spouse, parent, or guardian in the armed forces of the United**
 41 **States has expired, the driver's license remains valid for ninety (90)**
 42 **days following the discharge from service in the armed forces or**

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1 end of deployment in the armed forces of the individual's spouse,
 2 parent, or guardian. To obtain a renewed driver's license, the
 3 individual must do the following:

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

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

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

15 (1) an operator's; or

16 (2) a chauffeur's; or

17 (3) a public passenger chauffeur's;

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

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

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

33 (A) received a request for evidence of financial
 34 responsibility after:

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

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

38 (B) failed to provide proof of financial responsibility under
 39 IC 9-25-6;

40 only if the individual shows by a preponderance of the
 41 evidence that the failure to maintain financial responsibility
 42 was inadvertent.

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- 1 (2) When suspension of **driving privileges** is by reason of:
- 2 (A) physical, mental, or emotional instability;
- 3 (B) having caused serious bodily injury to or the death of
- 4 another person when operating a motor vehicle after
- 5 knowingly or intentionally failing to take prescribed
- 6 medication, the taking of which was a condition of the
- 7 issuance of the operator's restricted driver's license; or
- 8 (C) the applicant has been convicted of involuntary
- 9 manslaughter or reckless homicide as a result of an automobile
- 10 accident.
- 11 (3) A suspension of the ~~license~~ **driving privileges** of an applicant
- 12 whose license has been previously suspended **more than one (1)**
- 13 **time**.
- 14 (4) A suspension of the ~~license~~ **driving privileges** of an applicant
- 15 who has failed to use timely appeal procedures provided by the
- 16 bureau.
- 17 (5) After June 30, 2005, a suspension of the ~~license~~ **driving**
- 18 **privileges** of an applicant whose commercial driver's license has
- 19 been disqualified under 49 CFR 383.51 or other applicable
- 20 federal or state law, including an alcohol or a controlled substance
- 21 conviction under IC 9-30-5-4 or 49 CFR 391.15.
- 22 **(6) A person who is a habitual violator of traffic laws under**
- 23 **IC 9-30-10.**
- 24 (b) A court may grant a petition for restricted driving privileges
- 25 from an individual who:
- 26 (1) received a request for evidence of financial responsibility
- 27 after:
- 28 (A) an accident under IC 9-25-5-2; or
- 29 (B) a conviction of a motor vehicle violation under
- 30 IC 9-25-9-1; and
- 31 (2) failed to provide proof of financial responsibility under
- 32 IC 9-25-6;
- 33 if the individual shows by a preponderance of the evidence that the
- 34 failure to maintain financial responsibility was inadvertent.
- 35 SECTION 54. IC 9-24-15-2, AS AMENDED BY P.L.125-2012,
- 36 SECTION 216, IS AMENDED TO READ AS FOLLOWS
- 37 [EFFECTIVE JULY 1, 2013]: Sec. 2. If:
- 38 (1) an individual's driving ~~license~~ **has privileges have** been
- 39 suspended under Indiana motor vehicle law;
- 40 (2) because of the nature of the individual's employment, the
- 41 suspension would work an undue hardship and burden upon the
- 42 individual's family or dependents; and

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1 (3) the individual is ~~eligible~~ **not ineligible** for restricted driving
 2 privileges under section 1 of this chapter;
 3 the individual may file a verified petition for restricted driving
 4 privileges for the sole purpose of driving to and from work and in the
 5 course of employment during the period of the driving license
 6 suspension.

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

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

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

- 34 (1) The person was not convicted of one (1) or more of the
 35 following:
 36 (A) A Class D felony under IC 9-30-5-4 before July 1, 1996,
 37 or a Class D felony or a Class C felony under IC 9-30-5-4 after
 38 June 30, 1996.
 39 (B) A Class C felony under IC 9-30-5-5 before July 1, 1996, or
 40 a Class C felony or a Class B felony under IC 9-30-5-5 after
 41 June 30, 1996.
 42 (2) The person's driving privileges were suspended under



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1 ~~IC 9-30-6-9(c) or IC 35-48-4-15.~~
2 ~~(3)~~ **(2)** The driving that was the basis of the suspension was not in
3 connection with the person's work.
4 ~~(4)~~ **(3)** The person does not have a previous conviction for
5 operating while intoxicated.
6 **(4) The driving privileges of the person have not previously**
7 **been suspended more than one (1) time for any reason.**
8 (5) The person is participating in a rehabilitation program
9 certified by either the division of mental health and addiction or
10 the Indiana judicial center.
11 (b) The person filing the petition for restricted driving privileges
12 shall include in the petition the information specified in subsection (a)
13 in addition to the information required by sections 3 through 4 of this
14 chapter.
15 (c) Whenever the court grants a person restricted driving privileges
16 under this chapter, that part of the court's order granting probationary
17 driving privileges shall not take effect until the person's driving
18 privileges have been suspended for at least thirty (30) days under
19 IC 9-30-6-9. In a county that provides for the installation of an ignition
20 interlock device under IC 9-30-8, installation of an ignition interlock
21 device is required as a condition of ~~probationary~~ **restricted** driving
22 privileges for the entire duration of the ~~probationary~~ **restricted** driving
23 privileges.
24 (d) If a court requires installation of a certified ignition interlock
25 device under subsection (c), the court shall order the bureau to record
26 this requirement in the person's driving record in accordance with
27 IC 9-14-3-7. When the person is no longer required to operate only a
28 motor vehicle equipped with an ignition interlock device, the court
29 shall notify the bureau that the ignition interlock use requirement has
30 expired and order the bureau to update its records accordingly.
31 SECTION 57. IC 9-24-15-6.7, AS AMENDED BY P.L.125-2012,
32 SECTION 221, IS AMENDED TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2013]: Sec. 6.7. (a) If a petitioner whose driving
34 license or permit is ~~privileges are~~ **privileges are** suspended under IC 9-30-13-6,
35 IC 9-30-13-7, or IC 9-30-13-8 proves to the satisfaction of the court
36 that public transportation is unavailable for travel by the petitioner:
37 (1) to and from the petitioner's regular place of employment;
38 (2) in the course of the petitioner's regular employment;
39 (3) to and from the petitioner's place of worship; or
40 (4) to participate in parenting time with the petitioner's children
41 consistent with a court order granting parenting time;
42 the court may grant a petition for restricted driving privileges filed

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1 under this chapter.

2 (b) Restricted driving privileges issued by the bureau under this
3 section must specify that the restricted driving privileges are valid only
4 for purposes of driving under the conditions described in subsection
5 (a).

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

8 (1) issued in the same manner; and

9 (2) subject to all requirements;

10 as other permits under this chapter.

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

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

15 (2) operates a motor vehicle:

16 (A) in violation of the terms, limitations, or restrictions set out
17 by the court; and

18 (B) during the period of suspension of the person's current
19 driving license;

20 commits a Class B misdemeanor.

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

23 (1) Revoke the person's restricted driving privileges.

24 (2) Suspend the person's current driving license for ~~two (2) years~~
25 ~~in addition to the original existing period of suspension. any~~
26 **additional suspension period designated by the court.**

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

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

35 (1) The full legal name of the applicant.

36 (2) The applicant's date of birth.

37 (3) The gender of the applicant.

38 (4) The applicant's height, weight, hair color, and eye color.

39 (5) The principal address and mailing address of the applicant.

40 (6) A:

41 (A) valid Social Security number; or

42 (B) verification of an applicant's:

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1 (i) ineligibility to be issued a Social Security number; and
 2 (ii) identity and lawful status.
 3 (7) A digital photograph of the applicant.
 4 (8) The signature of the applicant **showing the applicant's legal**
 5 **name as it will appear on the identification card.**
 6 The bureau shall maintain records of the information provided under
 7 subdivisions (1) through (8).
 8 (b) The bureau may invalidate an identification card that the bureau
 9 believes to have been issued as a result of fraudulent documentation.
 10 (c) The bureau:
 11 (1) shall adopt rules under IC 4-22-2 to establish a procedure to
 12 verify an applicant's identity and lawful status; and
 13 (2) may adopt rules to establish a procedure to temporarily
 14 invalidate an identification card that it believes to have been
 15 issued based on fraudulent documentation.
 16 (d) For purposes of subsection (a), an individual certified as a
 17 program participant in the address confidentiality program under
 18 IC 5-26.5 is not required to provide the individual's principal address
 19 and mailing address, but may provide an address designated by the
 20 office of the attorney general under IC 5-26.5 as the individual's
 21 principal address and mailing address.
 22 (e) In addition to the information required under subsection (a), an
 23 application for an identification card to be issued under this chapter
 24 must enable the applicant to indicate that the applicant is a veteran of
 25 the armed forces of the United States and wishes to have an indication
 26 of the applicant's veteran status appear on the identification card. An
 27 applicant who wishes to have an indication of the applicant's veteran
 28 status appear on the identification card must:
 29 (1) indicate on the application that the applicant:
 30 (A) is a veteran of the armed forces of the United States; and
 31 (B) wishes to have an indication of the applicant's veteran
 32 status appear on the identification card; and
 33 (2) verify the applicant's veteran status by providing proof of
 34 discharge **or separation, other than a dishonorable discharge,**
 35 **from the armed forces of the United States.**
 36 The bureau shall maintain records of the information provided under
 37 this subsection.
 38 SECTION 60. IC 9-24-16-3, AS AMENDED BY P.L.125-2012,
 39 SECTION 227, IS AMENDED TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) An identification card must
 41 have the same dimensions and shape as a driver's license, but the card
 42 must have markings sufficient to distinguish the card from a driver's

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1 license.

2 (b) Except as provided in subsection (g), the front side of an

3 identification card must contain the expiration date of the identification

4 card and the following information about the individual to whom the

5 card is being issued:

6 (1) Full legal name.

7 (2) The address of the principal residence.

8 (3) Date of birth.

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

10 (5) Unique identification number.

11 (6) Gender.

12 (7) Weight.

13 (8) Height.

14 (9) Color of eyes and hair.

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

16 (11) Whether the individual is blind (as defined in

17 IC 12-7-2-21(1)).

18 (12) If the individual is less than eighteen (18) years of age at the

19 time of issuance, the dates on which the individual will become:

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

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

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

23 than twenty-one (21) years of age at the time of issuance, the date

24 on which the individual will become twenty-one (21) years of age.

