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 ENROLLED ACT No. 538

AN ACT to amend the Indiana Code concerning motor vehicles.

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

SECTION 1. IC 4-1-8-1, AS AMENDED BY P.L.35-2012, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) No individual may be compelled by any state agency, board, commission, department, bureau, or other entity of state government (referred to as "state agency" in this chapter) to provide the individual's Social Security number to the state agency against the individual's will, absent federal requirements to the contrary. However, the provisions of this chapter do not apply to the following:

(1) Department of state revenue.
(2) Department of workforce development.
(3) The programs administered by:
  (A) the division of family resources;
  (B) the division of mental health and addiction;
  (C) the division of disability and rehabilitative services;
  (D) the division of aging; and
  (E) the office of Medicaid policy and planning;
of the office of the secretary of family and social services.
(4) Auditor of state.
(5) State personnel department.
(6) Secretary of state, with respect to the registration of broker-dealers, agents, and investment advisors.

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(7) The legislative ethics commission, with respect to the registration of lobbyists.

(8) Indiana department of administration, with respect to bidders on contracts.

(9) Indiana department of transportation, with respect to bidders on contracts.

(10) Indiana professional licensing agency.

(11) Department of insurance, with respect to licensing of insurance producers.

(12) The department of child services.

(13) A pension fund administered by the board of trustees of the Indiana public retirement system.

(14) The state police benefit system.

(15) The alcohol and tobacco commission.

(16) The state department of health, for purposes of licensing radiologic technologists under IC 16-41-35-29(c).

(b) The bureau of motor vehicles may, notwithstanding this chapter, require the following:

(1) That an individual include the individual's Social Security number in an application for an official certificate of title for any vehicle required to be titled under IC 9-17.

(2) That an individual include the individual's Social Security number on an application for registration.

(3) That a corporation, limited liability company, firm, partnership, or other business entity include its federal tax identification number on an application for registration.

**(4) That an individual include the individual's Social Security number on an application for a license, a permit, or an identification card.**

(c) The Indiana department of administration, the Indiana department of transportation, and the Indiana professional licensing agency may require an employer to provide its federal employer identification number.

(d) The department of correction may require a committed offender to provide the offender's Social Security number for purposes of matching data with the Social Security Administration to determine benefit eligibility.

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

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

(A) in any application for a riverboat owner's license,

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supplier's license, or occupational license; or

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

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

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

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

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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 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.

SECTION 3. IC 9-13-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. "Approved driver education course" means a course offered by a high school or driver education school that the ~~superintendent of public instruction~~ **bureau** periodically designates as approved, after taking into consideration the standards and methods of instruction necessary to ensure adequate training for the operation of a motor vehicle.

SECTION 4. IC 9-13-2-5, AS AMENDED BY P.L.145-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. ~~(a) This subsection expires December 31, 2011. "Approved motorcycle driver education and training course" means:~~

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

~~(2) a course that is offered by a commercial driving school or new~~

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~~motorcycle dealer and that is approved by the bureau.~~

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

(1) a course offered by a public or private secondary school, a new motorcycle dealer, or another driver education school offering motorcycle driver training as developed and approved by the bureau; or

(2) a course that is:

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

(B) approved by the bureau.

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

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

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

(2) operating a private bus.

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

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

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

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

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

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

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

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**which the license was issued, in the manner for which the license was issued,** on public streets, roads, or highways.

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

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

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

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

SECTION 11. 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.~~

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

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

(A) Attending a postsecondary educational institution.

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

**(C) Temporary employment.**

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

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

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

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

(5) A person who has more than one-half (1/2) of the person's gross income (as defined in Section 61 of the Internal Revenue Code) derived from sources in Indiana using the provisions applicable to determining the source of adjusted gross income that are set forth in IC 6-3-2-2. However, a person who is considered a resident under this subdivision is not a resident if the person

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proves by a preponderance of the evidence that the person is not a resident under subdivisions (1) through (4).

(6) A person who:

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

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

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

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

(1) A state police officer.

(2) A city, town, or county police officer.

(3) A sheriff.

(4) A county coroner **in accordance with IC 36-2-14-4.**

(5) A conservation officer.

(6) An individual assigned ~~as a motor carrier inspector~~ **duties and limitations** under ~~IC 10-11-2-26(a).~~ **IC 10-11-2-26.**

(7) A member of a consolidated law enforcement department established under IC 36-3-1-5.1.

(8) An excise police officer of the alcohol and tobacco commission.

(9) A gaming control officer employed by the gaming control division under IC 4-33-20.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

SECTION 20. IC 9-14-2-8, AS ADDED BY P.L.145-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) Notwithstanding IC 9-24-10-4(d), IC 9-27-6-6(b), ~~IC 9-27-6-7(b),~~ IC 9-27-6-8(b), IC 9-27-6-9(b), IC 9-27-6-11, and IC 9-29-9-3.5, the bureau shall carry out the duties imposed upon it under IC 9-24-10-4(d), IC 9-27-6-6(b), ~~IC 9-27-6-7(b),~~ IC 9-27-6-8(b), IC 9-27-6-9(b), IC 9-27-6-11, and IC 9-29-9-3.5,

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through the adoption of interim written guidelines approved by the commissioner of the bureau.

(b) This section expires December 31, 2014.

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

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

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

(2) otherwise qualified to receive the license.

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

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

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

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

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

SECTION 23. 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

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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;~~

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,

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

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

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

(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.

