

## **IC 9-24-11**

### Chapter 11. Issuance of License or Permit

## **IC 9-24-11-0.5**

### **Repealed**

*(Repealed by P.L.185-2011, SEC.5.)*

## **IC 9-24-11-1**

### **Conditions**

Sec. 1. The bureau shall issue a permit or license to every applicant who meets the following conditions:

- (1) Qualifies as required.
- (2) Makes the proper application.
- (3) Pays the required fee.

*As added by P.L.2-1991, SEC.12.*

## **IC 9-24-11-2**

### **Manner of issuance**

Sec. 2. The bureau may issue all permits and licenses required by law for the operation of a motor vehicle in a manner the bureau considers necessary and prudent.

*As added by P.L.2-1991, SEC.12.*

## **IC 9-24-11-3**

### **Minors' licenses probationary; expiration**

Sec. 3. (a) This section applies to a probationary operator's license issued before July 1, 2009.

(b) A license issued to an individual less than eighteen (18) years of age is a probationary license.

(c) An individual holds a probationary license subject to the following conditions:

(1) Except as provided in IC 31-37-3, the individual may not operate a motor vehicle during the curfew hours specified in IC 31-37-3-2.

(2) During the ninety (90) days following the issuance of the probationary license, the individual may not operate a motor vehicle in which there are passengers unless another individual:

(A) who is at least twenty-one (21) years of age and holds a valid operator's license issued under this article; or

(B) who is the parent, guardian, or stepparent of the individual holding a probationary license and who is at least twenty-one (21) years of age;

is present in the front seat of the motor vehicle.

(3) The individual may operate a motor vehicle only if:

(A) a safety belt is properly fastened about the body of the individual; and

(B) a safety belt is properly fastened about the body of each occupant of the motor vehicle;

at all times when the motor vehicle is in motion.

(d) An individual who holds a probationary license issued under

this section may 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.

(e) Except as provided in subsection (f), a probationary license issued under this section:

- (1) expires at midnight of the twenty-first birthday of the holder; and
- (2) may not be renewed.

(f) A probationary license issued under this section to an individual who complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(10) expires:

- (1) at midnight one (1) year after issuance if there is no expiration date on the authorization granted to the individual to remain in the United States; or
- (2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:
  - (A) At midnight of the date the authorization to remain in the United States expires.
  - (B) At midnight of the twenty-first birthday of the holder.

*As added by P.L.2-1991, SEC.12. Amended by P.L.57-1998, SEC.6; P.L.225-1999, SEC.3; P.L.79-2001, SEC.1; P.L.156-2006, SEC.11; P.L.184-2007, SEC.36; P.L.101-2009, SEC.8; P.L.76-2009, SEC.4; P.L.162-2009, SEC.2; P.L.145-2009, SEC.5; P.L.1-2010, SEC.46.*

### **IC 9-24-11-3.3**

#### **Minors' licenses probationary**

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 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 at least twenty-five (25) 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:

(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 certified driver education instructor; or

(C) who is the parent, guardian, or stepparent of the operator and is at least twenty-one (21) years of age;

is present in the front seat of the motor vehicle.

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

- (A) a child of the individual;
- (B) a sibling of the individual;
- (C) a child and a sibling of the individual;
- (D) the spouse of the individual; or
- (E) a child and the spouse of the individual;

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 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.

*As added by P.L.101-2009, SEC.9; P.L.145-2009, SEC.6. Amended by P.L.1-2010, SEC.47.*

#### **IC 9-24-11-4**

##### **Only one license or identification card at the same time**

Sec. 4. (a) An individual may not have more than one (1) valid driver's license 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.

*As added by P.L.2-1991, SEC.12. Amended by P.L.184-2007, SEC.37.*

#### **IC 9-24-11-5 Version a**

##### **Permit and license contents; digital photograph; medical condition designation; acceptance for federal purposes; license or permit issued to certain individuals temporary; address confidentiality program participants**

*Note: This version of section effective until 1-1-2012. See also following version of this section, effective 1-1-2012.*

Sec. 5. (a) Except as provided in subsection (i), a 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 (b) or (c), a digital photograph of the permittee or licensee.

(b) The following permits or licenses do not require a digital photograph:

- (1) Temporary motorcycle learner's permit issued under IC 9-24-8.
- (2) Motorcycle learner's permit issued under IC 9-24-8.

