



February 21, 2014

ENGROSSED HOUSE BILL No. 1279

DIGEST OF HB 1279 (Updated February 18, 2014 1:17 pm - DI 106)

Citations Affected: IC 1-1; IC 7.1-5; IC 8-23; IC 9-13; IC 9-17; IC 9-18; IC 9-19; IC 9-20; IC 9-21; IC 9-22; IC 9-24; IC 9-25; IC 9-26; IC 9-28; IC 9-29; IC 9-30; IC 9-31; IC 9-32; IC 10-11; IC 14-15; IC 31-37; IC 31-40; IC 33-39; IC 34-24; IC 35-33; IC 35-38; IC 35-43; IC 35-45; IC 35-48; IC 35-51.

Synopsis: Various motor vehicle issues. Makes various changes to criminal law provisions in motor vehicle law. Modifies statutes concerning driver's license suspension and revocation. Modifies the duties of an operator of a motor vehicle if the operator is involved in certain accidents. Modifies the definition of "highway work zone". Repeals sections concerning "street cars". Repeals certain motor vehicle fraud provisions, and creates a new motor vehicle fraud statute. Creates specialized driving privileges. Requires the bureau of motor vehicles to adopt rules to specify reasonable grounds for suspension or revocation of driving privileges, driver's licenses, certificates of registration, or license plates. Provides that a motor vehicle may be
(Continued next page)

Effective: July 1, 2014; January 1, 2015.

McMillin

(SENATE SPONSORS — YOUNG R MICHAEL, RANDOLPH)

January 14, 2014, read first time and referred to Committee on Roads and Transportation.
January 27, 2014, amended, reported — Do Pass.
January 30, 2014, read second time, amended, ordered engrossed.
January 31, 2014, engrossed.
February 3, 2014, read third time, passed. Yeas 93, nays 1.

SENATE ACTION

February 10, 2014, read first time and referred to Committee on Homeland Security, Transportation and Veterans Affairs.
February 11, 2014, reassigned to Committee on Corrections and Criminal Law.
February 20, 2014, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.

EH 1279—LS 7045/DI 107



Digest Continued

stopped to determine compliance with motor vehicle window tinting standards but may not be inspected, searched, or detained solely because of a violation of window tinting standards. Creates the habitual vehicular substance offender designation and sentencing. Requires: (1) the state department of toxicology (department) to develop standards and testing for ignition interlock devices (devices); and (2) all devices used in Indiana after July 1, 2015 to be certified under rules adopted by the department. Requires a vendor or provider of devices to: (1) report to the court or court's designee certain occurrences concerning the use of devices; and (2) provide any reports or data requested by the department.

EH 1279—LS 7045/DI 107



February 21, 2014

Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1279

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

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

1 SECTION 1. IC 1-1-5.5-22 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2014]: **Sec. 22. (a) A SECTION of HEA 1279-2014 does not**
4 **affect:**

5 (1) **penalties incurred;**
6 (2) **crimes committed; or**
7 (3) **proceedings begun;**
8 **before the effective date of that SECTION of HEA 1279-2014.**
9 **Those penalties, crimes, and proceedings continue and shall be**
10 **imposed and enforced under prior law as if that SECTION of HEA**
11 **1279-2014 had not been enacted.**

12 (b) **The general assembly does not intend the doctrine of**
13 **amelioration (see *Vicory v. State*, 400 N.E.2d 1380 (Ind. 1980)) to**
14 **apply to any SECTION of HEA 1279-2014.**

15 SECTION 2. IC 7.1-5-7-1, AS AMENDED BY P.L.125-2012,
16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

EH 1279—LS 7045/DI 107



1 JULY 1, 2014]: Sec. 1. ~~(a)~~ It is a Class C misdemeanor for a minor to
 2 knowingly or intentionally make a false statement of the minor's age or
 3 to present or offer false or fraudulent evidence of majority or identity
 4 to a permittee for the purpose of ordering, purchasing, attempting to
 5 purchase, or otherwise procuring or attempting to procure an alcoholic
 6 beverage.

7 ~~(b)~~ In addition to the penalty under subsection (a), a minor who:

8 ~~(1)~~ uses a false or altered driver's license or the driver's license of
 9 another person as evidence of majority under this section; or

10 ~~(2)~~ is convicted of purchasing or procuring an alcoholic beverage
 11 with or without using a false or altered driver's license;

12 shall have the minor's driver's license, permit, or driving privileges
 13 suspended for up to one ~~(1)~~ year in accordance with IC 9-24-18-8 and
 14 IC 9-30-4-9.