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

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

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

(3) An individual who, in the opinion of the bureau, is afflicted with or suffering from a physical or mental disability or disease that prevents the individual from exercising reasonable and ordinary control over a motor vehicle while operating the vehicle

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upon the public highways.

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

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

**(A)** the person successfully passes the examination; **or**

**(B) the bureau waives the examination requirement.**

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

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

(8) An individual who is the subject of an order issued by:

(A) a court under IC 31-14-12-4 or IC 31-16-12-7 (or IC 31-1-11.5-13 or IC 31-6-6.1-16 before their repeal); or

(B) the Title IV-D agency;

ordering that a driver's license or permit not be issued to the individual.

(9) An individual who has not presented valid documentary evidence to the bureau of the person's legal status in the United States, as required by IC 9-24-9-2.5.

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

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

SECTION 25. IC 9-24-2-3.1, AS AMENDED BY P.L.125-2012, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3.1. (a) If a petitioner named in an order issued under section 3(a)(8) of this chapter has a valid commercial driver's license, the bureau shall not immediately suspend the person's commercial driving privileges but shall indicate on the person's record that the person has conditional driving privileges to operate a motor vehicle to and from the person's place of employment and in the course of the person's employment.

(b) Conditional driving privileges described in subsection (a) are valid for thirty (30) days from the date of the notice sent by the bureau. If the person obtains an ~~amended~~ order **for conditional driving privileges** within the thirty (30) days, the person may continue to



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operate a motor vehicle with the conditional driving privileges beyond the thirty (30) day period.

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

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

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

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

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

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

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

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

(c) If an aggrieved person believes that:

(1) the information provided was technically incorrect; or

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

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

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

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

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

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

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(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 with valid driving privileges and is** at least twenty-one

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(21) years of age;

(2) The individual meets the following conditions:

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

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

(C) Passes the required examination.

(D) 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 with valid driving privileges and is** at least twenty-one (21) years of age;

(3) The individual meets the following conditions:

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

(B) Has previously been a nonresident of Indiana, but, at the time of application, qualifies as an Indiana resident.

(C) Has held a valid driver's license, excluding a learner's permit or the equivalent, in the state or a combination of states in which the individual formerly resided for at least one hundred eighty (180) days.

(D) Passes the required ~~examination.~~ **examinations.**

(4) The individual meets the following conditions:

(A) Is at least eighteen (18) years of age.

(B) Has previously been a nonresident of Indiana but, at the time of application, qualifies as an Indiana resident.

(C) Held a valid driver's license, excluding a learner's permit or the equivalent, from the state of prior residence.

(D) Passes the required ~~examination.~~ **examinations.**

(b) An applicant who is required to complete at least fifty (50) hours of supervised practice driving under subsection (a)(1)(E) or (a)(2)(D) must submit to the commission under IC 9-24-9-2(c) evidence of the time logged in practice driving.

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



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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 issued.

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(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.

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

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

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

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

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

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

(3) If the holder is not participating in an approved driver education course, and is less than eighteen (18) years of age, the holder may participate in practice driving if the seat beside the holder is occupied by ~~a guardian, stepparent, or relative of the holder who is at least twenty-one (21) years of age and holds a valid driver's license.~~ **a licensed driver with valid driving privileges who is at least:**

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

**(B) if the licensed driver is the holder's spouse, twenty-one**

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**(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 an operational skills test to determine whether an applicant for a



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

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

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

(1) making the appropriate application for endorsement;

(2) passing the appropriate examinations; and

(3) paying the appropriate fee set forth in IC 9-29-9-7 or IC 9-29-9-8.

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

**(1)** shall revoke the motorcycle learner's permit of a person ~~holding a motorcycle learner's permit~~ who is convicted of operating a motorcycle under the influence of alcohol; **and**

**(2) may not issue a motorcycle learner's permit or motorcycle endorsement to a person referred to in subdivision (1)** for at least (1) year ~~from~~ **after** the date of the **person's** conviction.

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

(1) be made upon the approved form for the application furnished

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by the bureau;

(2) include a signed affidavit in which the applicant swears or affirms that the information set forth in the application by the applicant is correct; and

(3) include a voter registration form as provided in IC 3-7-14 and 42 U.S.C. 1973gg-3(c)(1).

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

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

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

(1) The full legal name of the applicant.

(2) The applicant's date of birth.

(3) The gender of the applicant.

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

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

(6) A:

(A) valid Social Security number; or

(B) verification of an applicant's:

(i) ineligibility to be issued a Social Security number; and

(ii) identity and lawful status.

(7) Whether the applicant has been subject to fainting spells or seizures.

(8) Whether the applicant has been licensed as an operator, a chauffeur, or a public passenger chauffeur or has been the holder of a learner's permit, and if so, when and by what state.

(9) Whether the applicant's license or permit has ever been suspended or revoked, and if so, the date of and the reason for the suspension or revocation.

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

(11) Whether the applicant has a physical or mental disability,

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and if so, the nature of the disability and other information the bureau directs.

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

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

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

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

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

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

(1) indicate on the application that the applicant:

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

(B) wishes to have an indication of the applicant's veteran status appear on the license or permit; and

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

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

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

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



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

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

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

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

(A) Eyesight.