25 (14) Digital photograph of the individual.

26 (c) The information contained on the identification card as required

27 by subsection (b)(12) or (b)(13) for an individual who is less than

28 twenty-one (21) years of age at the time of issuance shall be printed

29 prominently on the permit or license.

30 (d) If the individual:

31 (1) has indicated on the application that the individual is a veteran

32 of the armed forces of the United States and wishes to have an

33 indication of the applicant's veteran status appear on the

34 identification card; and

35 (2) has provided proof of **any discharge or separation, other**

36 **than a dishonorable discharge, from the armed forces of the**

37 **United States;**

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

39 identification card.

40 (e) If the applicant for an identification card submits information to

41 the bureau concerning the applicant's medical condition, the bureau

42 shall place an identifying symbol on the face of the identification card

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

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

- 11 (1) has a valid, unexpired nonimmigrant visa or has nonimmigrant
- 12 visa status for entry in the United States;
- 13 (2) has a pending application for asylum in the United States;
- 14 (3) has a pending or approved application for temporary protected
- 15 status in the United States;
- 16 (4) has approved deferred action status; or
- 17 (5) has a pending application for adjustment of status to that of an
- 18 alien lawfully admitted for permanent residence in the United
- 19 States or conditional permanent residence status in the United
- 20 States;

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

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

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

- 37 (1) an original;
- 38 (2) a renewal of an; ~~or~~
- 39 (3) a replacement; ~~or~~
- 40 **(4) an amended;**

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

42 (b) An identification card must be issued without the payment of a

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1 fee or charge to an individual who:

2 (1) does not have a valid Indiana driver's license; and

3 (2) will be at least eighteen (18) years of age and eligible to vote
4 in the next general, municipal, or special election.

5 SECTION 62. IC 9-24-18-1, AS AMENDED BY P.L.125-2012,
6 SECTION 235, IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) A person, except a person
8 exempted under IC 9-24-1-7, who knowingly or intentionally operates
9 a motor vehicle upon a highway and has never received a valid driving
10 license commits a Class C misdemeanor. However, the offense is a
11 Class A misdemeanor if the person has a prior unrelated conviction
12 under this section.

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

17 (c) The court shall specify:

18 (1) the length of the fixed period of the prohibition; and

19 (2) the date the fixed period of the prohibition begins;

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

21 (d) The bureau shall, upon receiving a record of conviction of a
22 person upon a charge of operating a motor vehicle while never having
23 received a valid driving license, prohibit the person from receiving a
24 driving license **by placing a suspension of driving privileges on the**
25 **person's record** for a fixed period of at least ninety (90) days and not
26 more than two (2) years. The bureau shall fix this period in accordance
27 with the recommendation of the court that entered the conviction, as
28 provided in subsection (c). If the court fails to recommend a fixed term
29 of suspension, **or recommends a fixed term that is less than the**
30 **minimum term required by statute**, the bureau shall impose the
31 minimum period of suspension required under this chapter.

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

36 SECTION 63. IC 9-24-18-3, AS AMENDED BY P.L.125-2012,
37 SECTION 236, IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) A person that has a motor
39 vehicle in the person's custody may not cause or knowingly permit a
40 person to **drive operate** the vehicle upon a highway unless the person
41 holds a valid license or permit under this article **for the type of vehicle**
42 **that the person is operating.**



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

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

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

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

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

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

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

SECTION 67. IC 9-24-19-5, AS AMENDED BY P.L.125-2012, SECTION 240, IS AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) In addition to any other
 2 penalty imposed for a conviction under this chapter, the court shall
 3 recommend that the person's driving privileges be suspended for a
 4 fixed period of not less than ninety (90) days and not more than two (2)
 5 years.

6 (b) The court shall specify:

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

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

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

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

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

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

28 (1) a business enterprise that:

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

35 (‡) (B) charges consideration or tuition for the provision of
 36 services; **or**

37 (2) a driver education program operated under the authority
 38 of:

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

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

42 (C) a nonpublic secondary school recognized under

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- 1 **IC 20-19-2-10;**
- 2 **(D) a postsecondary proprietary educational institution (as**
- 3 **defined in IC 22-4.1-21-9);**
- 4 **(E) a postsecondary credit bearing proprietary educational**
- 5 **institution (as defined in IC 21-18.5-2-12);**
- 6 **(F) a state educational institution (as defined in**
- 7 **IC 21-7-13-32); or**
- 8 **(G) a nonaccredited nonpublic school.**

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

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

- 16 (1) An individual, whether acting as the operator of a ~~commercial~~
- 17 driver training school or on behalf of a ~~commercial~~ driver training
- 18 school, who for compensation teaches, conducts classes for, gives
- 19 demonstrations to, or supervises the practice of individuals
- 20 learning to operate or drive motor vehicles or preparing to take an
- 21 examination for a driver's license.
- 22 (2) An individual who supervises the work of an instructor.
- 23 (3) An individual licensed under IC 20-28-5-1.
- 24 (4) An individual under the authority of a postsecondary
- 25 proprietary educational institution (as defined in IC 22-4.1-21-9)
- 26 or a postsecondary credit bearing proprietary educational
- 27 institution (as defined in IC 21-18.5-2-12) who is teaching,
- 28 conducting classes for, giving demonstrations to, or supervising
- 29 the practice of individuals learning to operate or drive motor
- 30 vehicles or preparing to take an examination for a driver's license.
- 31 (5) An individual under the authority of a state educational
- 32 institution (as defined in IC 21-7-13-32) who is teaching,
- 33 conducting classes for, giving demonstrations to, or supervising
- 34 the practice of individuals learning to operate or drive motor
- 35 vehicles or preparing to take an examination for a driver's license.

36 SECTION 71. IC 9-27-6-6, AS ADDED BY P.L.145-2011,
 37 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2013]: Sec. 6. (a) To establish or operate a ~~commercial~~ driver
 39 training school, the ~~commercial~~ driver training school must obtain a
 40 ~~commercial~~ driver training school license from the bureau in the
 41 manner and form prescribed by the bureau.

42 (b) Subject to subsections (c) and (d), the bureau shall adopt rules

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1 under IC 4-22-2 that state the requirements for obtaining a ~~commercial~~
 2 driver training school license. ~~The rules adopted must be substantially~~
 3 ~~equivalent to rules adopted under section 7(b) of this chapter.~~

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

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

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

19 (d) 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 72. IC 9-27-6-7 IS REPEALED [EFFECTIVE JULY 1,
 23 2013]. Sec. 7: (a) ~~To establish or operate a driver education program~~
 24 ~~under the authority of a:~~

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

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

37 (b) Subject to subsection (c); the bureau shall adopt rules under
 38 IC 4-22-2 that state the requirements for obtaining a school license.
 39 The rules adopted must be substantially equivalent to rules adopted
 40 under section 6(b) of this chapter.

41 (e) The rules adopted under subsection (b) must provide that the
 42 classroom training part of driver education instruction may not be

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1 provided to a child less than fifteen (15) years of age:

2 SECTION 73. IC 9-27-6-8, AS ADDED BY P.L.145-2011,
3 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2013]: Sec. 8. (a) To be eligible to act as a driver education
5 instructor, an individual must obtain an instructor's **endorsement**
6 **license** from the bureau in the manner and form prescribed by the
7 bureau.

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

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

16 (1) meets the requirements of subsection (a) and rules adopted
17 under subsection (b);

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

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

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

25 SECTION 74. IC 9-27-6-9, AS ADDED BY P.L.145-2011,
26 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2013]: Sec. 9. (a) A license issued under section 6 **or 7 or 8**
28 of this chapter **or an endorsement issued under section 8 of this chapter**
29 expires on the last day of the fiscal year **in even-numbered years** and
30 may be renewed upon application to the bureau.

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

34 (c) A license **or endorsement** fee may not be refunded if the license
35 **or endorsement** application is rejected or the license is suspended or
36 revoked.

37 (d) A license **or endorsement** fee collected under this section shall
38 be deposited in the motor vehicle highway account fund established
39 under IC 8-14-1.

40 SECTION 75. IC 9-27-6-10, AS ADDED BY P.L.145-2011,
41 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2013]: Sec. 10. The bureau may refuse to issue, refuse to

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1 renew, cancel, suspend, or revoke a license ~~or an endorsement~~ issued
 2 under this chapter if it is shown that the person:

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

9 SECTION 76. IC 9-27-6-11, AS ADDED BY P.L.145-2011,
 10 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2013]: Sec. 11. In addition to adopting rules under sections
 12 6(b), ~~7(b)~~, 8(b), and 9(b) of this chapter, the bureau shall adopt rules
 13 under IC 4-22-2 concerning the following:

14 (1) Methods and procedures for the investigation and evaluation
 15 of the qualifications of individuals applying for licenses under
 16 sections 6 and ~~7~~ 8 of this chapter. ~~and endorsements under section~~
 17 ~~8 of this chapter.~~

18 (2) The criteria upon which to issue, deny, suspend, renew, and
 19 revoke licenses ~~and endorsements~~ under section 10 of this
 20 chapter, including requirements for continuing education for
 21 instructors.

22 (3) Procedures for:

23 (A) the investigation into potential grounds for; and

24 (B) conduct of hearings on;

25 the issuance, renewal, cancellation, suspension, or revocation of
 26 a license. ~~or an endorsement.~~

27 (4) Standards for classroom and in-car driver education
 28 curriculum (including classroom instruction, Internet instruction,
 29 and practice driving) and equipment. Classroom instruction
 30 standards established under this subdivision must provide for
 31 instruction about:

32 (A) railroad-highway grade crossing safety; and

33 (B) the procedure for participation in the human organ donor
 34 program;

35 and must limit classroom instruction to students at least fifteen
 36 (15) years of age.

37 (5) Limitations on the number of:

38 (A) hours an instructor may teach in a day; and

39 (B) classroom and driving hours in which a driver education
 40 student may participate during a day.

41 (6) Programs to improve parental involvement in driver
 42 education.

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1 (7) Establishment and maintenance of standards for instructors of
2 driver education, including:

- 3 (A) secondary school driver education instructors;
4 (B) ~~commercial~~ driver training school instructors; and
5 (C) higher education driver education instructors.