15 ~~(c)~~ Upon entering a judgment of conviction for the misdemeanor
 16 under this section, the court shall forward a copy of the judgment to the
 17 bureau of motor vehicles for the purpose of complying with subsection
 18 ~~(b)~~.

19 SECTION 3. IC 7.1-5-7-7, AS AMENDED BY P.L.125-2012,
 20 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2014]: Sec. 7. ~~(a)~~ Subject to IC 7.1-5-1-6.5, it is a Class C
 22 misdemeanor for a minor to knowingly:

23 (1) possess an alcoholic beverage;

24 (2) consume an alcoholic beverage; or

25 (3) transport an alcoholic beverage on a public highway when not
 26 accompanied by at least one (1) of the minor's parents or
 27 guardians.

28 ~~(b)~~ If a minor is found to have violated subsection (a) while
 29 operating a vehicle, the court may order the minor's driving privileges
 30 suspended for up to one ~~(1)~~ year. However, if the minor is less than
 31 eighteen (18) years of age, the court shall order the minor's driving
 32 privileges suspended for at least sixty ~~(60)~~ days.

33 ~~(c)~~ The court shall deliver any order suspending a minor's driving
 34 privileges under this section to the bureau of motor vehicles, which
 35 shall suspend the minor's driving privileges under IC 9-24-18-12 for
 36 the period ordered by the court.

37 SECTION 4. IC 7.1-5-7-10, AS AMENDED BY P.L.125-2012,
 38 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2014]: Sec. 10. (a) It is a Class C misdemeanor for a minor to
 40 **recklessly knowingly or intentionally** be in a tavern, bar, or other
 41 public place where alcoholic beverages are sold, bartered, exchanged,
 42 given away, provided, or furnished. ~~In addition to other penalties under~~



1 this subsection, the minor's driver's license, permit, or driving
 2 privileges shall be suspended for up to one (1) year in accordance with
 3 ~~IC 9-24-18-8 and IC 9-30-4-9.~~

4 (b) It is a Class C misdemeanor for a permittee to recklessly permit
 5 a minor to be in the prohibited place beyond a reasonable time in which
 6 an ordinary prudent person can check identification to confirm the age
 7 of a patron.

8 SECTION 5. IC 8-23-2-15 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 15. (a) As used
 10 in this section, "highway work zone" means an area where:

11 (1) highway construction, reconstruction, or maintenance is
 12 actually occurring; and

13 (2) notice is posted ~~in accordance with the:~~

14 (A) ~~Indiana Manual on Uniform Traffic Control Devices; or~~

15 (B) ~~Indiana Work Site Traffic Control Manual; indicating that~~
 16 **the highway work zone is a specific area designated with**
 17 **signage on the highway.**

18 ~~to indicate that highway construction, reconstruction, or maintenance~~
 19 ~~is occurring.~~

20 (b) The department may contract with the state police department
 21 or local law enforcement agencies to hire off duty police officers to
 22 patrol highway work zones. The duties of a police officer who is hired
 23 under this section:

24 (1) are limited to those duties that the police officer normally
 25 performs while on active duty; and

26 (2) do not include the duties of a:

27 (A) flagman; or

28 (B) security officer.

29 (c) The department shall use the money transferred to the
 30 department under ~~IC 33-37-9-4(6)~~ **IC 33-37-9-4(a)(6)** to pay the costs
 31 of hiring off duty police officers to perform the duties described in
 32 subsection (b).

33 (d) All money transferred to the department under ~~IC 33-37-9-4(6)~~
 34 **IC 33-37-9-4(a)(6)** is annually appropriated to pay off duty police
 35 officers to perform the duties described in subsection (b).

36 SECTION 6. IC 9-13-2-75, AS AMENDED BY P.L.262-2013,
 37 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JANUARY 1, 2015]: Sec. 75. "Identification number" ~~for purposes of~~
 39 ~~IC 9-17-4-18; has the meaning set forth in IC 9-17-4-18.~~ **means a set**
 40 **of numbers, letters, or both numbers and letters that is assigned to**
 41 **a motor vehicle or motor vehicle part by:**

42 (1) a manufacturer of motor vehicles or motor vehicle parts;



1 or

2 **(2) a governmental entity to replace an original identification**
 3 **number that is destroyed, removed, altered, or defaced.**

4 SECTION 7. IC 9-13-2-146 IS REPEALED [EFFECTIVE
 5 JANUARY 1, 2015]. ~~Sec. 146. "Railroad" does not include street car.~~