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

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

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

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

(c) The bureau:

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

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

(A) an examination concerning:

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

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

(B) a skills test;

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

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

(e) An instructor having ~~an endorsement~~ **a license** under



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IC 9-27-6-8 who did not instruct the applicant for the license or permit in driver education is not civilly or criminally liable for a report made in good faith to the:

(1) bureau;

(2) commission; or

(3) driver licensing medical advisory board;

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

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

(1) the face of the application;

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

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

~~(3)~~ **(4)** any information that has come to the attention of the bureau;

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

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

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

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

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

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

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

SECTION 41. IC 9-24-10-7, AS AMENDED BY P.L.210-2005,

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SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) If the bureau has good cause to believe that a licensed driver is:

(1) incompetent; or

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

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

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

(1) shall take appropriate action; and

(2) may:

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

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

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

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

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

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

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

(1) Except as provided in subdivision (3), the individual may not

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operate a motor vehicle from 10 p.m. until 5 a.m. of the following morning during the first one hundred eighty (180) days after issuance of the probationary license.

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

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

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

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

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

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

(i) lawful employment;

(ii) a school sanctioned activity; or

(iii) a religious event; or

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

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

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

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

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

~~(A) who:~~

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

~~(ii) holds a valid operator's, chauffeur's, public passenger chauffeur's, or commercial driver's license issued under this article;~~

~~(B) who is~~

**(A)** a certified driver education instructor; or

~~(C) who is the parent, guardian, or stepparent of the operator~~

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~~and is at least twenty-one (21) years of age;~~

~~is present in the front seat of the motor vehicle.~~

**(B) a licensed driver with valid driving privileges who is:**

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

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

(6) The individual may operate a motor vehicle and transport:

(A) a child **or stepchild** of the individual;

(B) a sibling of the individual, **including step or half siblings;**

~~(C) a child and a sibling of the individual;~~

~~(D)~~ **(C)** the spouse of the individual; or

~~(E) a child and the spouse of the individual;~~ **(D) any combination of individuals described in clauses (A) through (C);**

without another accompanying individual present in the motor vehicle.

(7) The individual may operate a motor vehicle only if the individual and each occupant of the motor vehicle are:

(A) properly restrained by a properly fastened safety belt; or

(B) if the occupant is a child, restrained in a properly fastened child restraint system according to the manufacturer's instructions under IC 9-19-11;

properly fastened about the occupant's body at all times when the motor vehicle is in motion.

(c) An individual who holds a probationary license issued under this section may **be eligible to** receive an operator's license, a chauffeur's license, a public passenger chauffeur's license, or a commercial driver's license when the individual is at least eighteen (18) years of age.

(d) Except as provided in IC 9-24-12-1(e), a probationary license issued under this section:

(1) expires at midnight of the date thirty (30) days after the twenty-first birthday of the holder; and

(2) may not be renewed.

SECTION 43. IC 9-24-11-4, AS AMENDED BY P.L.184-2007, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) An individual may not have more than one (1) ~~valid~~ driver's license **or identification card** at a time.

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

SECTION 44. IC 9-24-11-5, AS AMENDED BY P.L.109-2011, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) Except as provided in subsection (h), a

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permit or license issued under this chapter must contain the following information:

(1) The full legal name of the permittee or licensee.

(2) The date of birth of the permittee or licensee.

(3) The address of the principal residence of the permittee or licensee.

(4) The hair color and eye color of the permittee or licensee.

(5) The date of issue and expiration date of the permit or license.

(6) The gender of the permittee or licensee.

(7) The unique identifying number of the permit or license.

(8) The weight of the permittee or licensee.

(9) The height of the permittee or licensee.

(10) A reproduction of the signature of the permittee or licensee.

(11) If the permittee or licensee is less than eighteen (18) years of age at the time of issuance, the dates on which the permittee or licensee will become:

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

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

(12) If the permittee or licensee is at least eighteen (18) years of age but less than twenty-one (21) years of age at the time of issuance, the date on which the permittee or licensee will become twenty-one (21) years of age.

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

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

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

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

(e) This subsection applies to a permit or license issued after January 1, 2007. If the applicant for a permit or license submits information to the bureau concerning the applicant's medical condition, the bureau shall place an identifying symbol on the face of the permit or license to indicate that the applicant has a medical condition of note. The bureau shall include information on the permit or license that briefly describes the medical condition of the holder of the permit or license. The information must be printed in a manner that alerts a

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person reading the permit or license to the existence of the medical condition. The permittee or licensee is responsible for the accuracy of the information concerning the medical condition submitted under this subsection. The bureau shall inform an applicant that submission of information under this subsection is voluntary.

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

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

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

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

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

(4) has approved deferred action status; or

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

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

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

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

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

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

(2) provided proof of discharge **or separation, other than a**



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**dishonorable discharge, from the armed forces of the United States;**

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

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

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

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

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

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

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

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

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

(b) The court shall specify:

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

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

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

SECTION 48. IC 9-24-11-11, AS AMENDED BY P.L.125-2012, SECTION 210, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 11. The bureau shall, upon

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receiving a record of conviction of a person under section 8(c) of this chapter, set a period of suspension for a fixed period of at least ninety (90) days and not more than two (2) years. The bureau shall fix this period in accordance with the recommendation of the court that entered the conviction, as provided in section 10 of this chapter. 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.

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

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

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

(1) Pass an eyesight examination.

(2) Pass a written examination if:

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

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

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

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

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

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

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

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

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

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

(A) address; or

(B) name;

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

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

(A) suspended; or

(B) expired more than one hundred eighty (180) days;

at the time of the application for renewal.