6 SECTION 77. IC 9-27-7-6, AS ADDED BY P.L.145-2011,
7 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2013]: Sec. 6. (a) The commissioner shall appoint a five (5)
9 member advisory committee consisting of at least three (3) active
10 motorcyclists to serve in an advisory capacity to the program.

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

15 (c) A member of the advisory board may be removed for good
16 cause.

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

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

25 SECTION 78. IC 9-30-2-7 IS REPEALED [EFFECTIVE JULY 1,
26 2013]. Sec. 7. (a) The:

- 27 (1) superintendent of the state police department;
28 (2) police chief of each city or the police chief's designee;
29 (3) sheriff of each county; and
30 (4) town marshal or police chief of each town;

31 shall report to the bureau immediately the arrest of a person for a
32 violation of an Indiana law or a city ordinance relating to the operation
33 of motor vehicles upon the highways:

34 (b) The report must state the following:

- 35 (1) The offense with which the operator or driver is charged;
36 (2) The court in which pending;
37 (3) The names of all available witnesses to the violation;
38 (4) The name and address of the operator;
39 (5) If the operator is the holder of a license, the following:
40 (A) The kind of license and license number;
41 (B) The license plate number of the vehicle operated by the
42 operator.



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1 (c) The bureau shall cause the report:
 2 (1) to be filed in the bureau; and
 3 (2) retained for at least two (2) years.
 4 (d) The bureau shall prescribe and the bureau shall furnish the form
 5 of the report required by this section:
 6 SECTION 79. IC 9-30-3-4 IS REPEALED [EFFECTIVE JULY 1,
 7 2013]. Sec. 4: As used in this chapter, "nonmoving traffic offense"
 8 means a violation of a statute, an ordinance, or a regulation concerning
 9 the following:
 10 (1) The parking or standing of motor vehicles.
 11 (2) Motor vehicles that are not in motion.
 12 SECTION 80. IC 9-30-3-5 IS REPEALED [EFFECTIVE JULY 1,
 13 2013]. Sec. 5: As used in this chapter, "traffic offense" means a
 14 violation of a statute, an ordinance, or a regulation relating to the
 15 operation or use of motor vehicles and any violation of a statute, an
 16 ordinance, or a regulation relating to the use of streets and highways by
 17 pedestrians or by the operation of any other vehicle.
 18 SECTION 81. IC 9-30-3-8, AS AMENDED BY P.L.125-2012,
 19 SECTION 324, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) The court may issue a warrant
 21 for the arrest of a defendant who is an Indiana resident and who fails
 22 to appear or answer a traffic information and summons or a complaint
 23 and summons served upon the defendant. If the warrant is not executed
 24 within thirty (30) days after issue, the court shall promptly forward the
 25 court copy of the traffic information and summons or complaint and
 26 summons to the bureau indicating that the defendant failed to appear
 27 in court as ordered. The court shall then mark the case as failure to
 28 appear on the court's records.
 29 (b) If a defendant who is not an Indiana resident fails to appear or
 30 answer a traffic summons served upon the defendant and upon which
 31 the information or complaint has been filed thirty (30) days after the
 32 return date of the information and summons or complaint and
 33 summons, the court shall promptly forward the court copy of the traffic
 34 information and summons or complaint and summons to the bureau.
 35 The bureau shall notify the motor vehicle commission of the state of
 36 the nonresident defendant of the defendant's failure to appear and also
 37 of any action taken by the bureau relative to the Indiana driving
 38 privileges of the defendant. If the defendant fails to appear or otherwise
 39 answer within thirty (30) days, the court shall mark the case as failure
 40 to appear on the court's records.
 41 (c) The court may suspend the driving privileges of a defendant who
 42 fails to satisfy a judgment entered against the defendant for:

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1 (1) violation of a traffic ordinance; or
 2 (2) commission of a traffic infraction;
 3 by a date set by the court under IC 34-28-5-6. The court shall forward
 4 notice to the bureau indicating that the defendant failed to pay as
 5 ordered.

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

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

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

26 (2) the defendant subsequently appears in court to answer the
 27 charges against the defendant;

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

36 SECTION 82. IC 9-30-3-12, AS AMENDED BY P.L.125-2012,
 37 SECTION 326, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2013]: Sec. 12. (a) If during any twelve (12)
 39 month period a person has committed moving traffic violations for
 40 which the person has:

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

42 (2) had at least two (2) traffic judgments entered against the

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1 person; or
 2 (3) been convicted of at least one (1) traffic misdemeanor and has
 3 had at least one (1) traffic judgment entered against the person;
 4 the bureau may require the person to attend and satisfactorily complete
 5 a ~~defensive driving school driver safety~~ program approved by the
 6 bureau. The person shall pay all applicable fees required by the bureau.
 7 (b) This subsection applies to an individual who holds a
 8 probationary license under IC 9-24-11-3.3 or is less than eighteen (18)
 9 years of age. An individual is required to attend and satisfactorily
 10 complete a ~~defensive driving school driver safety~~ program approved
 11 by the bureau if either of the following occurs at least twice or if both
 12 of the following have occurred when the individual was less than
 13 eighteen (18) years of age:
 14 (1) The individual has been convicted of a moving traffic offense,
 15 ~~(as, defined in section 14(a) of this chapter)~~, other than an offense
 16 that solely involves motor vehicle equipment.
 17 (2) The individual has been the operator of a motor vehicle
 18 involved in an accident for which a report is required to be filed
 19 under IC 9-26-2.
 20 The individual shall pay all applicable fees required by the bureau.
 21 (c) The bureau may suspend the driving privileges of any person
 22 who:
 23 (1) fails to attend a ~~defensive driving school driver safety~~
 24 program; or
 25 (2) fails to satisfactorily complete a ~~defensive driving school~~
 26 ~~driver safety~~ program;
 27 as required by this section.
 28 (d) Notwithstanding IC 33-37-4-2, any court may suspend one-half
 29 (1/2) of each applicable court cost (including fees) for which a person
 30 is liable due to a traffic violation if the person enrolls in and completes
 31 a ~~defensive driving school driver safety program~~ or a similar school
 32 conducted by an agency of the state or local government.
 33 SECTION 83. IC 9-30-3-14 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 14. ~~(a) As used in this~~
 35 ~~section, "moving traffic offense" means a violation of a statute, an~~
 36 ~~ordinance, or a rule relating to the operation or use of motor vehicles~~
 37 ~~while the motor vehicle is in motion.~~
 38 ~~(b)~~ If a court convicts a person for a moving traffic offense and the
 39 person is known or believed by the court not to be the owner of the
 40 motor vehicle, the court shall, within seven (7) days after entering the
 41 conviction, deposit with the United States Postal Service, first class
 42 postage prepaid, notice addressed to the owner of the motor vehicle

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

12 SECTION 84. IC 9-30-3-16, AS AMENDED BY P.L.125-2012,
 13 SECTION 328, IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2013]: Sec. 16. (a) If a person has been found
 15 to have committed a traffic offense, the court may do the following:

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

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

25 SECTION 85. IC 9-30-4-1 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. Upon any reasonable
 27 ground appearing on the records of the bureau, the bureau may do the
 28 following:

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

33 SECTION 86. IC 9-30-4-6, AS AMENDED BY P.L.125-2012,
 34 SECTION 330, AND AS AMENDED BY P.L.126-2012, SECTION
 35 29, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) Whenever the bureau
 37 suspends or revokes the current driver's license **or driving privileges**
 38 upon receiving a record of the conviction of a person for any offense
 39 under the motor vehicle laws not enumerated under subsection (b), the
 40 bureau may also suspend any of the certificates of registration and
 41 license plates issued for any motor vehicle registered in the name of the
 42 person so convicted. However, the bureau may not suspend the



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1 evidence of registration, unless otherwise required by law, if the person
 2 has given or gives and maintains during the three (3) years following
 3 the date of suspension or revocation proof of financial responsibility in
 4 the future in the manner specified in this section.

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

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

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

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

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

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

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

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

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

40 (1) Except as provided in subdivisions (2), (3), (4), and (5), and
 41 subject to section 6.5 of this chapter, for six (6) months from the
 42 date of conviction or on the date on which the person is otherwise

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eligible for a license, whichever is later. Except as provided in IC 35-48-4-15, this includes a person convicted of a crime for which the person's **driving privilege or driver's** license is suspended or revoked under subsection (b)(6).
(2) Subject to section 6.5 of this chapter, upon conviction of an offense described in subsection (b)(1), for a fixed period of not less than two (2) years and not more than five (5) years, to be fixed by the bureau based upon recommendation of the court entering a conviction. **If the court fails to recommend a fixed term of suspension, or recommends a fixed term that is less than the minimum term required by statute, the bureau shall impose the minimum period of suspension required under this chapter.** A new or reinstated **driver's license or driving privileges** may not be issued to the person unless that person, within the three (3) years following the expiration of the suspension or revocation, gives and maintains in force at all times during the effective period of a new or reinstated license proof of financial responsibility in the future in the manner specified in this chapter. However, the liability of the insurance carrier under a motor vehicle liability policy that is furnished for proof of financial responsibility in the future as set out in this chapter becomes absolute whenever loss or damage covered by the policy occurs, and the satisfaction by the insured of a final judgment for loss or damage is not a condition precedent to the right or obligation of the carrier to make payment on account of loss or damage, but the insurance carrier has the right to settle a claim covered by the policy. If the settlement is made in good faith, the amount shall be deductive from the limits of liability specified in the policy. A policy may not be canceled or annulled with respect to a loss or damage by an agreement between the carrier and the insured after the insured has become responsible for the loss or damage, and a cancellation or annulment is void. The policy may provide that the insured or any other person covered by the policy shall reimburse the insurance carrier for payment made on account of any loss or damage claim or suit involving a breach of the terms, provisions, or conditions of the policy. If the policy provides for limits in excess of the limits specified in this chapter, the insurance carrier may plead against any plaintiff, with respect to the amount of the excess limits of liability, any defenses that the carrier may be entitled to plead against the insured. The policy may further provide for prorating of the insurance with other applicable valid and collectible insurance. An action does not lie

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1 against the insurance carrier by or on behalf of any claimant under
 2 the policy until a final judgment has been obtained after actual
 3 trial by or on behalf of any claimant under the policy.

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

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

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

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

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

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

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

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

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

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

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

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

39 (f) For the purpose of this chapter, "conviction" includes any of the
 40 following:

41 (1) A conviction upon a plea of guilty.