(c) The bureau may provide for the omission of a photograph or computerized image from any other 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 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.

*As added by P.L.2-1991, SEC.12. Amended by P.L.39-2000, SEC.11; P.L.42-2001, SEC.1; P.L.176-2001, SEC.13; P.L.1-2002, SEC.45; P.L.34-2003, SEC.2; P.L.86-2005, SEC.1; P.L.123-2005, SEC.3;*

*P.L.37-2006, SEC.1; P.L.184-2007, SEC.38; P.L.76-2009, SEC.5; P.L.162-2009, SEC.3; P.L.1-2010, SEC.48.*

**IC 9-24-11-5 Version b**

**Permit and license contents; digital photograph; medical condition designation; acceptance for federal purposes; license or permit issued to certain individuals temporary; address confidentiality program participants**

*Note: This version of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.*

Sec. 5. (a) Except as provided in subsection (h), a 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 (b), 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 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.

*As added by P.L.2-1991, SEC.12. Amended by P.L.39-2000, SEC.11; P.L.42-2001, SEC.1; P.L.176-2001, SEC.13; P.L.1-2002, SEC.45; P.L.34-2003, SEC.2; P.L.86-2005, SEC.1; P.L.123-2005, SEC.3; P.L.37-2006, SEC.1; P.L.184-2007, SEC.38; P.L.76-2009, SEC.5; P.L.162-2009, SEC.3; P.L.1-2010, SEC.48; P.L.109-2011, SEC.9.*

### **IC 9-24-11-5.5**

#### **Indication of veteran status on permit or license**

Sec. 5.5. If a permittee or licensee has under IC 9-24-9-2(d):

- (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;  
an indication of the permittee's or licensee's veteran status shall be shown on the license or permit.  
*As added by P.L.118-2011, SEC.4.*

#### **IC 9-24-11-6**

##### **Repealed**

*(Repealed by P.L.34-2003, SEC.4.)*

#### **IC 9-24-11-7**

##### **Restrictions**

Sec. 7. The bureau, when issuing a permit or license under this article, may, whenever good cause appears, impose restrictions suitable to the licensee's or permittee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle that the licensee operates. The bureau may impose other restrictions applicable to the licensee or permittee that the bureau determines is appropriate to assure the safe operation of a motor vehicle by the licensee or permittee, including a requirement to take prescribed medication. When the restrictions are imposed, the bureau may issue either a special restricted license or shall set forth the restrictions upon the usual license form.  
*As added by P.L.2-1991, SEC.12. Amended by P.L.208-2003, SEC.10.*

#### **IC 9-24-11-8**

##### **Violations; license suspension**

Sec. 8. (a) Except as provided in subsections (b) and (c), a person who violates this chapter commits a Class C infraction.

(b) A person who:

(1) has been issued a permit or license on which there is a printed or stamped restriction as provided under section 7 of this chapter; and  
(2) operates a motor vehicle in violation of the restriction;  
commits a Class C misdemeanor. The license of a person who violates this subsection may be suspended in the manner provided for the suspension or revocation of an operator's license.

(c) A person who causes 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 license under section 7 of this chapter, commits a Class A misdemeanor. However, the offense is a Class D felony if, within the five (5) years preceding the commission of the offense, the person had a prior unrelated conviction under this subsection.

(d) A person who violates subsection (c) commits a separate offense for each person whose serious bodily injury or death is caused by the violation of subsection (c).

*As added by P.L.2-1991, SEC.12. Amended by P.L.208-2003, SEC.11.*

#### **IC 9-24-11-9**

##### **Individuals with medical condition causing appearance of intoxication**

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 permit or license issued to an individual under this section must bear a distinctive color coding on the face of the operator's permit or license.

(c) An individual who wishes to have an operator'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 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.

*As added by P.L.134-1995, SEC.1.*

#### **IC 9-24-11-10**

##### **Court recommendation for suspension following conviction; failure to take prescribed medication**

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).

*As added by P.L.208-2003, SEC.12.*

#### **IC 9-24-11-11**

##### **Suspension by bureau upon notice of conviction**

Sec. 11. The bureau shall, upon 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.

*As added by P.L.208-2003, SEC.13.*