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

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

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

~~(1) Temporarily residing at least fifty (50) miles outside the boundaries of Indiana.~~

~~(2) Serving in the armed forces of the United States.~~

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

~~(1) Shows good cause why the license cannot be renewed within~~

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~~Indiana.~~

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

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

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

~~(1) Has applied for a renewal of the license.~~

~~(2) Has not been denied a renewal of the license by the bureau.~~

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

~~(1) Either renew or deny the renewal of the license within ten (10) days.~~

~~(2) Notify the individual of the decision.~~

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

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

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

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

**(b) When the Indiana driver's license of an individual who is temporarily residing outside Indiana because of the service of a spouse, parent, or guardian in the armed forces of the United States has expired, the driver's license remains valid for ninety (90) days following the discharge from service in the armed forces or end of deployment in the armed forces of the individual's spouse,**

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**parent, or guardian. To obtain a renewed driver's license, the individual must do the following:**

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

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

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

(1) an operator's; ~~or~~

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

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

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

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

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

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

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

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

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

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

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



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(A) physical, mental, or emotional instability;

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 54. IC 9-24-15-2, AS AMENDED BY P.L.125-2012, SECTION 216, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. If:

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

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

(3) the individual is ~~eligible~~ **not ineligible** for restricted driving

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privileges under section 1 of this chapter;

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

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

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

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

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

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

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

(6) A certified copy of the petitioner's driving record in Indiana and other states in which the petitioner has held driving privileges, including all states in which the petitioner has held a commercial driver's license.

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

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

(1) The person was not convicted of one (1) or more of the following:

(A) A Class D felony under IC 9-30-5-4 before July 1, 1996, or a Class D felony or a Class C felony under IC 9-30-5-4 after June 30, 1996.

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

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

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

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

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

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

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

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

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

SECTION 57. IC 9-24-15-6.7, AS AMENDED BY P.L.125-2012, SECTION 221, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6.7. (a) If a petitioner whose driving ~~license or permit is~~ **privileges are** suspended under IC 9-30-13-6, IC 9-30-13-7, or IC 9-30-13-8 proves to the satisfaction of the court that public transportation is unavailable for travel by the petitioner:

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

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

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

(4) to participate in parenting time with the petitioner's children consistent with a court order granting parenting time;

the court may grant a petition for restricted driving privileges filed under this chapter.



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

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

(1) issued in the same manner; and

(2) subject to all requirements;

as other permits under this chapter.

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

(1) has been granted restricted driving privileges; and

(2) operates a motor vehicle:

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

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

commits a Class B misdemeanor.

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

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

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

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

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

(1) The full legal name of the applicant.

(2) The applicant's date of birth.

(3) The gender of the applicant.

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

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

(6) A:

(A) valid Social Security number; or

(B) verification of an applicant's:

(i) ineligibility to be issued a Social Security number; and

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(ii) identity and lawful status.

(7) A digital photograph of the applicant.

(8) The signature of the applicant **showing the applicant's legal name as it will appear on the identification card.**

The bureau shall maintain records of the information provided under subdivisions (1) through (8).

(b) The bureau may invalidate an identification card that the bureau believes to have been issued as a result of fraudulent documentation.

(c) The bureau:

(1) shall adopt rules under IC 4-22-2 to establish a procedure to verify an applicant's identity and lawful status; and

(2) may adopt rules to establish a procedure to temporarily invalidate an identification card that it believes to have been issued based on fraudulent documentation.

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

(e) In addition to the information required under subsection (a), an application for an identification card to be issued under this chapter must enable the applicant to indicate that the applicant is a veteran of the armed forces of the United States and wishes to have an indication of the applicant's veteran status appear on the identification card. An applicant who wishes to have an indication of the applicant's veteran status appear on the identification card must:

(1) indicate on the application that the applicant:

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

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

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

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

SECTION 60. IC 9-24-16-3, AS AMENDED BY P.L.125-2012, SECTION 227, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) An identification card must have the same dimensions and shape as a driver's license, but the card must have markings sufficient to distinguish the card from a driver's license.

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

(1) Full legal name.

(2) The address of the principal residence.

(3) Date of birth.

(4) Date of issue and date of expiration.

(5) Unique identification number.

(6) Gender.

(7) Weight.

(8) Height.

(9) Color of eyes and hair.

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

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

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

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

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

(13) If the individual is at least eighteen (18) years of age but less than twenty-one (21) years of age at the time of issuance, the date on which the individual will become twenty-one (21) years of age.

(14) Digital photograph of the individual.

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

(d) If the individual:

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

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

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

(e) If the applicant for an identification card submits information to the bureau concerning the applicant's medical condition, the bureau shall place an identifying symbol on the face of the identification card to indicate that the applicant has a medical condition of note. The

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bureau shall include information on the identification card that briefly describes the medical condition of the holder of the card. The information must be printed in a manner that alerts a person reading the card to the existence of the medical condition. The applicant for an identification card is responsible for the accuracy of the information concerning the medical condition submitted under this subsection. The bureau shall inform an applicant that submission of information under this subsection is voluntary.

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

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

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

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

(4) has approved deferred action status; or

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

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

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

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

(1) an original;

(2) a renewal of an; ~~or~~

(3) a replacement; **or**

**(4) an amended;**

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

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



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

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

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

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

(c) The court shall specify:

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

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

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

(d) The bureau shall, upon receiving a record of conviction of a person upon a charge of operating a motor vehicle while never having received a valid driving license, prohibit the person from receiving a driving license **by placing a suspension of driving privileges on the person's record** for a fixed period of at least ninety (90) days and not more than two (2) years. The bureau shall fix this period in accordance with the recommendation of the court that entered the conviction, as provided in subsection (c). 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.

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

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

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

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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 [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) In addition to any other

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penalty imposed for a conviction under this chapter, the court shall recommend that the person's driving privileges be suspended for a fixed period of not less than ninety (90) days and not more than two (2) years.