42 (2) A determination of guilt by a jury or court, even if:

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- 1 (A) no sentence is imposed; or
 2 (B) a sentence is suspended.
 3 (3) A forfeiture of bail, bond, or collateral deposited to secure the
 4 defendant's appearance for trial, unless the forfeiture is vacated.
 5 (4) A payment of money as a penalty or as costs in accordance
 6 with an agreement between a moving traffic violator and a traffic
 7 violations bureau.
 8 (g) A suspension or revocation under this section or under
 9 ~~IC 9-25-6-8~~ IC 9-30-13-0.5 stands pending appeal of the conviction to
 10 a higher court and may be set aside or modified only upon the receipt
 11 by the bureau of the certificate of the court reversing or modifying the
 12 judgment that the cause has been reversed or modified. However, if the
 13 suspension or revocation follows a conviction in a court of no record
 14 in Indiana, the suspension or revocation is stayed pending appeal of the
 15 conviction to a court of record.
 16 (h) A person aggrieved by an order or act of the bureau under this
 17 section or ~~IC 9-25-6-8~~ IC 9-30-13-0.5 may file a petition for a court
 18 review.
 19 SECTION 87. IC 9-30-4-7 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) A person whose:
 21 (1) ~~operator's or chauffeur's~~ **driver's** license; or
 22 (2) certificate of registration or license plate;
 23 has been suspended **or revoked** and has not been reinstated shall
 24 immediately return the **driver's** license, certificate of registration, and
 25 license plate to the bureau. A person who knowingly fails to comply
 26 with this requirement commits a Class C misdemeanor.
 27 (b) The bureau may:
 28 (1) take possession of a license, certificate of registration, or
 29 license plate upon the suspension **or revocation**; or
 30 (2) direct a law enforcement officer to take possession and return
 31 the license, certificate, or license plate to the office of the bureau.
 32 (c) All law enforcement officers are authorized as agents of the
 33 bureau to seize the license, certificate of registration, and license plate
 34 of a person who fails to surrender the license, certificate, or license
 35 plate. A law enforcement officer shall notify the bureau of the seizure.
 36 SECTION 88. IC 9-30-4-9, AS AMENDED BY P.L.125-2012,
 37 SECTION 333, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) Upon the filing of a complaint
 39 in writing with the bureau against a person holding a current driver's
 40 license or permit or applying for a driver's license, permit, or renewal,
 41 the bureau may cite the person for a hearing to consider the suspension
 42 or revocation of the person's license, permit, or driving privileges upon

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- 1 any of the following charges **or allegations**:
- 2 (1) That the person has committed an offense for the conviction
- 3 of which mandatory revocation of license is provided.
- 4 (2) That the person has, by reckless or unlawful operation of a
- 5 motor vehicle, caused or contributed to an accident resulting in
- 6 death or injury to any other person or property damage.
- 7 (3) That the person is incompetent to drive a motor vehicle or is
- 8 afflicted with mental or physical infirmities or disabilities
- 9 rendering it unsafe for the person to drive a motor vehicle.
- 10 (4) That the person is a reckless or negligent driver of a motor
- 11 vehicle or has committed a violation of a motor vehicle law.
- 12 (b) Whenever the bureau ~~issues a citation~~ **determines a hearing is**
- 13 **necessary** upon a complaint in writing for any of the reasons set out in
- 14 this section, the bureau shall immediately notify the licensee or permit
- 15 holder of the hearing. The ~~citation notice~~ must state the time, date, and
- 16 place where the hearing will be held and that the licensee or permit
- 17 holder has the right to appear and to be heard. At the hearing the
- 18 bureau or the deputy or agent may issue an order of suspension or
- 19 revocation of, or decline to suspend or revoke, the license, permit, or
- 20 driving privileges of the person.
- 21 (c) The bureau or the deputy or agent may suspend or revoke the
- 22 driver's license, permit, or driving privileges of a person and any of the
- 23 certificates of registration and license plates for a motor vehicle or
- 24 require the person ~~cited~~ to operate for a period of one (1) year under
- 25 restricted driving privileges and make the reports the bureau requires.
- 26 (d) The bureau or the deputy or agent may subpoena witnesses,
- 27 administer oaths, and take testimony. The failure of the defendant to
- 28 appear at the time and place of the hearing after notice as provided in
- 29 this section does not prevent the hearing, the taking of testimony, and
- 30 the determination of the matter.
- 31 (e) Testimony or a record of suspension or revocation of a driver's
- 32 license, a permit, or driving privileges in the custody of the bureau
- 33 following a hearing is not admissible as evidence:
- 34 (1) in any court in any action at law for negligence; or
- 35 (2) in any civil action brought against a person so cited by the
- 36 bureau under this chapter.
- 37 (f) The bureau may suspend or revoke the license, permit, or driving
- 38 privileges of an Indiana resident for a period of not more than one (1)
- 39 year upon receiving notice of the conviction of the person in another
- 40 state of an offense that, if committed in Indiana, would be grounds for
- 41 the suspension or revocation of the license, permit, or driving
- 42 privileges. The bureau may, upon receiving a record of the conviction

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1 in Indiana of a nonresident driver of a motor vehicle of an offense
 2 under Indiana motor vehicle laws, forward a certified copy of the
 3 record to the motor vehicle administrator in the state where the person
 4 convicted is a resident.

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

9 (h) A suspension or revocation under this section stands pending
 10 any proceeding for review of an action of the bureau taken under this
 11 section.

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

16 SECTION 89. IC 9-30-5-10, AS AMENDED BY P.L.125-2012,
 17 SECTION 339, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2013]: Sec. 10. (a) In addition to a criminal
 19 penalty imposed for an offense under this chapter, IC 35-46-9, or
 20 IC 14-15-8 (before its repeal), the court shall, after reviewing the
 21 person's bureau driving record and other relevant evidence, recommend
 22 the suspension of the person's driving privileges for the fixed period of
 23 time specified under this section. The court may require that a period
 24 of suspension recommended under this section be imposed, if
 25 applicable, before a period of incarceration or after a period of
 26 incarceration, or both before and after a period of incarceration, as long
 27 as the suspension otherwise complies with the periods established in
 28 this section.

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

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

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

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

37 (c) If ~~the court finds that~~ the person has a previous conviction of
 38 operating a vehicle or a motorboat while intoxicated and the previous
 39 conviction occurred more than five (5) years but less than ten (10)
 40 years before the conviction under consideration by the court, the court
 41 shall recommend the suspension of the person's driving privileges for
 42 at least one hundred eighty (180) days but not more than two (2) years.

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1 The court may stay the execution of that part of the suspension that
 2 exceeds the minimum period of suspension and grant the person
 3 probationary driving privileges for a period of time equal to the length
 4 of the stay.

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

27 (e) If the conviction under consideration by the court is for an
 28 offense under:

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

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

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

42 (g) The bureau shall fix the period of suspension in accordance with



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

6 SECTION 90. IC 9-30-5-12 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 12. (a) If:

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

11 (2) the person did not refuse to submit to a chemical test offered
12 under IC 9-30-6-2 during the investigation of the offense;

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

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

18 (c) If:

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

22 (2) the period of suspension recommended by the court exceeds
23 the minimum permissible fixed period of suspension specified
24 under section 10 of this chapter;

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

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

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

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

39 SECTION 91. IC 9-30-5-14, AS AMENDED BY P.L.2-2005,
40 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2013]: Sec. 14. (a) A person whose driving privileges are
42 suspended under section 10 of this chapter:

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1 (1) is entitled to credit for any days during which the license was
 2 suspended under IC 9-30-6-9(c); and
 3 (2) may not receive any credit for days during which the person's
 4 driving privileges were suspended under IC 9-30-6-9(b).
 5 (b) A period of suspension of driving privileges imposed under
 6 section 10 of this chapter must be consecutive to any period of
 7 suspension imposed under IC 9-30-6-9(b). However, if the court finds
 8 in the sentencing order that it is in the best interest of society, the court
 9 may terminate all or any part of the remaining suspension under
 10 IC 9-30-6-9(b).

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

17 SECTION 92. IC 9-30-6-7 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) If a person
 19 refuses to submit to a chemical test, the arresting officer shall inform
 20 the person that refusal will result in the suspension of the person's
 21 driving privileges.

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

- 26 (1) Obtain the person's driver's license or permit if the person is
 27 in possession of the document and issue a receipt valid until the
 28 initial hearing of the matter held under IC 35-33-7-1.
- 29 (2) Submit a probable cause affidavit to the prosecuting attorney
 30 of the county in which the alleged offense occurred.
- 31 ~~(3) Send a copy of the probable cause affidavit submitted under~~
 32 ~~subdivision (2) to the bureau.~~

33 SECTION 93. IC 9-30-6-8, AS AMENDED BY P.L.125-2012,
 34 SECTION 344, IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) Whenever a judicial officer
 36 has determined that there was probable cause to believe that a person
 37 has violated IC 9-30-5, IC 35-46-9, or IC 14-15-8 (before its repeal),
 38 the clerk of the court shall forward:

- 39 (1) a **paper** copy of the affidavit, **or an electronic substitute**; and
- 40 (2) a bureau certificate as described in section 16 of this chapter;
 41 to the bureau.
- 42 (b) The probable cause affidavit required under section 7(b)(2) of

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- 1 this chapter must do the following:
- 2 (1) Set forth the grounds for the arresting officer's belief that there
- 3 was probable cause that the arrested person was operating a
- 4 vehicle in violation of IC 9-30-5 or a motorboat in violation of
- 5 IC 35-46-9 or IC 14-15-8 (before its repeal).
- 6 (2) State that the person was arrested for a violation of IC 9-30-5
- 7 or operating a motorboat in violation of IC 35-46-9 or IC 14-15-8
- 8 (before its repeal).
- 9 (3) State whether the person:
- 10 (A) refused to submit to a chemical test when offered; or
- 11 (B) submitted to a chemical test that resulted in prima facie
- 12 evidence that the person was intoxicated.
- 13 (4) Be sworn to by the arresting officer.
- 14 (c) Except as provided in subsection (d), if it is determined under
- 15 subsection (a) that there was probable cause to believe that a person
- 16 has violated IC 9-30-5, IC 35-46-9, or IC 14-15-8 (before its repeal), at
- 17 the initial hearing of the matter held under IC 35-33-7-1 the court shall
- 18 recommend immediate suspension of the person's driving privileges to
- 19 take effect on the date the order is entered, and forward to the bureau
- 20 a copy of the order recommending immediate suspension of driving
- 21 privileges.
- 22 (d) If it is determined under subsection (a) that there is probable
- 23 cause to believe that a person violated IC 9-30-5, the court may, as an
- 24 alternative to suspension of the person's driving privileges under
- 25 subsection (c), issue an order recommending that the person be
- 26 prohibited from operating a motor vehicle unless the motor vehicle is
- 27 equipped with a functioning certified ignition interlock device under
- 28 IC 9-30-8 until the bureau is notified by a court that the criminal
- 29 charges against the person have been resolved.
- 30 SECTION 94. IC 9-30-6-8.5 IS AMENDED TO READ AS
- 31 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8.5. (a) If the bureau
- 32 receives an order recommending use of an ignition interlock device
- 33 under section 8(d) of this chapter, the bureau shall immediately do the
- 34 following:
- 35 (1) Mail a notice to the person's ~~last known~~ **address contained in**
- 36 **the records of the bureau** stating that the person may not operate
- 37 a motor vehicle unless the motor vehicle is equipped with a
- 38 functioning certified ignition interlock device under IC 9-30-8
- 39 commencing:
- 40 (A) five (5) days after the date of the notice; or
- 41 (B) on the date the court enters an order recommending use of
- 42 an ignition interlock device;

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1 whichever occurs first.

