

## **IC 9-25-5**

### **Chapter 5. Proof of Financial Responsibility**

#### **IC 9-25-5-0.1**

##### **Application of certain amendments to chapter**

Sec. 0.1. The amendments made to section 4 of this chapter by P.L.75-2001 apply to evidence admitted in any civil proceeding after June 30, 2001, to prove that a motor vehicle liability policy was in effect with respect to a motor vehicle on any date before, on, or after June 30, 2001.

*As added by P.L.220-2011, SEC.223.*

#### **IC 9-25-5-1**

##### **Traffic offense conviction requiring court appearance; failure to prove financial responsibility; suspension of license or vehicle registration**

Sec. 1. (a) If a person is convicted of a traffic offense that requires a court appearance, the court shall require the person to show proof that financial responsibility was in force on the date of the violation in one (1) of the forms described in IC 9-25-4-4 or in the form of a certificate of self-insurance issued under IC 9-25-4-11.

(b) If a person fails to provide proof of financial responsibility as required by this section, the court shall do the following:

(1) Suspend the person's current driving license or vehicle registration, or both.

(2) Order the person to immediately surrender the person's current driving license or vehicle registration to the court.

(c) A suspension under this section is subject to the same provisions concerning procedure for suspension, duration of suspension, and reinstatement applicable to other suspensions under this chapter.

*As added by P.L.2-1991, SEC.13.*

#### **IC 9-25-5-2**

##### **Receipt by bureau of accident report; request for evidence of financial responsibility**

Sec. 2. Not more than forty-five (45) days after the bureau receives a copy of an accident report under IC 9-26, the bureau shall send to each person identified in the report as an operator of a vehicle involved in the accident a request for evidence of financial responsibility under section 3 of this chapter, unless the evidence has already been filed with the bureau. The request for evidence of financial responsibility shall be sent to each person identified in the report as an operator of a vehicle involved in the accident regardless of fault.

*As added by P.L.2-1991, SEC.13.*

#### **IC 9-25-5-3**

##### **Request for evidence of financial responsibility; requirements; mailing request**

Sec. 3. (a) A request for evidence of financial responsibility must do the following:

(1) Direct a person identified under section 2 of this chapter to provide the bureau with evidence that financial responsibility was in effect with respect to the vehicle operated by the person on the date of the accident described in the accident report.

(2) Instruct the person on how to furnish the bureau with evidence of financial responsibility in compliance with this chapter.

(3) Warn the person that failure to furnish evidence of financial responsibility to the bureau will result in suspension of the person's current driving license or vehicle registration, or both, under this article.

(b) The bureau shall mail a request for evidence of financial responsibility to a person identified under section 2 of this chapter by first class mail at the address appearing in the records of the bureau.

*As added by P.L.2-1991, SEC.13.*

#### **IC 9-25-5-4**

##### **Persons identified in accident reports; certificate of compliance**

Sec. 4. (a) To avoid a current driving license suspension or vehicle registration suspension under this article, a person identified under section 2 of this chapter who receives a request for evidence of financial responsibility must provide the bureau with a certificate of compliance indicating that financial responsibility required by IC 9-25-4-1 was in effect with respect to the motor vehicle on the date of the accident described in the accident report.

(b) Proof that the bureau:

(1) did not receive a certificate of compliance from a person presented with a request for evidence of financial responsibility under section 2 of this chapter within forty-five (45) days after the date on which the person was presented with the request;

(2) received a certificate of compliance that did not indicate that financial responsibility was in effect with respect to the motor vehicle that the person was operating on the date of the accident described in the accident report; or

(3) suspended a current driving license or vehicle registration under IC 9-25-6-3 after presenting a person with a request for evidence of financial responsibility under section 2 of this chapter;

is prima facie evidence in a civil action that the person presented with the request for evidence of financial responsibility did not have a motor vehicle liability policy in effect with respect to the motor vehicle that the person was operating on the date of the accident described in the accident report.

*As added by P.L.2-1991, SEC.13. Amended by P.L.75-2001, SEC.1.*

#### **IC 9-25-5-5**

##### **Certificate of compliance; required information; reason for requesting information**

Sec. 5. (a) A person who receives a request for evidence of financial responsibility under section 3 of this chapter shall set forth in the certificate of compliance the following information concerning the form of financial responsibility that was in effect with respect to the motor vehicle on the date in question:

(1) If a motor vehicle liability policy was in effect, the following:

- (A) The name and address of the insurer.
- (B) The limits of coverage of the policy.
- (C) The identification number applying to the policy.