(b) The court shall specify:

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

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

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

(c) The bureau shall, upon receiving a record of conviction of a person upon a charge of driving a motor vehicle while the driving privileges, permit, or license of the person is suspended, fix the period of suspension in accordance with the recommendation of 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 this chapter.

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

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

**(1)** a business enterprise that:

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

~~(2)~~ **(B)** charges consideration or tuition for the provision of services; **or**

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

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

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

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

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

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

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

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

SECTION 71. IC 9-27-6-5, AS AMENDED BY P.L.125-2012, SECTION 304, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) As used in this section, "advisory board" refers to the driver education advisory board established by subsection (b).

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

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

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

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

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

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

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

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

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

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

(g) The advisory board shall:

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

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

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

SECTION 72. IC 9-27-6-6, AS ADDED BY P.L.145-2011, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) To establish or operate a ~~commercial~~ driver training school, the ~~commercial~~ driver training school must obtain a ~~commercial~~ driver training school license from the bureau in the manner and form prescribed by the bureau.

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

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~~equivalent to rules adopted under section 7(b) of this chapter.~~

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

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

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

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

(4) a state educational institution; or

(5) a nonaccredited nonpublic school.

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

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

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

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

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

~~(3) nonpublic secondary school recognized under IC 20-19-2-10;~~

~~(4) postsecondary proprietary educational institution (as defined in IC 22-4.1-21-9);~~

~~(5) postsecondary credit bearing proprietary educational institution (as defined in IC 21-18.5-2-12);~~

~~(6) state educational institution (as defined in IC 21-7-13-32); or~~

~~(7) nonaccredited nonpublic school;~~

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

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

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

SECTION 74. IC 9-27-6-8, AS ADDED BY P.L.145-2011,

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SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) To be eligible to act as a driver education instructor, an individual must obtain an instructor's ~~endorsement~~ **license** from the bureau in the manner and form prescribed by the bureau.

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

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

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

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

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

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

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

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

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

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

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

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(1) who applied for the license ~~or endorsement~~ does not meet the requirements necessary to obtain the license; ~~or endorsement;~~

(2) no longer meets the requirements necessary to maintain the license; ~~or endorsement;~~ or

(3) has willfully violated this chapter or a rule adopted by the bureau concerning driver education instruction.

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

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

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

(3) Procedures for:

(A) the investigation into potential grounds for; and

(B) conduct of hearings on;

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

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

(A) railroad-highway grade crossing safety; and

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

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

(5) Limitations on the number of:

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(b) The report must state the following:~~

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

~~(c) The bureau shall cause the report:~~

~~(1) to be filed in the bureau; and~~



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~~(2) retained for at least two (2) years.~~

~~(d) The bureau shall prescribe and the bureau shall furnish the form of the report required by this section.~~

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

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

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

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

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

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

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

(1) violation of a traffic ordinance; or

(2) commission of a traffic infraction;

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

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

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

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

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

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

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

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

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

(3) been convicted of at least one (1) traffic misdemeanor and has

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had at least one (1) traffic judgment entered against the person; the bureau may require the person to attend and satisfactorily complete a ~~defensive driving school~~ **driver safety** program approved by the bureau. The person shall pay all applicable fees required by the bureau.

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

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

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

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

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

(1) fails to attend a ~~defensive driving school~~ **driver safety** program; or

(2) fails to satisfactorily complete a ~~defensive driving school~~ **driver safety** program;

as required by this section.

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

SECTION 84. IC 9-30-3-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 14. ~~(a) As used in this section, "moving traffic offense" means a violation of a statute, an ordinance, or a rule relating to the operation or use of motor vehicles while the motor vehicle is in motion.~~

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

(1) The name and address of the person convicted.



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(2) The name and address of the owner of the motor vehicle.

(3) The offense upon which the conviction was made.

(4) The date of arrest of the person convicted and the location of the place of the offense.

(5) The license plate number of the motor vehicle.

(6) The operator's or chauffeur's license number of the person convicted.

(7) The date of the conviction and the name of the court making the conviction.

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

(1) Require the person to attend and satisfactorily complete a driver improvement **or safety** course that has been approved by the court ~~and the bureau~~ or ~~by~~ the bureau.

(2) Place the person on probation for up to one (1) year.

(3) Suspend the person's driving privileges for up to thirty (30) days **or as otherwise provided in statute.**

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

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

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

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

SECTION 87. IC 9-30-4-6, AS AMENDED BY P.L.125-2012, SECTION 330, AND AS AMENDED BY P.L.126-2012, SECTION 29, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) Whenever the bureau suspends or revokes the current driver's license **or driving privileges** upon receiving a record of the conviction of a person for any offense under the motor vehicle laws not enumerated under subsection (b), the bureau may also suspend any of the certificates of registration and license plates issued for any motor vehicle registered in the name of the person so convicted. However, the bureau may not suspend the evidence of registration, unless otherwise required by law, if the person has given or gives and maintains during the three (3) years following

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the date of suspension or revocation proof of financial responsibility in the future in the manner specified in this section.

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

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

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

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

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

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

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

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

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

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

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

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trial by or on behalf of any claimant under the policy.

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) A conviction upon a plea of guilty.

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

(A) no sentence is imposed; or

(B) a sentence is suspended.

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(3) A forfeiture of bail, bond, or collateral deposited to secure the defendant's appearance for trial, unless the forfeiture is vacated.

(4) A payment of money as a penalty or as costs in accordance with an agreement between a moving traffic violator and a traffic violations bureau.