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

3 section 10 of this chapter.

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

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

6 adjudication under IC 4-21.5.

7 SECTION 95. IC 9-30-6-9, AS AMENDED BY P.L.125-2012,

8 SECTION 345, IS AMENDED TO READ AS FOLLOWS

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

10 if an ignition interlock device order is issued under section 8(d) of this

11 chapter.

12 (b) If the affidavit under section 8(b) of this chapter states that a

13 person refused to submit to a chemical test, the bureau shall suspend

14 the driving privileges of the person:

15 (1) for:

16 (A) one (1) year; or

17 (B) if the person has at least one (1) previous conviction for

18 operating while intoxicated, two (2) years; or

19 (2) until the suspension is ordered terminated under IC 9-30-5.

20 (c) If the affidavit under section 8(b) of this chapter states that a

21 chemical test resulted in prima facie evidence that a person was

22 intoxicated, the bureau shall suspend the driving privileges of the

23 person:

24 (1) for one hundred eighty (180) days; or

25 (2) until the bureau is notified by a court that the charges have

26 been disposed of;

27 whichever occurs first.

28 (d) Whenever the bureau is required to suspend a person's driving

29 privileges under this section, the bureau shall immediately do the

30 following:

31 (1) Mail a notice to the person's ~~last known~~ address ~~that must state~~

32 **contained in the records of the bureau stating** that the person's

33 driving privileges will be suspended for a specified period,

34 commencing:

35 (A) ~~five (5)~~ **seven (7)** days after the date of the notice; or

36 (B) on the date the court enters an order recommending

37 suspension of the person's driving privileges under section 8(c)

38 of this chapter;

39 whichever occurs first.

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

41 section 10 of this chapter.

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

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1 to take under this article is not subject to any administrative
2 adjudication under IC 4-21.5.

3 (f) If a person is granted probationary driving privileges under
4 IC 9-30-5 and the bureau has not received the probable cause affidavit
5 described in section 8(b) of this chapter, the bureau shall suspend the
6 person's driving privileges for a period of thirty (30) days. After the
7 thirty (30) day period has elapsed, the bureau shall, upon receiving a
8 reinstatement fee, if applicable, from the person who was granted
9 probationary driving privileges, issue the person probationary driving
10 privileges if the person otherwise qualifies.

11 (g) If the bureau receives an order granting probationary driving
12 privileges to a person who, according to the records of the bureau, has
13 a prior conviction for operating while intoxicated, the bureau shall do
14 the following:

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

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

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

26 SECTION 96. IC 9-30-6-12, AS AMENDED BY P.L.125-2012,
27 SECTION 346, IS AMENDED TO READ AS FOLLOWS
28 [EFFECTIVE JULY 1, 2013]: Sec. 12. (a) If a court recommends
29 suspension of driving privileges under this chapter, IC 9-30-5, or
30 IC 9-30-9, the bureau shall fix the period of suspension in accordance
31 with the recommendation of the court. If the court fails to recommend
32 a fixed period of suspension, **or recommends a fixed term that is less**
33 **than the minimum term required by statute**, the bureau shall impose
34 the minimum period of suspension required by statute.

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

39 (c) If a court recommends suspension of a person's driving
40 privileges for a conviction under IC 9-30-5, during the three (3) years
41 following the termination of the suspension the person's driving
42 privileges remain suspended until the person provides proof of future

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1 financial responsibility in force under IC 9-25. However, if a court
 2 recommends suspension of the driving privileges **under IC 9-30-5** of
 3 a person who is arrested for or charged with an offense committed
 4 under IC 9-30-5, the person is not required to provide proof of future
 5 financial responsibility under IC 9-25 unless **and until** the person is
 6 convicted under IC 9-30-5.

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

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

14 SECTION 97. IC 9-30-7-5, AS AMENDED BY P.L.94-2006,
 15 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2013]: Sec. 5. (a) A person who refuses to submit to a portable
 17 breath test or chemical test offered under this chapter commits a Class
 18 C infraction. However, the person commits a Class A infraction if the
 19 person has at least one (1) previous conviction for operating while
 20 intoxicated.

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

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

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

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

30 SECTION 98. IC 9-30-8-1, AS AMENDED BY P.L.172-2006,
 31 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2013]: Sec. 1. (a) If a court orders the installation of a
 33 certified ignition interlock device ~~under IC 9-30-5~~ on a motor vehicle
 34 that a person whose license is restricted owns or expects to operate,
 35 except as provided in subsection (b), the court shall set the time that the
 36 installation must remain in effect. However, the term may not exceed
 37 the maximum term of imprisonment the court could have imposed. The
 38 person shall pay the cost of installation unless the sentencing court
 39 determines that the person is indigent.

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



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1 SECTION 99. IC 9-30-10-4, AS AMENDED BY P.L.125-2012,
 2 SECTION 349, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) A person who has
 4 accumulated at least two (2) judgments within a ten (10) year period
 5 for any of the following violations, singularly or in combination, and
 6 not arising out of the same incident, is a habitual violator:

7 (1) Reckless homicide resulting from the operation of a motor
 8 vehicle.

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

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

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

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

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

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

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

23 resulting in death.

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

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

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

29 resulting in death.

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

34 (1) Operation of a vehicle while intoxicated.

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

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

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

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

42 (4) After June 30, 2001, operation of a vehicle with an alcohol

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1 concentration equivalent to at least eight-hundredths (0.08) gram
2 of alcohol per:

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

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

5 (5) Operating a motor vehicle while the person's license to do so
6 has been suspended or revoked as a result of the person's
7 conviction of an offense under IC 9-1-4-52 (repealed July 1,
8 1991), IC 9-24-18-5(b) (repealed July 1, 2000), IC 9-24-19-2, ~~or~~
9 IC 9-24-19-3, **or IC 9-24-19-4.**

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

12 (7) Reckless driving.

13 (8) Criminal recklessness involving the operation of a motor
14 vehicle.

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

16 (10) Violating IC 9-4-1-40 (repealed July 1, 1991), IC 9-4-1-46
17 (repealed July 1, 1991), IC 9-26-1-1(1), IC 9-26-1-1(2),
18 IC 9-26-1-2(1), IC 9-26-1-2(2), IC 9-26-1-3, or IC 9-26-1-4.

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

21 A judgment for a violation enumerated in subsection (a) shall be added
22 to the violations described in this subsection for the purposes of this
23 subsection.

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

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

37 (e) For purposes of this section, the offense date is used when
38 determining the number of judgments accumulated within a ten (10)
39 year period.

40 SECTION 100. IC 9-30-10-5 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) If it appears from
42 the records maintained ~~in~~ by the bureau that a person's driving record

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1 makes the person a habitual violator under section 4 of this chapter, the
 2 bureau shall mail a notice to the person's last known address that
 3 informs the person that the person's driving privileges will be
 4 suspended in thirty (30) days because the person is a habitual violator
 5 according to the records of the bureau.

6 (b) Thirty (30) days after the bureau has mailed a notice under this
 7 section, the bureau shall suspend the person's driving privileges for:

- 8 (1) except as provided in subdivision (2), ten (10) years if the
 9 person is a habitual violator under section 4(a) of this chapter;
 10 (2) life if the person is a habitual violator under section 4(a) of
 11 this chapter and has at least two (2) violations under section
 12 4(a)(4) through 4(a)(7) of this chapter;
 13 (3) ten (10) years if the person is a habitual violator under section
 14 4(b) of this chapter; or
 15 (4) five (5) years if the person is a habitual violator under section
 16 4(c) of this chapter.

17 (c) The notice must inform the person that the person may be
 18 entitled to relief under section 6 of this chapter or may seek judicial
 19 review of the person's suspension under this chapter.

20 **(d) Notwithstanding subsection (b), if the bureau does not**
 21 **discover that a person's driving record makes the person a**
 22 **habitual traffic violator under section 4 of this chapter for more**
 23 **than three (3) years after the bureau receives the person's final**
 24 **qualifying conviction, the bureau, upon notice to the person, shall**
 25 **suspend the person's driving privileges for the remaining**
 26 **applicable period under subsection (b). A reduction in a period of**
 27 **suspension under this subsection does not affect the requirements**
 28 **under section 9 of this chapter concerning probation and restricted**
 29 **driving privileges.**

30 SECTION 101. IC 9-30-10-9, AS AMENDED BY P.L.125-2012,
 31 SECTION 352, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) This section does not apply
 33 to a person who:

- 34 (1) holds a commercial driver's license; and
 35 (2) has been charged with an offense involving the operation of
 36 a motor vehicle in accordance with the federal Motor Carrier
 37 Safety Improvement Act of 1999 (MCSIA) (Public Law
 38 106-159.113 Stat. 1748).

