

IC 9-24-18

Chapter 18. General Penalty Provisions

IC 9-24-18-1

Driving without a license

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 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).

(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 license or permit that was valid at the time of the alleged offense.

As added by P.L.2-1991, SEC.12. Amended by P.L.100-2010, SEC.3.

IC 9-24-18-2 Version a

Misuse of licenses and permits; use of false information; inauthentic licenses and permits

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

Sec. 2. (a) A person may not do any of the following:

- (1) Display, cause or permit to be displayed, or have in possession a license or permit issued under this article knowing that the license or permit is fictitious or has been canceled, revoked, suspended, or altered.
- (2) Lend to a person or knowingly permit the use by a person not entitled to use a license or permit a license or permit issued under this article.
- (3) Display or represent as the person's license or permit issued under this article a license or permit not issued to the person.
- (4) Fail or refuse to surrender, upon demand of the proper official, a license or permit issued under this article that has been suspended, canceled, or revoked as provided by law.

- (5) Knowingly sell, offer to sell, buy, possess, or offer as genuine, a license or permit required by this article to be issued by the bureau that has not been issued by the bureau under this article or by the appropriate authority of any other state.

A person who knowingly or intentionally violates this subsection commits a Class C misdemeanor.

(b) A person who:

- (1) knowingly or intentionally uses a false or fictitious name or gives a false or fictitious address in an application:

(A) for a license or permit issued under this article; or

(B) for a renewal or duplicate of a license or permit issued under this article; or

- (2) knowingly or intentionally makes a false statement or conceals a material fact or otherwise commits a fraud in an application for a license or permit issued under this article;

commits application fraud, a Class D felony.

As added by P.L.2-1991, SEC.12. Amended by P.L.106-2006, SEC.2.

IC 9-24-18-2 Version b

Misuse of licenses and permits; use of false information; inauthentic licenses and permits

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

Sec. 2. (a) A person may not do any of the following:

- (1) Display, cause or permit to be displayed, or have in possession a license or permit issued under this article knowing that the license or permit is fictitious or has been canceled, revoked, suspended, or altered.

- (2) Lend to a person or knowingly permit the use by a person not entitled to use a license or permit a license or permit issued under this article.

- (3) Display or represent as the person's license or permit issued under this article a license or permit not issued to the person.

- (4) Fail or refuse to surrender, upon demand of the proper official, a license or permit issued under this article that has been suspended, canceled, or revoked as provided by law.

- (5) Knowingly sell, offer to sell, buy, possess, or offer as genuine, a license or permit required by this article to be issued by the bureau that has not been issued by the bureau under this article or by the appropriate authority of any other state.

A person who knowingly or intentionally violates this subsection commits a Class C misdemeanor.

(b) A person who:

- (1) knowingly or intentionally uses a false or fictitious name or gives a false or fictitious address in an application:

(A) for a license or permit issued under this article; or

(B) for a renewal, amendment, or replacement of a license or permit issued under this article; or

- (2) knowingly or intentionally makes a false statement or conceals a material fact or otherwise commits a fraud in an

application for a license or permit issued under this article; commits application fraud, a Class D felony.
As added by P.L.2-1991, SEC.12. Amended by P.L.106-2006, SEC.2; P.L.109-2011, SEC.28.

IC 9-24-18-3

Permitting unlicensed person to drive

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 the vehicle upon a highway unless the person obtains a license or permit under this article.

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

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

IC 9-24-18-4

Permitting unlawful use of vehicle

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 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.

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

IC 9-24-18-5

Repealed

(Repealed by P.L.32-2000, SEC.27.)

IC 9-24-18-6

Required licenses; enforcement proceedings; burden of proof

Sec. 6. In a proceeding to enforce IC 9-24-1 requiring the operator of a vehicle to have a certain type of license, the burden is on the defendant to prove by a preponderance of the evidence that the defendant had been issued the applicable license or permit and that the license was valid at the time of the alleged offense.

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

IC 9-24-18-7

Counterfeiting of licenses

Sec. 7. A person who counterfeits or falsely reproduces a driving license with intent to use the license or to permit another person to use the license commits a Class B misdemeanor.

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

IC 9-24-18-8

Alcohol offenses

Sec. 8. (a) The bureau shall suspend for a mandatory period of at least ninety (90) days the current driving license or permit of a person who:

- (1) uses or has possession of a driving license or permit of another person with the intent to violate or evade or to attempt to violate or evade any provision of law relating to the sale, purchase, use, or possession of alcoholic beverages; or
- (2) is convicted of the offenses listed in IC 7.1-5-7-1(b) or IC 7.1-5-7-10.

(b) The mandatory suspension provided by this section is in addition to all other sanctions provided by section 7 of this chapter and IC 9-30-4-9.

As added by P.L.2-1991, SEC.12. Amended by P.L.1-1993, SEC.59.

IC 9-24-18-9

Driving records; unlicensed persons

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 an abstract of court conviction has been received by the bureau. The record shall be maintained for not less than three (3) years for each unlicensed driver.

(b) If an unlicensed driver applies for and receives any type of driving 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 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 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 license.

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

IC 9-24-18-10

Interstate compacts and agreements; offenses subject to IC 9-28

Sec. 10. The following are subject to IC 9-28:

- (1) A:
 - (A) conviction for a crime; or
 - (B) judgment for an offense or ordinance violation; under this article related to the use or operation of a motor vehicle.
- (2) The issuance of a citation (as defined in IC 9-28-2-1) under this article.

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

IC 9-24-18-11

Reproduction of driver's license

Sec. 11. (a) The commissioner may enter into a contract or an agreement authorizing a person to create and use a reproduction of a driver's license issued under this article.

(b) A person may not create or use a reproduction of a driver's license issued under this article unless the creation or use of the reproduction is expressly authorized in writing by the commissioner. The commissioner may impose under IC 4-21.5 a civil penalty upon a person who violates this subsection. The amount of a civil penalty imposed under this subsection:

- (1) shall be determined by the commissioner; and
- (2) may not exceed ten thousand dollars (\$10,000).

(c) Money paid to the bureau as:

- (1) compensation to the state under a contract or an agreement entered into under subsection (a); or
- (2) a civil penalty imposed under subsection (b);

shall be collected and deposited according to IC 9-29-1-1.

As added by P.L.115-1993, SEC.8.

IC 9-24-18-12

Suspension of minor's driver's license for alcohol offense

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 driver's license for the period ordered by the court.

As added by P.L.53-1994, SEC.2. Amended by P.L.33-1997, SEC.6.