(g) A suspension or revocation under this section or under ~~*IC 9-25-6-8*~~ *IC 9-30-13-0.5* stands pending appeal of the conviction to a higher court and may be set aside or modified only upon the receipt by the bureau of the certificate of the court reversing or modifying the judgment that the cause has been reversed or modified. However, if the suspension or revocation follows a conviction in a court of no record in Indiana, the suspension or revocation is stayed pending appeal of the conviction to a court of record.

(h) A person aggrieved by an order or act of the bureau under this section or ~~*IC 9-25-6-8*~~ *IC 9-30-13-0.5* may file a petition for a court review.

SECTION 88. IC 9-30-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) A person whose:

(1) ~~operator's or chauffeur's~~ **driver's** license; or

(2) certificate of registration or license plate;

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

(b) The bureau may:

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

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

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

SECTION 89. IC 9-30-4-9, AS AMENDED BY P.L.125-2012, SECTION 333, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) Upon the filing of a complaint in writing with the bureau against a person holding a current driver's license or permit or applying for a driver's license, permit, or renewal, the bureau may cite the person for a hearing to consider the suspension or revocation of the person's license, permit, or driving privileges upon any of the following charges **or allegations:**

(1) That the person has committed an offense for the conviction



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of which mandatory revocation of license is provided.

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

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

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

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

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

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

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

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

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

(f) The bureau may suspend or revoke the **driver's** license, permit, or driving privileges of an Indiana resident for a period of not more than one (1) year upon receiving notice of the conviction of the person in another state of an offense that, if committed in Indiana, would be grounds for the suspension or revocation of the license, permit, or driving privileges. The bureau may, upon receiving a record of the conviction in Indiana of a nonresident driver of a motor vehicle of an offense under Indiana motor vehicle laws, forward a certified copy of

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the record to the motor vehicle administrator in the state where the person convicted is a resident.

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

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

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

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

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

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

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

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

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

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probationary driving privileges for a period of time equal to the length of the stay.

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

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

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

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

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

(g) The bureau shall fix the period of suspension in accordance with the recommendation of the court under this section and in accordance with IC 9-30-6-9. If the court fails to recommend a fixed period of

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suspension, **or recommends a fixed period that is less than the minimum period required by statute,** the bureau shall impose the minimum period of suspension required under this section.

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

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

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

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

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

(c) If:

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

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

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

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

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

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

SECTION 92. IC 9-30-5-14, AS AMENDED BY P.L.2-2005, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 14. (a) A person whose driving privileges are suspended under section 10 of this chapter:

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) State whether the person:

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

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

(4) Be sworn to by the arresting officer.

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

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

SECTION 95. IC 9-30-6-8.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8.5. (a) If the bureau receives an order recommending use of an ignition interlock device under section 8(d) of this chapter, the bureau shall immediately do the following:

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

(A) five (5) days after the date of the notice; or

(B) on the date the court enters an order recommending use of an ignition interlock device;

whichever occurs first.



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

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

SECTION 96. IC 9-30-6-9, AS AMENDED BY P.L.125-2012, SECTION 345, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) This section does not apply if an ignition interlock device order is issued under section 8(d) of this chapter.

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

(1) for:

(A) one (1) year; or

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

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

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

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

(2) until the bureau is notified by a court that the charges have been disposed of;

whichever occurs first.

(d) Whenever the bureau is required to suspend a person's driving privileges under this section, the bureau shall immediately do the following:

(1) Mail ~~a~~ notice to the person's ~~last known~~ address ~~that must state~~ **contained in the records of the bureau stating** that the person's driving privileges will be suspended for a specified period, commencing:

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

(B) on the date the court enters an order recommending suspension of the person's driving privileges under section 8(c) of this chapter;

whichever occurs first.

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

(e) Notwithstanding IC 4-21.5, an action that the bureau is required to take under this article is not subject to any administrative

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adjudication under IC 4-21.5.

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

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

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

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

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

SECTION 97. IC 9-30-6-12, AS AMENDED BY P.L.125-2012, SECTION 346, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 12. (a) If a court recommends suspension of driving privileges under this chapter, IC 9-30-5, or IC 9-30-9, the bureau shall fix the period of suspension in accordance with the recommendation of the court. If the court fails to recommend a fixed period 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 by statute.

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

(c) If a court recommends suspension of a person's driving privileges for a conviction under IC 9-30-5, during the three (3) years following the termination of the suspension the person's driving privileges remain suspended until the person provides proof of future financial responsibility in force under IC 9-25. However, if a court

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

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

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

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

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

(1) for one (1) year; or

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

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

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

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

SECTION 100. IC 9-30-10-4, AS AMENDED BY P.L.125-2012,

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

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

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

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

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

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

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

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

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

resulting in death.

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

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

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

resulting in death.

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

(1) Operation of a vehicle while intoxicated.

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

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

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

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

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

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of alcohol per:

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

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

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

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

(7) Reckless driving.

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

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

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

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

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

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

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

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

SECTION 101. IC 9-30-10-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) If it appears from the records maintained ~~in~~ **by** the bureau that a person's driving record makes the person a habitual violator under section 4 of this chapter, the

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bureau shall mail a notice to the person's last known address that informs the person that the person's driving privileges will be suspended in thirty (30) days because the person is a habitual violator according to the records of the bureau.