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

- 40 (1) is a habitual violator under section 4(c) of this chapter;
 41 (2) has not been previously placed on probation under this section
 42 by a court;

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1 (3) operates a vehicle for commercial or business purposes, and
 2 the person's mileage for commercial or business purposes:

3 (A) is substantially in excess of the mileage of an average
 4 driver; and

5 (B) may have been a factor that contributed to the person's
 6 poor driving record; ~~and~~

7 (4) does not have:

8 (A) a judgment for a violation enumerated in section 4(a) of
 9 this chapter; or

10 (B) at least three (3) judgments (singularly or in combination
 11 and not arising out of the same incident) of the violations
 12 enumerated in section 4(b) of this chapter; **and**

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

15 the court may place the person on probation in accordance with
 16 subsection (d).

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

18 (1) is a habitual violator under section 4(b) of this chapter;

19 (2) has not been previously placed on probation under this section
 20 by a court;

21 (3) does not have a judgment for any violation listed in section
 22 4(a) of this chapter;

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

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

27 the court may place the person on probation in accordance with
 28 subsection (d). However, if the person has any judgments for operation
 29 of a vehicle before July 1, 2001, while intoxicated or with an alcohol
 30 concentration equivalent to at least ten-hundredths (0.10) gram of
 31 alcohol per one hundred (100) milliliters of the blood or two hundred
 32 ten (210) liters of the breath, or for the operation of a vehicle after June
 33 30, 2001, while intoxicated or with an alcohol concentration equivalent
 34 to at least eight-hundredths (0.08) gram of alcohol per one hundred
 35 (100) milliliters of the blood or two hundred ten (210) liters of the
 36 breath, the court, before the court places a person on probation under
 37 subsection (d), must find that the person has successfully fulfilled the
 38 requirements of a rehabilitation program certified by the division of
 39 mental health and addiction or the Indiana judicial center.

40 (d) Whenever a court places a habitual violator on probation, the
 41 court:

42 (1) shall record each of the court's findings under this section in

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- 1 writing;
- 2 (2) shall order the bureau to issue the person probationary driving
- 3 privileges for a fixed period of ~~not less than three (3) years and~~
- 4 ~~not more than ten (10) years; the applicable remaining period~~
- 5 **of suspension;**
- 6 (3) shall attach restrictions to the person's driving privileges,
- 7 including restrictions limiting the person's driving to:
- 8 (A) commercial or business purposes or other employment
- 9 related driving;
- 10 (B) specific purposes in exceptional circumstances;
- 11 (C) rehabilitation programs; and
- 12 (D) specified hours during which the person may drive;
- 13 (4) shall require the person to submit to reasonable monitoring
- 14 requirements;
- 15 (5) shall order the person to file proof of future financial
- 16 responsibility for three (3) years following the date of being
- 17 placed on probation; and
- 18 (6) shall impose other appropriate conditions of probation, which
- 19 must include one (1) or more of the following conditions if the
- 20 person was ~~determined to be a habitual violator under convicted~~
- 21 **of an offense described in IC 9-30-10-4(b)(1) through**
- 22 **IC 9-30-10-4(b)(4):**
- 23 (A) An order prohibiting the person from operating a motor
- 24 vehicle or motorized bicycle with an alcohol concentration
- 25 equivalent to at least two-hundredths (0.02) gram of alcohol
- 26 per:
- 27 (i) one hundred (100) milliliters of the person's blood; or
- 28 (ii) two hundred ten (210) liters of the person's breath;
- 29 or while under the influence of any other intoxicating
- 30 substance.
- 31 (B) An order that the person submit to a method to monitor the
- 32 person's compliance with the prohibition against operating a
- 33 motor vehicle or motorized bicycle with an alcohol
- 34 concentration equivalent to at least two-hundredths (0.02)
- 35 gram of alcohol per:
- 36 (i) one hundred (100) milliliters of the person's blood; or
- 37 (ii) two hundred ten (210) liters of the person's breath;
- 38 or while intoxicated (as defined under IC 9-13-2-86).
- 39 (C) The court shall determine the appropriate monitoring
- 40 method, which may include one (1) or more of the following:
- 41 (i) The person may operate only a motor vehicle equipped
- 42 with an ignition interlock device.

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- 1 (ii) The person must submit to a chemical test if a law
- 2 enforcement officer lawfully stops the person while
- 3 operating a motor vehicle or motorized bicycle and the law
- 4 enforcement officer requests that the person submit to a
- 5 chemical test.
- 6 (iii) The person must wear a device that detects and records
- 7 the person's use of alcohol.
- 8 (iv) The person must submit to any other reasonable
- 9 monitoring requirement as determined by the court.
- 10 (e) If a court finds that a person:
- 11 (1) is a habitual violator under section 4(b) or 4(c) of this chapter;
- 12 (2) does not have any judgments for violations under section 4(a)
- 13 of this chapter;
- 14 (3) does not have any judgments or convictions for violations
- 15 under section 4(b) of this chapter, except for judgments or
- 16 convictions under section 4(b)(5) of this chapter that resulted
- 17 from driving on a suspended license that was suspended for:
- 18 (A) the commission of infractions only; or
- 19 (B) previously driving on a suspended license;
- 20 (4) has not been previously placed on probation under this section
- 21 by a court; and
- 22 (5) has had the person's driving privileges suspended under this
- 23 chapter for at least three (3) consecutive years and has not
- 24 violated the terms of the person's suspension by operating a
- 25 vehicle for at least three (3) consecutive years;
- 26 the court may place the person on probation under the conditions
- 27 described in subsection (d)(1) through (d)(5).
- 28 (f) If the bureau receives an order granting probationary driving
- 29 privileges to a person who, according to the records of the bureau, does
- 30 not qualify under this chapter, the bureau shall do the following:
- 31 (1) Issue the person probationary driving privileges and notify the
- 32 prosecuting attorney of the county from which the order was
- 33 received that the person is not eligible for the rescission and
- 34 reinstatement.
- 35 (2) Send a certified copy of the person's driving record to the
- 36 prosecuting attorney.
- 37 The prosecuting attorney shall, in accordance with IC 35-38-1-15,
- 38 petition the court to correct the court's order. If the bureau does not
- 39 receive a corrected order within sixty (60) days, the bureau shall notify
- 40 the attorney general, who shall, in accordance with IC 35-38-1-15,
- 41 petition the court to correct the court's order.
- 42 SECTION 102. IC 9-30-10-13, AS AMENDED BY P.L.125-2012,

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1 SECTION 355, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2013]: Sec. 13. (a) The bureau may issue
 3 driving privileges to a habitual violator whose driving privileges were
 4 suspended under section 5(b) of this chapter if the following conditions
 5 exist:

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

9 (2) The person has met all the requirements of all applicable
 10 statutes and rules relating to the licensing of motor vehicle
 11 operators.

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

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

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

22 (B) two hundred ten (210) liters of the person's breath;
 23 for three (3) years after the bureau issues the ~~driver's license~~
 24 **driving privileges** to the person.

25 (5) The person signs a bureau form by which the person agrees
 26 that as a condition to obtaining the ~~driver's license~~ **driving**
 27 **privileges** the person will submit to a chemical test at any time
 28 during the period three (3) years after the bureau issues the
 29 ~~driver's license~~ **driving privileges** to the person if a law
 30 enforcement officer lawfully stops the person while operating a
 31 motor vehicle or motorized bicycle and the law enforcement
 32 officer requests that the person submit to a chemical test.

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

36 (1) The bureau has received an order for rescission of suspension
 37 and reinstatement issued under section 15 of this chapter.

38 (2) The person to whom the ~~license~~ **is driving privileges are** to
 39 be issued has never been convicted of a violation described in
 40 section 4(a) or 17 of this chapter.

41 (3) The person has not been convicted of an offense under section
 42 16 of this chapter more than one (1) time.

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- 1 (4) The person has met all the requirements of all applicable
- 2 statutes and rules relating to the licensing of motor vehicle
- 3 operators.
- 4 (5) The person:
- 5 (A) files with the bureau; and
- 6 (B) maintains for three (3) years after rescission of the
- 7 suspension;
- 8 proof of future financial responsibility in accordance with
- 9 IC 9-25.
- 10 (6) If the person has a prior conviction for operating while
- 11 intoxicated, the bureau places a restriction on the person's driver's
- 12 license and driving record that indicates the person is prohibited
- 13 from operating a motor vehicle or motorized bicycle with an
- 14 alcohol concentration equivalent to at least two-hundredths (0.02)
- 15 gram of alcohol per:
- 16 (A) one hundred (100) milliliters of the person's blood; or
- 17 (B) two hundred ten (210) liters of the person's breath;
- 18 or while intoxicated (as defined under IC 9-13-2-86) for three (3)
- 19 years after the bureau issues the ~~driver's license~~ **driving**
- 20 **privileges** to the person.
- 21 (7) The person signs a bureau form by which the person agrees
- 22 that as a condition to obtaining the ~~driver's license~~ **driving**
- 23 **privileges** the person will submit to a chemical test at any time
- 24 during the period three (3) years after the bureau issues the
- 25 ~~driver's license~~ **driving privileges** to the person if a law
- 26 enforcement officer lawfully stops the person while operating a
- 27 motor vehicle or motorized bicycle and the law enforcement
- 28 officer requests that the person submit to a chemical test.
- 29 (c) A habitual violator is not eligible for relief under the hardship
- 30 provisions of IC 9-24-15.
- 31 (d) The bureau shall not issue driving privileges to a person who
- 32 does not satisfy all of the requirements set forth in subsections (a) and
- 33 (b).
- 34 SECTION 103. IC 9-30-10-14, AS AMENDED BY P.L.125-2012,
- 35 SECTION 356, IS AMENDED TO READ AS FOLLOWS
- 36 [EFFECTIVE JULY 1, 2013]: Sec. 14. (a) Except as provided in
- 37 subsection (e), a person whose driving privileges have been suspended
- 38 for life may petition a court in a civil action for a rescission of the
- 39 suspension order and reinstatement of driving privileges if the
- 40 following conditions exist:
- 41 (1) Ten (10) years have elapsed since the date on which an order
- 42 for the lifetime suspension of the person's driving privileges was