6 SECTION 8. IC 9-13-2-149.8 IS ADDED TO THE INDIANA
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE JANUARY 1, 2015]: **Sec. 149.8. "Recovery vehicle"**
 9 **means a:**

10 **(1) Class A recovery vehicle as defined in section 26 of this**
 11 **chapter; or**

12 **(2) Class B recovery vehicle as defined in section 27 of this**
 13 **chapter.**

14 SECTION 9. IC 9-13-2-176 IS REPEALED [EFFECTIVE
 15 JANUARY 1, 2015]. ~~Sec. 176. "Street car" means a car other than a~~
 16 ~~railroad train for transporting persons or property and operated upon~~
 17 ~~rails principally within a municipality.~~

18 SECTION 10. IC 9-13-2-182 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 182. "Traffic"
 20 means pedestrians, ridden or herded animals, ~~street cars~~, vehicles, and
 21 other conveyances either singly or together while using any highway
 22 for purposes of travel.

23 SECTION 11. IC 9-13-2-196.3 IS ADDED TO THE INDIANA
 24 CODE AS A NEW SECTION TO READ AS FOLLOWS
 25 [EFFECTIVE JANUARY 1, 2015]: **Sec. 196.3. "Vehicular substance**
 26 **offense", for purposes of IC 9-30-15.5, has the meaning set forth in**
 27 **IC 9-30-15.5-1.**

28 SECTION 12. IC 9-17-2-14 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 14. (a) Except as
 30 provided in:

31 (1) subsection (b); **and**

32 (2) section 15 of this chapter; **and**

33 ~~(3) section 16 of this chapter;~~

34 a person who violates this chapter commits a Class C infraction.

35 (b) A person who violates section 6 of this chapter commits a Class
 36 B infraction.

37 SECTION 13. IC 9-17-2-16 IS REPEALED [EFFECTIVE
 38 JANUARY 1, 2015]. ~~Sec. 16. (a) A person who counterfeits or falsely~~
 39 ~~reproduces a certificate of title for a motor vehicle, semitrailer, or~~
 40 ~~recreational vehicle with intent to:~~

41 ~~(1) use the certificate of title; or~~

42 ~~(2) permit another person to use the certificate of title;~~



1 commits a Class B misdemeanor.

2 (b) The bureau shall suspend the driver's license or permit of a
3 person who uses or possesses a certificate of title described under
4 subsection (a) for ninety (90) days. This mandatory suspension is in
5 addition to sanctions provided in IC 9-30-4-9.

6 SECTION 14. IC 9-17-3-3.2, AS AMENDED BY P.L.158-2013,
7 SECTION 137, IS AMENDED TO READ AS FOLLOWS
8 [EFFECTIVE JANUARY 1, 2015]: Sec. 3.2. (a) When a certificate of
9 title is available and a vehicle is sold or transferred to a person other
10 than a dealer licensed in Indiana, the seller or transferor shall fill in all
11 blanks on the certificate of title relating to buyer information, including
12 the sale price.

13 (b) The ~~knowing or intentional~~ failure of the seller or transferor to
14 fill in all buyer information is a ~~Class A misdemeanor for the first~~
15 ~~offense and a Level 6 felony for the second or subsequent offense~~
16 ~~under section 7(c)(2) of this chapter.~~ **Class B infraction.**

17 SECTION 15. IC 9-17-3-3.4, AS ADDED BY P.L.262-2013,
18 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JANUARY 1, 2015]: Sec. 3.4. (a) If a vehicle for which a certificate of
20 title has been issued is sold or if the ownership of the vehicle is
21 transferred in any manner other than by a transfer on death conveyance
22 under section 9 of this chapter, the person who holds the certificate of
23 title must do the following:

24 (1) Endorse on the certificate of title an assignment of the
25 certificate of title with warranty of title, in a form printed on the
26 certificate of title, with a statement describing all liens or
27 encumbrances on the vehicle.

28 (2) Deliver the certificate of title to the purchaser or transferee at
29 the time of the sale or delivery to the purchaser or transferee of
30 the vehicle, if the purchaser or transferee has made all agreed
31 upon initial payments for the vehicle, including delivery of a
32 trade-in vehicle without hidden or undisclosed statutory liens.

33 (3) Unless the vehicle is being sold or transferred to a dealer
34 licensed under IC 9-32, complete all information concerning the
35 purchase on the certificate of title, including, but not limited to:

36 (A) the name and address of the purchaser; and

37 (B) the sale price of the vehicle.