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

(1) except as provided in subdivision (2), ten (10) years if the person is a habitual violator under section 4(a) of this chapter;

(2) life if the person is a habitual violator under section 4(a) of this chapter and has at least two (2) violations under section 4(a)(4) through 4(a)(7) of this chapter;

(3) ten (10) years if the person is a habitual violator under section 4(b) of this chapter; or

(4) five (5) years if the person is a habitual violator under section 4(c) of this chapter.

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

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

SECTION 102. IC 9-30-10-9, AS AMENDED BY P.L.125-2012, SECTION 352, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) This section does not apply to a person who:

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

(2) has been charged with an offense involving the operation of a motor vehicle in accordance with the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159.113 Stat. 1748).

(b) If a court finds that a person:

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

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

(3) operates a vehicle for commercial or business purposes, and

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the person's mileage for commercial or business purposes:

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

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

(4) does not have:

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

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

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

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

(c) If a court finds that a person:

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

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

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

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

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

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

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

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

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

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

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

(B) specific purposes in exceptional circumstances;

(C) rehabilitation programs; and

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

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

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

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

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

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

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

or while under the influence of any other intoxicating substance.

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

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

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

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

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

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

(ii) The person must submit to a chemical test if a law

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enforcement officer lawfully stops the person while operating a motor vehicle or motorized bicycle and the law enforcement officer requests that the person submit to a chemical test.

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

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

(e) If a court finds that a person:

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

(2) does not have any judgments for violations under section 4(a) of this chapter;

(3) does not have any judgments or convictions for violations under section 4(b) of this chapter, except for judgments or convictions under section 4(b)(5) of this chapter that resulted from driving on a suspended license that was suspended for:

(A) the commission of infractions only; or

(B) previously driving on a suspended license;

(4) has not been previously placed on probation under this section by a court; and

(5) has had the person's driving privileges suspended under this chapter for at least three (3) consecutive years and has not violated the terms of the person's suspension by operating a vehicle for at least three (3) consecutive years;

the court may place the person on probation under the conditions described in subsection (d)(1) through (d)(5).

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

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

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

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

SECTION 103. IC 9-30-10-13, AS AMENDED BY P.L.125-2012, SECTION 355, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2013]: Sec. 13. (a) The bureau may issue driving privileges to a habitual violator whose driving privileges were suspended under section 5(b) of this chapter if the following conditions exist:

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) The person:

(A) files with the bureau; and

(B) maintains for three (3) years after rescission of the suspension;

proof of future financial responsibility in accordance with IC 9-25.

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

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

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

or while intoxicated (as defined under IC 9-13-2-86) for three (3) years after ~~the bureau issues the driver's license to the person.~~ **termination of probation, restriction, or suspension of driving privileges.**

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

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

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

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

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suspension order and reinstatement of driving privileges if the following conditions exist:

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

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

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

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

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

(1) Be verified by the petitioner.

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

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

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

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

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

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

(5) Aver that the requisite amount of time has elapsed since the date on which the order for the lifetime suspension of the person's driving privileges was issued as required under subsections (a) and (e).

(6) Aver that the petitioner has never been convicted of an offense under section 17 of this chapter.

(7) Aver that the petitioner has not been convicted of an offense under section 16 of this chapter more than one (1) time.

(8) Aver that the petitioner has never been convicted of a violation described in section 4(a) of this chapter.

(9) Be filed in a circuit or superior court having jurisdiction in the county where the petitioner resides.

(10) If the petition is being filed under subsection (e), aver the existence of the conditions listed in subsection (e)(1) through (e)(3).

(c) The petitioner shall serve the prosecuting attorney of the county

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where the petitioner resides and the bureau with a copy of the petition described in subsection (b). A responsive pleading is not required.

(d) The prosecuting attorney of the county where the petitioner resides shall represent the state in the matter.

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

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

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

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

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

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

SECTION 105. IC 9-30-10-15, AS AMENDED BY P.L.125-2012, SECTION 357, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 15. (a) Upon receiving a petition filed under section 14 of this chapter, a court shall set a date for hearing the matter and direct the clerk of the court to provide notice of the hearing date to the following:

(1) The petitioner.

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

(3) The bureau.

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

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

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

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(3) That the petitioner has not been convicted of an offense under section 16 of this chapter more than one (1) time.
(4) If the person is petitioning the court under section 14(a) of this chapter that ten (10) years have elapsed since the date on which an order was issued that required the suspension of the petitioner's driving privileges for life.
(5) That there has been a substantial change in the petitioner's circumstances indicating the petitioner would no longer pose a risk to the safety of others if the petitioner's driving privileges were reinstated.
(6) That there has been a substantial change in the petitioner's circumstances indicating that the suspension of the petitioner's driving privileges for life has become unreasonable.
(7) That it is in the best interests of society for the petitioner's driving privileges to be reinstated.
(8) If the person is petitioning the court under section 14(e) of this chapter:
(A) that three (3) years have elapsed since the date the order was issued that required the suspension of the petitioner's driving privileges for life; and
(B) that the conditions listed under section 14(e) of this chapter are satisfied.

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

(d) In an order for reinstatement of driving privileges issued under this section, the court may require the bureau to issue the prevailing petitioner:
(1) driving privileges under section 13(b) of this chapter; or
(2) restricted driving privileges for a time and subject to conditions specified by the court, which must include one (1) or more of the following conditions if the person was determined to be a habitual violator under IC 9-30-10-4(a)(4) through IC 9-30-10-4(a)(7) or IC 9-30-10-4(b)(1) through IC 9-30-10-4(b)(4):
(A) Specified hours during which the person may drive.
(B) An order prohibiting the person from operating a motor vehicle or motorized bicycle with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:
(i) one hundred (100) milliliters of the person's blood; or
(ii) two hundred ten (210) liters of the person's breath;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

SECTION 107. IC 9-30-13-1, AS AMENDED BY P.L.125-2012, SECTION 366, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. For a person who uses a motor vehicle to commit recklessness under IC 35-42-2-2, the judge of the court in which the person is convicted shall recommend that the driving privileges of the person be suspended for not less than sixty (60) days and not more than two (2) years. If the court fails to recommend a fixed term of suspension, **or recommends a fixed term that is less than the minimum term required by statute,** the bureau shall impose the minimum period of suspension required under this section.