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- 1 issued.
- 2 (2) The person has never been convicted of a violation described
- 3 in section 4(a) of this chapter.
- 4 (3) The person has never been convicted of an offense under
- 5 section 17 of this chapter.
- 6 (4) The person has not been convicted of an offense under section
- 7 16 of this chapter more than one (1) time.
- 8 (b) A petition for rescission and reinstatement under this section
- 9 must meet the following conditions:
- 10 (1) Be verified by the petitioner.
- 11 (2) State the petitioner's age, date of birth, and place of residence.
- 12 (3) Describe the circumstances leading up to the lifetime
- 13 suspension of the petitioner's driving privileges.
- 14 (4) Aver a substantial change in the petitioner's circumstances of
- 15 the following:
- 16 (A) That indicates the petitioner would no longer pose a risk
- 17 to the safety of others if the petitioner's driving privileges are
- 18 reinstated.
- 19 (B) That makes the lifetime suspension of the petitioner's
- 20 driving privileges unreasonable.
- 21 (C) Indicates it is in the best interests of society for the
- 22 petitioner's driving privileges to be reinstated.
- 23 (5) Aver that the requisite amount of time has elapsed since the
- 24 date on which the order for the lifetime suspension of the person's
- 25 driving privileges was issued as required under subsections (a)
- 26 and (e).
- 27 (6) Aver that the petitioner has never been convicted of an offense
- 28 under section 17 of this chapter.
- 29 (7) Aver that the petitioner has not been convicted of an offense
- 30 under section 16 of this chapter more than one (1) time.
- 31 (8) Aver that the petitioner has never been convicted of a
- 32 violation described in section 4(a) of this chapter.
- 33 (9) Be filed in a circuit or superior court having jurisdiction in the
- 34 county where the petitioner resides.
- 35 (10) If the petition is being filed under subsection (e), aver the
- 36 existence of the conditions listed in subsection (e)(1) through
- 37 (e)(3).
- 38 (c) The petitioner shall serve the prosecuting attorney of the county
- 39 where the petitioner resides and the bureau with a copy of the petition
- 40 described in subsection (b). A responsive pleading is not required.
- 41 (d) The prosecuting attorney of the county where the petitioner
- 42 resides shall represent the state in the matter.

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1 (e) A person whose driving privileges have been suspended for life
2 may petition a court in a civil action for a rescission of the suspension
3 order and reinstatement of driving privileges if all of the following
4 conditions exist:

5 (1) Three (3) years have elapsed since the date on which the order
6 for lifetime suspension of the petitioner's driving privileges was
7 issued.

8 (2) The petitioner's lifetime suspension was the result of driving
9 on a suspended license that was suspended for commission of
10 infractions only or for driving on a suspended license.

11 (3) The petitioner has never been convicted of a violation
12 described in section 4(a) or 4(b) of this chapter, with the
13 exception of a judgment or conviction under section ~~4(b)(3)~~
14 **4(b)(5)** of this chapter.

15 (4) The petitioner has never been convicted of an offense under
16 section 17 of this chapter.

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

19 SECTION 104. IC 9-30-10-15, AS AMENDED BY P.L.125-2012,
20 SECTION 357, IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2013]: Sec. 15. (a) Upon receiving a petition
22 filed under section 14 of this chapter, a court shall set a date for hearing
23 the matter and direct the clerk of the court to provide notice of the
24 hearing date to the following:

25 (1) The petitioner.

26 (2) The prosecuting attorney of the county where the petitioner
27 resides.

28 (3) The bureau.

29 (b) A court may order the rescission of the order that required the
30 suspension of the petitioner's driving privileges for life and may order
31 the bureau to reinstate the driving privileges of a petitioner whose
32 driving privileges have been suspended for life if, after the hearing of
33 the matter, the court makes the following written findings and
34 conclusions, based on clear and convincing evidence:

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

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

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

41 (4) If the person is petitioning the court under section 14(a) of this
42 chapter that ten (10) years have elapsed since the date on which

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- 1 an order was issued that required the suspension of the petitioner's
 2 driving privileges for life.
- 3 (5) That there has been a substantial change in the petitioner's
 4 circumstances indicating the petitioner would no longer pose a
 5 risk to the safety of others if the petitioner's driving privileges
 6 were reinstated.
- 7 (6) That there has been a substantial change in the petitioner's
 8 circumstances indicating that the suspension of the petitioner's
 9 driving privileges for life has become unreasonable.
- 10 (7) That it is in the best interests of society for the petitioner's
 11 driving privileges to be reinstated.
- 12 (8) If the person is petitioning the court under section 14(e) of this
 13 chapter:
- 14 (A) that three (3) years have elapsed since the date the order
 15 was issued that required the suspension of the petitioner's
 16 driving privileges for life; and
- 17 (B) that the conditions listed under section 14(e) of this
 18 chapter are satisfied.
- 19 (c) The petitioner has the burden of proof under this section and an
 20 order issued under subsection (b) is a final order, appealable by any
 21 party to the action.
- 22 (d) In an order for reinstatement of driving privileges issued under
 23 this section, the court may require the bureau to issue the prevailing
 24 petitioner:
- 25 (1) driving privileges under section 13(b) of this chapter; or
- 26 (2) restricted driving privileges for a time and subject to
 27 conditions specified by the court, which must include one (1) or
 28 more of the following conditions if the person was determined to
 29 be a habitual violator under IC 9-30-10-4(a)(4) through
 30 IC 9-30-10-4(a)(7) or IC 9-30-10-4(b)(1) through
 31 IC 9-30-10-4(b)(4):
- 32 (A) Specified hours during which the person may drive.
- 33 (B) An order prohibiting the person from operating a motor
 34 vehicle or motorized bicycle with an alcohol concentration
 35 equivalent to at least two-hundredths (0.02) gram of alcohol
 36 per:
- 37 (i) one hundred (100) milliliters of the person's blood; or
- 38 (ii) two hundred ten (210) liters of the person's breath;
- 39 or while intoxicated (as defined under IC 9-13-2-86).
- 40 (C) An order that the person submit to a method to monitor the
 41 person's compliance with the prohibition against operating a
 42 motor vehicle or motorized bicycle with an alcohol

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- 1 concentration equivalent to at least two-hundredths (0.02)
 2 gram of alcohol per:
 3 (i) one hundred (100) milliliters of the person's blood; or
 4 (ii) two hundred ten (210) liters of the person's breath;
 5 or while intoxicated (as defined under IC 9-13-2-86).
 6 (D) The court shall determine the appropriate monitoring
 7 method, which may include one (1) or more of the following:
 8 (i) The person may operate only a motor vehicle equipped
 9 with an ignition interlock device.
 10 (ii) The person must submit to a chemical test if a law
 11 enforcement officer lawfully stops the person while
 12 operating a motor vehicle or motorized bicycle and the law
 13 enforcement officer requests that the person submit to a
 14 chemical test.
 15 (iii) The person must wear a device that detects and records
 16 the person's use of alcohol.
 17 (iv) The person must submit to any other reasonable
 18 monitoring requirement as determined by the court.
 19 (e) If a court orders the bureau to issue restricted or probationary
 20 driving privileges to a petitioner under subsection (d), the court shall
 21 specify the conditions under which the petitioner may be issued driving
 22 privileges to operate a motor vehicle under section 13(b) of this
 23 chapter. After the expiration date of the restricted or probationary
 24 driving privileges and upon:
 25 (1) fulfillment by the petitioner of the conditions specified by the
 26 court; and
 27 (2) the expiration of the restricted ~~issued~~ driving privileges **issued**
 28 under subsection (d)(2);
 29 the bureau shall issue the petitioner driving privileges to operate a
 30 motor vehicle under section 13(b) of this chapter.
 31 (f) If the bureau receives an order granting a rescission of the
 32 suspension order and reinstatement of driving privileges to a person
 33 who, according to the records of the bureau, does not qualify under this
 34 chapter, the bureau shall do the following:
 35 (1) Issue the person probationary driving privileges and notify the
 36 prosecuting attorney of the county from which the order was
 37 received that the person is not eligible for the rescission and
 38 reinstatement.
 39 (2) Send a certified copy of the person's driving record to the
 40 prosecuting attorney.
 41 The prosecuting attorney shall, in accordance with IC 35-38-1-15,
 42 petition the court to correct the court's order. If the bureau does not

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

4 SECTION 105. IC 9-30-10-17 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 17. (a) A person who
 6 operates a motor vehicle after the person's driving privileges are
 7 forfeited for life under section 16 of this chapter, IC 9-4-13-14
 8 (repealed April 1, 1984), or IC 9-12-3-1 (repealed July 1, 1991)
 9 commits a Class C felony.

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

14 SECTION 106. IC 9-30-13-1, AS AMENDED BY P.L.125-2012,
 15 SECTION 366, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2013]: Sec. 1. For a person who uses a motor
 17 vehicle to commit recklessness under IC 35-42-2-2, the judge of the
 18 court in which the person is convicted shall recommend that the driving
 19 privileges of the person be suspended for not less than sixty (60) days
 20 and not more than two (2) years. If the court fails to recommend a fixed
 21 term of suspension, **or recommends a fixed term that is less than the**
 22 **minimum term required by statute,** the bureau shall impose the
 23 minimum period of suspension required under this section.

24 SECTION 107. IC 9-30-13-2, AS AMENDED BY P.L.125-2012,
 25 SECTION 367, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2013]: Sec. 2. For a person who uses a motor
 27 vehicle to commit obstruction of traffic under IC 35-42-2-4, the judge
 28 of the court in which the person is convicted may recommend that the
 29 driving privileges of the person be suspended for not less than sixty
 30 (60) days and not more than two (2) years. **If the court recommends**
 31 **a fixed term of suspension that is less than the minimum term**
 32 **required by statute, the bureau shall impose the minimum period**
 33 **of suspension under this section.**

34 SECTION 108. IC 9-30-13-3, AS AMENDED BY P.L.125-2012,
 35 SECTION 368, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2013]: Sec. 3. For a person who uses a motor
 37 vehicle to commit criminal mischief under IC 35-43-1-2, the judge of
 38 the court in which the person is convicted may recommend that the
 39 driving privileges of the person be suspended for not less than sixty
 40 (60) days and not more than two (2) years. **If the court recommends**
 41 **a fixed term of suspension that is less than the minimum term**
 42 **required by statute, the bureau shall impose the minimum period**



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1 **of suspension under this section.**

2 SECTION 109. IC 9-30-13-4, AS AMENDED BY P.L.125-2012,
3 SECTION 369, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) If a person commits any of
5 the following offenses, the court that convicted the person shall
6 recommend the suspension of the person's driving privileges for a fixed
7 period of at least two (2) years and not more than five (5) years:

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

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

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

16 SECTION 110. IC 9-30-13-6, AS ADDED BY P.L.125-2012,
17 SECTION 371, IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) The bureau shall, upon
19 receiving an order of a court issued under IC 31-14-12-4 or
20 IC 31-16-12-7, suspend the driving privileges of the person who is the
21 subject of the order.