(2) If a bond was in effect, the following:

- (A) The name and address of the bond company or surety.
- (B) The face amount of the bond.

(3) If self-insurance was in effect under IC 9-25-4-11, the following:

- (A) The date on which the certificate of self-insurance was issued by the bureau.
- (B) The name of the person to whom the certificate of self-insurance was issued.

(b) A person who requests information or verification of coverage to complete a certificate of compliance under subsection (a) from:

- (1) an insurance company; or
- (2) an insurance producer;

is not required to give the company or the producer a reason for requesting the information unless the person has been involved in an accident.

*As added by P.L.2-1991, SEC.13. Amended by P.L.59-1994, SEC.4; P.L.178-2003, SEC.2.*

#### **IC 9-25-5-6**

##### **Certificate of compliance; signature**

Sec. 6. A certificate of compliance that reports the existence of an insurance policy must be signed by an officer or agent of the insurer. A certificate of compliance that reports the existence of a bond must be signed by an officer of the bond company or surety.

*As added by P.L.2-1991, SEC.13.*

#### **IC 9-25-5-7**

##### **Proof of financial responsibility required to be given by person other than vehicle owner**

Sec. 7. Whenever a person required to give proof of financial responsibility under section 3 of this chapter is not the owner of a motor vehicle, an operator's policy of liability insurance is sufficient proof of financial responsibility.

*As added by P.L.2-1991, SEC.13.*

#### **IC 9-25-5-8**

##### **Request that insurer issue certificate; certificate as conclusive evidence of conforming policy**

Sec. 8. (a) An insurance carrier that has issued a motor vehicle

liability policy or policies meeting the requirements of this article shall, upon request of the named insured:

- (1) deliver to the insured for filing; or
- (2) file with the bureau;

an appropriate certificate that meets the requirements of this chapter and shows that a policy or policies have been issued.

(b) The issuance of a certificate to serve as proof of financial responsibility under this chapter is conclusive evidence that a motor vehicle liability policy in the certificate cited conforms to all the requirements of this article.

*As added by P.L.2-1991, SEC.13.*

#### **IC 9-25-5-9**

##### **Certificate of motor vehicle liability policy; cancellation of policy; notice to bureau; subsequently procured policy**

Sec. 9. Whenever an insurance carrier has certified a motor vehicle liability policy under this chapter for the purpose of furnishing evidence of future financial responsibility, the insurance carrier shall give ten (10) days written notice to the bureau before cancellation of the policy. The policy continues in full force and effect until the date of cancellation specified in the notice or until the policy's expiration. A policy subsequently procured and certified, on the effective date of the policy's certification, terminates the insurance previously certified with respect to a vehicle designated in both certificates.

*As added by P.L.2-1991, SEC.13.*

#### **IC 9-25-5-10**

##### **Nonresidents; proof of financial responsibility**

Sec. 10. (a) A nonresident may give proof of financial responsibility in one (1) of the following ways:

- (1) The nonresident owner of a foreign vehicle may give proof of financial responsibility by filing with the bureau a written certificate of an insurance carrier authorized to transact business in the state in which the motor vehicle described in the certificate is registered.
- (2) A nonresident who does not own a motor vehicle may give proof of financial responsibility by filing with the bureau a written certificate of an insurance carrier authorized to transact business in the state in which the nonresident resides.

(b) A certificate filed under subsection (a) must conform to this chapter.

(c) The bureau shall accept a certificate filed under subsection (a) if the insurance carrier complies with the following:

- (1) Executes a power of attorney authorizing the bureau to accept service on the insurance carrier's behalf of notice of process in an action arising out of a motor vehicle accident in Indiana.
- (2) Adopts a binding resolution declaring that the insurance carrier's policies are considered to comply with Indiana law

relating to the terms of motor vehicle liability policies issued in Indiana.

(3) Agrees to accept as final and binding a judgment of a court of competent jurisdiction in Indiana rendered in an action arising out of a motor vehicle accident.

(d) If a foreign insurance carrier that has qualified to furnish proof of financial responsibility under subsection (c) defaults in an undertaking or agreement, the bureau may not accept a certificate of the defaulting foreign carrier as long as the default continues, whether the certificate was filed before or after the default.

*As added by P.L.2-1991, SEC.13.*