38 (b) If a vehicle for which a certificate of title has been issued by
39 another state is sold or delivered, the person selling or delivering the
40 vehicle must deliver to the purchaser or receiver of the vehicle a proper
41 certificate of title with an assignment of the certificate of title in a form
42 prescribed by the bureau.



1 (c) The original certificate of title and all assignments and
 2 subsequent reissues of the certificate of title shall be retained by the
 3 bureau and appropriately classified and indexed in the most convenient
 4 manner to trace title to the vehicle described in the certificate of title.

5 **(d) A person who violates subsection (a)(1) or (a)(3) commits a**
 6 **Class B infraction.**

7 SECTION 16. IC 9-17-3-7, AS AMENDED BY P.L.262-2013,
 8 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2014]: Sec. 7. (a) This section does not apply to section 5 of
 10 this chapter.

11 (b) Except as provided in ~~subsection (c)~~; **section 3.4(d) of this**
 12 **chapter**, a person who violates this chapter commits a Class C
 13 infraction.

14 ~~(c) A person who knowingly or intentionally violates:~~

15 ~~(1) section 3.4(a)(1) or 3.4(a)(2) of this chapter commits a Class~~
 16 ~~B misdemeanor; or~~

17 ~~(2) section 3.4(a)(3) of this chapter commits:~~

18 ~~(A) a Class A misdemeanor for the first violation; or~~

19 ~~(B) a Class D felony for the second violation or any~~
 20 ~~subsequent violation.~~

21 SECTION 17. IC 9-17-4-7, AS ADDED BY P.L.262-2013,
 22 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JANUARY 1, 2015]: Sec. 7. (a) Not more than twenty (20) days after
 24 a person becomes the owner, custodian, or possessor of a motor vehicle
 25 that:

26 (1) was manufactured after December 31, 1954; and

27 (2) either:

28 (A) does not have a manufacturer's identification number
 29 installed on the motor vehicle; or

30 (B) has an original manufacturer's identification number that
 31 is altered, destroyed, obliterated, or defaced;

32 the person shall apply to the bureau for permission to make or stamp a
 33 special identification number on the motor vehicle.

34 (b) The bureau shall prescribe the form of an application under
 35 subsection (a). The application must contain the following:

36 (1) A description of the motor vehicle, including the make, style,
 37 and year of model of the motor vehicle.

38 (2) A description of:

39 (A) the original manufacturer's identification number, if
 40 possible; or

41 (B) any distinguishing marks on the engine or body of the
 42 motor vehicle.



1 (3) The name and address of the applicant.

2 (4) The date on which the applicant purchased or took possession
3 of the motor vehicle.

4 (5) The name and address of the person from whom the applicant
5 purchased or acquired the motor vehicle.

6 (6) Any application fee required under IC 9-29 for a special
7 identification number.

8 (7) Any other information the bureau requires.

9 **(c) A person who owns or possesses a motor vehicle described in**
10 **subsection (a) and fails to comply with this section commits a Class**
11 **B infraction.**

12 SECTION 18. IC 9-17-4-8, AS ADDED BY P.L.262-2013,
13 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JANUARY 1, 2015]: Sec. 8. (a) The bureau shall review an application
15 submitted under section 7 of this chapter. If the bureau determines the
16 application is complete, the bureau shall issue to the applicant written
17 permission to make or stamp a special identification number on the
18 motor vehicle. The bureau shall designate the special identification
19 number and the location of the special identification number on the
20 motor vehicle.

21 (b) A new special identification number may not cover or otherwise
22 obscure an original identification number that is visible on a motor
23 vehicle.

24 (c) A new special identification number that is stamped or otherwise
25 placed on a motor vehicle under this chapter becomes the lawful
26 identification number of the motor vehicle for all purposes, including
27 for purposes of selling or transferring the motor vehicle.