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

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

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

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

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

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

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

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

42 (D) to participate in parenting time with the petitioner's

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- 1 children consistent with a court order granting parenting time.
- 2 (d) A person who operates a motor vehicle in violation of this
- 3 section commits a Class A infraction, unless:
- 4 (1) the person's driving privileges are suspended under this
- 5 section; and
- 6 (2) the person has been granted restricted driving privileges under
- 7 IC 9-24-15 as a result of the suspension under this section.

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

16 SECTION 111. IC 9-30-13-7, AS ADDED BY P.L.125-2012,
 17 SECTION 372, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) If the bureau is advised by the
 19 Title IV-D agency that the obligor (as defined in IC 31-25-4-4) either
 20 requested a hearing under IC 31-25-4-33 and failed to appear or
 21 appeared and was found to be delinquent, the bureau shall promptly
 22 mail a notice to the obligor stating the following:

- 23 (1) That the obligor's driving privileges are suspended, beginning
- 24 eighteen (18) business days after the date the notice is mailed, and
- 25 that the suspension will terminate after the bureau receives a
- 26 notice from the Title IV-D agency that the obligor has:
 - 27 (A) paid the obligor's child support arrearage in full; or
 - 28 (B) established a payment plan with the Title IV-D agency to
 - 29 pay the arrearage, which includes an income withholding order
 - 30 under IC 31-16-15-0.5 or IC 31-16-15-2.5.
- 31 (2) That the obligor may be granted restricted driving privileges
- 32 under IC 9-24-15-6.7 if the obligor can prove that public
- 33 transportation is unavailable for travel by the obligor:
 - 34 (A) to and from the obligor's regular place of employment;
 - 35 (B) in the course of the obligor's regular employment;
 - 36 (C) to and from the obligor's place of worship; or
 - 37 (D) to participate in parenting time with the petitioner's
 - 38 children consistent with a court order granting parenting time.
- 39 (b) The bureau may not reinstate driving privileges suspended under
- 40 this section until the bureau receives a notice from the Title IV-D
- 41 agency that the obligor has:
 - 42 (1) paid the obligor's child support arrearage in full; or

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

4 (c) An obligor who operates a motor vehicle in violation of this
 5 section commits a Class A infraction, unless:
 6 (1) the obligor's driving privileges are suspended under this
 7 section; and
 8 (2) the obligor has been granted restricted driving privileges
 9 under IC 9-24-15 as a result of the suspension under this section.

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

18 SECTION 112. IC 9-30-13-8, AS ADDED BY P.L.125-2012,
 19 SECTION 373, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) Upon receiving an order
 21 issued by a court under IC 35-43-4-8(b) concerning a person convicted
 22 of fuel theft, the bureau shall do the following:
 23 (1) Suspend under subsection (b) the driving privileges of the
 24 person who is the subject of the order, whether or not the person's
 25 current driver's license accompanies the order.
 26 (2) Mail to the last known address of the person who is the subject
 27 of the order a notice:
 28 (A) stating that the person's driving privileges are being
 29 suspended for fuel theft;
 30 (B) setting forth the date on which the suspension takes effect
 31 and the date on which the suspension terminates; and
 32 (C) stating that the person may be granted restricted driving
 33 privileges under IC 9-24-15-6.7 if the person meets the
 34 conditions for obtaining restricted driving privileges.

35 (b) The suspension of the driving privileges of a person who is the
 36 subject of an order issued under IC 35-43-4-8(b):
 37 (1) begins five (5) business days after the date on which the
 38 bureau mails the notice to the person under subsection (a)(2); and
 39 (2) terminates thirty (30) days after the suspension begins.

40 (c) A person who operates a motor vehicle during a suspension of
 41 the person's driving privileges under this section commits a Class A
 42 infraction unless the person's operation of the motor vehicle is

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1 authorized by restricted driving privileges granted to the person under
2 IC 9-24-15-6.7.

3 **(d) The bureau shall, upon receiving a record of conviction of a**
4 **person upon a charge of driving a motor vehicle while the driving**
5 **privileges, permit, or license of the person is suspended, fix the**
6 **period of suspension in accordance with the recommendation of the**
7 **court. If the court fails to recommend a term of suspension, or**
8 **recommends a fixed term that is not prescribed by statute, the**
9 **bureau shall impose the applicable period of suspension required**
10 **by statute.**

11 SECTION 113. IC 33-37-5-14 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 14. (a) This section
13 applies to criminal, infraction, and ordinance violation actions that are
14 traffic offenses (as defined in ~~IC 9-30-3-5~~; **IC 9-13-2-183**).

15 (b) The clerk shall collect a highway worksite zone fee of fifty cents
16 (\$0.50). However, the clerk shall collect a highway worksite zone fee
17 of twenty-five dollars and fifty cents (\$25.50) if:

18 (1) the criminal action, infraction, or ordinance violation is:

19 (A) exceeding a worksite speed limit (as provided in
20 IC 9-21-5-2 and authorized by IC 9-21-5-3); or

21 (B) failure to merge (as provided in IC 9-21-8-7.5); and

22 (2) the judge orders the clerk to collect the fee for exceeding a
23 worksite speed limit or failure to merge.

24 SECTION 114. IC 35-34-1-2, AS AMENDED BY P.L.2-2005,
25 SECTION 119, IS AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) The indictment or information
27 shall be in writing and allege the commission of an offense by:

28 (1) stating the title of the action and the name of the court in
29 which the indictment or information is filed;

30 (2) stating the name of the offense in the words of the statute or
31 any other words conveying the same meaning;

32 (3) citing the statutory provision alleged to have been violated,
33 except that any failure to include such a citation or any error in
34 such a citation does not constitute grounds for reversal of a
35 conviction where the defendant was not otherwise misled as to the
36 nature of the charges against the defendant;

37 (4) setting forth the nature and elements of the offense charged in
38 plain and concise language without unnecessary repetition;

39 (5) stating the date of the offense with sufficient particularity to
40 show that the offense was committed within the period of
41 limitations applicable to that offense;

42 (6) stating the time of the offense as definitely as can be done if

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1 time is of the essence of the offense;
 2 (7) stating the place of the offense with sufficient particularity to
 3 show that the offense was committed within the jurisdiction of the
 4 court where the charge is to be filed;
 5 (8) stating the place of the offense as definitely as can be done if
 6 the place is of the essence of the offense; and
 7 (9) stating the name of every defendant, if known, and if not
 8 known, by designating the defendant by any name or description
 9 by which he can be identified with reasonable certainty.
 10 (b) An indictment shall be signed by:
 11 (1) the foreman or five (5) members of the grand jury; and
 12 (2) the prosecuting attorney or his deputy.
 13 An information shall be signed by the prosecuting attorney or his
 14 deputy and sworn to or affirmed by him or any other person.
 15 (c) An indictment or information shall have stated upon it the names
 16 of all the material witnesses. Other witnesses may afterwards be
 17 subpoenaed by the state, but unless the name of a witness is stated on
 18 the indictment or information, no continuance shall be granted to the
 19 state due to the absence of the witness.
 20 (d) The indictment or information shall be a plain, concise, and
 21 definite written statement of the essential facts constituting the offense
 22 charged. It need not contain a formal commencement, a formal
 23 conclusion, or any other matter not necessary to the statement.
 24 Presumptions of law and matters of which judicial notice is taken need
 25 not be stated.
 26 (e) The indictment may be substantially in the following form:
 27 IN THE _____ COURT OF INDIANA, 20 ____
 28 STATE OF INDIANA
 29 vs. CAUSE NUMBER _____
 30 A _____ B _____
 31 The grand jury of the county of _____ upon their oath or
 32 affirmation do present that AB, on the _____ day of _____
 33 20__ at the county of _____ in the state of Indiana (HERE SET
 34 FORTH THE OFFENSE CHARGED).
 35 (f) The information may be substantially in the same form as the
 36 indictment, substituting for the words, "the grand jury of the county of
 37 _____, upon their oath or affirmation so present" the following:
 38 "CD, being duly sworn on his oath or having affirmed, says." It is not
 39 necessary in an information to state the reason why the proceeding is
 40 by information rather than indictment.
 41 (g) This section applies to a traffic offense (as defined in
 42 ~~IC 9-30-3-5~~ IC 9-13-2-183) if the traffic offense is:

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1 (1) a felony; or
2 (2) a misdemeanor.
3 SECTION 115. IC 35-44.2-1-12, AS ADDED BY P.L.126-2012,
4 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2013]: Sec. 12. A person who violates ~~commercial~~ driver
6 training school requirements is subject to a civil action for an infraction
7 under IC 5-2-6.5-15.

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COMMITTEE REPORT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) a road roller;

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

(C) a ditch digging apparatus;

(D) a well drilling apparatus; **or**

(E) a concrete mixer; **or**

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

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

(3) A nonresident who:

(A) is at least sixteen (16) years and one ~~(1) month~~ **hundred eighty (180) days** of age;

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

(C) is lawfully admitted into the United States;

while operating a motor vehicle upon a public highway only as an operator.

(4) A nonresident who:

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

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

(C) is lawfully admitted into the United States;

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

(5) A nonresident who:

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

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

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

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

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

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

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

(9) An individual while operating:

(A) a farm tractor;

(B) a farm wagon; or

(C) an implement of agriculture designed to be operated primarily in a farm field or on farm premises; that is being temporarily drawn, moved, or propelled on a public highway. However, to operate a farm wagon on a highway, an individual must be at least sixteen (16) years and one hundred eighty (180) days of age.

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

Delete page 9.

Page 10, delete lines 1 through 3.

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

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

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

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

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

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

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

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

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

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licenses, including fees for testing and examination.

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

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

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

(10) Other rules necessary to administer this chapter.

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

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

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

Page 45, line 24, strike "commercial".

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

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

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

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

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

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 538 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 7, Nays 0.

SB 538—LS 7224/DI 103+



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