

## **IC 9-24-19**

Chapter 19. Penalty Provisions for Operating a Motor Vehicle With Suspended or Revoked Driving Privileges, Licenses, or Permits

### **IC 9-24-19-1**

#### **Class A infraction**

Sec. 1. Except as provided in sections 2, 3, and 4 of this chapter, a person who operates a motor vehicle upon a highway while the person's driving privilege, license, or permit is suspended or revoked commits a Class A infraction.

*As added by P.L.32-2000, SEC.1. Amended by P.L.42-2011, SEC.26.*

### **IC 9-24-19-2**

#### **Class A misdemeanor; commission within ten years of prior similar infraction**

Sec. 2. A person who operates a motor vehicle upon a highway when the person knows that the person's driving privilege, license, or permit is suspended or revoked, when less than ten (10) years have elapsed between:

(1) the date a judgment was entered against the person for a prior unrelated violation of section 1 of this chapter, this section, IC 9-1-4-52 (repealed July 1, 1991), or IC 9-24-18-5(a) (repealed July 1, 2000); and

(2) the date the violation described in subdivision (1) was committed;

commits a Class A misdemeanor.

*As added by P.L.32-2000, SEC.1.*

### **IC 9-24-19-3**

#### **Class A misdemeanor; commission while under suspension or revocation for offense**

Sec. 3. A person who operates a motor vehicle upon a highway when the person knows that the person's driving privilege, license, or permit is suspended or revoked, when the person's suspension or revocation was a result of the person's conviction of an offense (as defined in IC 35-41-1-19) commits a Class A misdemeanor.

*As added by P.L.32-2000, SEC.1.*

### **IC 9-24-19-4**

#### **Class D or Class C felony; causing bodily injury or death**

Sec. 4. (a) A person who violates section 3 of this chapter commits a Class D felony if the operation results in bodily injury or serious bodily injury.

(b) A person who violates section 3 of this chapter commits a Class C felony if the operation results in the death of another person.

*As added by P.L.32-2000, SEC.1.*

### **IC 9-24-19-5**

#### **Recommendation of additional suspension**

Sec. 5. (a) In addition to any other 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).

*As added by P.L.32-2000, SEC.1.*

#### **IC 9-24-19-6**

##### **Extension of suspension by bureau**

Sec. 6. The bureau shall, upon receiving a record of conviction of a person upon a charge of driving a vehicle while the person's driving privilege, permit, or license was suspended, extend the period of suspension for a fixed period of not less than 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 5 of this chapter.

*As added by P.L.32-2000, SEC.1. Amended by P.L.3-2008, SEC.80.*

#### **IC 9-24-19-7**

##### **Burden of proof of issuance of license or permit**

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

*As added by P.L.32-2000, SEC.1.*

#### **IC 9-24-19-8**

##### **Rebuttable presumption of knowledge of suspension**

Sec. 8. Service by the bureau of motor vehicles of a notice of an order or an order suspending or revoking a person's driving privileges by mailing the notice or order by first class mail to the defendant under this chapter at the last address shown for the defendant in the records of the bureau of motor vehicles establishes a rebuttable presumption that the defendant knows that the person's driving privileges are suspended.

*As added by P.L.32-2000, SEC.1.*