SECTION 108. IC 9-30-13-2, AS AMENDED BY P.L.125-2012, SECTION 367, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. For a person who uses a motor vehicle to commit obstruction of traffic under IC 35-42-2-4, the judge of the court in which the person is convicted may recommend that the driving privileges of the person be suspended for not less than sixty (60) days and not more than two (2) years. **If the court recommends a fixed term of suspension that is less than the minimum term required by statute, the bureau shall impose the minimum period of suspension under this section.**

SECTION 109. IC 9-30-13-3, AS AMENDED BY P.L.125-2012, SECTION 368, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. For a person who uses a motor vehicle to commit criminal mischief under IC 35-43-1-2, the judge of the court in which the person is convicted may recommend that the

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driving privileges of the person be suspended for not less than sixty (60) days and not more than two (2) years. **If the court recommends a fixed term of suspension that is less than the minimum term required by statute, the bureau shall impose the minimum period of suspension under this section.**

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

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

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

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

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

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

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

(1) That the person's driving privileges are suspended, beginning ~~five (5)~~ **eighteen (18)** business days after the date the notice is mailed, and that the suspension will terminate ten (10) business days after the bureau receives an order allowing reinstatement from the court that issued the suspension order.

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

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

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

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

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

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

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

(1) That the obligor's driving privileges are suspended, beginning eighteen (18) business days after the date the notice is mailed, and that the suspension will terminate after the bureau receives a notice from the Title IV-D agency that the obligor has:
(A) paid the obligor's child support arrearage in full; or
(B) established a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-0.5 or IC 31-16-15-2.5.
(2) That the obligor may be granted restricted driving privileges under IC 9-24-15-6.7 if the obligor can prove that public transportation is unavailable for travel by the obligor:
(A) to and from the obligor's regular place of employment;
(B) in the course of the obligor's regular employment;
(C) to and from the obligor's place of worship; or
(D) to participate in parenting time with the petitioner's children consistent with a court order granting parenting time.

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

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

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

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

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

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

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

SECTION 113. IC 9-30-13-8, AS ADDED BY P.L.125-2012, SECTION 373, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) Upon receiving an order issued by a court under IC 35-43-4-8(b) concerning a person convicted of fuel theft, the bureau shall do the following:

(1) Suspend under subsection (b) the driving privileges of the person who is the subject of the order, whether or not the person's current driver's license accompanies the order.

(2) Mail to the last known address of the person who is the subject of the order a notice:

(A) stating that the person's driving privileges are being suspended for fuel theft;

(B) setting forth the date on which the suspension takes effect and the date on which the suspension terminates; and

(C) stating that the person may be granted restricted driving privileges under IC 9-24-15-6.7 if the person meets the conditions for obtaining restricted driving privileges.

(b) The suspension of the driving privileges of a person who is the subject of an order issued under IC 35-43-4-8(b):

(1) begins five (5) business days after the date on which the bureau mails the notice to the person under subsection (a)(2); and

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(2) terminates thirty (30) days after the suspension begins.

(c) A person who operates a motor vehicle during a suspension of the person's driving privileges under this section commits a Class A infraction unless the person's operation of the motor vehicle is authorized by restricted driving privileges granted to the person under IC 9-24-15-6.7.

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) stating the time of the offense as definitely as can be done if time is of the essence of the offense;

(7) stating the place of the offense with sufficient particularity to show that the offense was committed within the jurisdiction of the court where the charge is to be filed;

(8) stating the place of the offense as definitely as can be done if the place is of the essence of the offense; and

(9) stating the name of every defendant, if known, and if not known, by designating the defendant by any name or description by which he can be identified with reasonable certainty.

(b) An indictment shall be signed by:

(1) the foreman or five (5) members of the grand jury; and

(2) the prosecuting attorney or his deputy.

An information shall be signed by the prosecuting attorney or his deputy and sworn to or affirmed by him or any other person.

(c) An indictment or information shall have stated upon it the names of all the material witnesses. Other witnesses may afterwards be subpoenaed by the state, but unless the name of a witness is stated on the indictment or information, no continuance shall be granted to the state due to the absence of the witness.

(d) The indictment or information shall be a plain, concise, and definite written statement of the essential facts constituting the offense charged. It need not contain a formal commencement, a formal conclusion, or any other matter not necessary to the statement. Presumptions of law and matters of which judicial notice is taken need not be stated.

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

IN THE _____ COURT OF INDIANA, 20____

STATE OF INDIANA

vs. CAUSE NUMBER _____

A _____ B _____

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

(f) The information may be substantially in the same form as the indictment, substituting for the words, "the grand jury of the county of _____, upon their oath or affirmation so present" the following: "CD, being duly sworn on his oath or having affirmed, says." It is not

C o p y

necessary in an information to state the reason why the proceeding is by information rather than indictment.

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

(1) a felony; or

(2) a misdemeanor.

SECTION 116. 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.

C o p y

President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

C o p y