28 **(d) A person who covers or obscures an original or special**
29 **identification number as described in subsection (b) commits a**
30 **Class B infraction.**

31 SECTION 19. IC 9-17-4-14 IS REPEALED [EFFECTIVE
32 JANUARY 1, 2015]. Sec. 14. A person who owns or possesses a motor
33 vehicle that the person knows violates section 7 or 8 of this chapter
34 commits a Class D felony:

35 SECTION 20. IC 9-17-4-15 IS REPEALED [EFFECTIVE
36 JANUARY 1, 2015]. Sec. 15. (a) A person who knowingly:

37 (1) damages;

38 (2) removes; or

39 (3) alters;

40 an original or a special identification number commits a Class C felony:

41 (b) A person who, with the intent to conceal evidence of the
42 commission of a crime, covers an original or special identification



- 1 number commits a Class C felony.
- 2 SECTION 21. IC 9-17-4-16 IS REPEALED [EFFECTIVE
3 JANUARY 1, 2015]. Sec. 16: A person who knowingly sells or offers
4 for sale a motor vehicle with an original or a special identification
5 number that is:
- 6 (1) destroyed;
 - 7 (2) removed;
 - 8 (3) altered;
 - 9 (4) covered; or
 - 10 (5) defaced;
- 11 commits a Class D felony.
- 12 SECTION 22. IC 9-17-4-17 IS REPEALED [EFFECTIVE
13 JANUARY 1, 2015]. Sec. 17: A person who knowingly or intentionally
14 sells or offers for sale a motor vehicle part with an identification
15 number that is:
- 16 (1) destroyed;
 - 17 (2) removed;
 - 18 (3) altered;
 - 19 (4) covered; or
 - 20 (5) defaced;
- 21 commits a Class D felony.
- 22 SECTION 23. IC 9-17-4-18 IS REPEALED [EFFECTIVE
23 JANUARY 1, 2015]. Sec. 18: (a) For purposes of this section,
24 "identification number" means a set of numbers, letters, or both
25 numbers and letters that is assigned to a motor vehicle or motor vehicle
26 part by:
- 27 (1) a manufacturer of motor vehicles or motor vehicle parts; or
 - 28 (2) a governmental entity to replace an original identification
29 number that is destroyed, removed, altered, or defaced.
- 30 (b) Subsection (c) does not apply to a person who manufactures or
31 installs a plate or label containing an identification number:
- 32 (1) in a program authorized by a manufacturer of motor vehicles
33 or motor vehicle parts; or
 - 34 (2) as authorized by the bureau under this chapter.
- 35 (c) A person who knowingly or intentionally possesses a plate or
36 label that:
- 37 (1) contains an identification number; and
 - 38 (2) is not attached to the motor vehicle or motor vehicle part to
39 which the identification number was assigned by the
40 manufacturer or a governmental entity;
- 41 commits a Class D felony.
- 42 (d) A person who knowingly or intentionally possesses a plate or



1 label on which the identification number is altered or removed commits
2 a Class D felony.

3 (e) A person who, with intent to defraud, possesses a plate or label
4 containing a set of numbers, letters, or both numbers and letters that
5 purports to be an identification number commits a Class D felony.

6 SECTION 24. IC 9-18-2-42 IS REPEALED [EFFECTIVE
7 JANUARY 1, 2015]. Sec. 42: (a) This section does not apply to section
8 21 of this chapter.

9 (b) A person who counterfeits or falsely reproduces a certificate of
10 registration for a motor vehicle, semitrailer, or recreational vehicle with
11 intent to:

12 (1) use the certificate of registration; or

13 (2) permit another person to use the certificate of registration;
14 commits a Class B misdemeanor.

15 (c) The bureau shall suspend the driver's license or permit of a
16 person who uses or possesses a certificate of registration described
17 under subsection (b) for ninety (90) days. This mandatory suspension
18 is in addition to sanctions provided in IC 9-30-4-9.

19 SECTION 25. IC 9-18-2.5-12, AS ADDED BY P.L.259-2013,
20 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JANUARY 1, 2015]: Sec. 12. (a) A manufacturer of an off-road
22 vehicle or snowmobile shall stamp an identifying vehicle number into
23 the frame of the off-road vehicle or snowmobile. **A manufacturer that
24 violates this subsection commits a Class A infraction.**

25 (b) The vehicle number shall be stamped where the number may be
26 easily seen with a minimum of physical effort. **A manufacturer that
27 violates this subsection commits a Class A infraction.**

28 (c) Upon request, a manufacturer shall furnish information as to the
29 location of vehicle numbers on off-road vehicles and snowmobiles the
30 manufacturer produces to a police officer or the bureau. **A
31 manufacturer that violates this subsection commits a Class A
32 infraction.**

33 (d) A person may not possess an off-road vehicle or snowmobile
34 with an altered, defaced, or obliterated vehicle number. **A person who
35 knowingly or intentionally violates this subsection commits a Class
36 B misdemeanor.**

37 SECTION 26. IC 9-18-2.5-16, AS ADDED BY P.L.259-2013,
38 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JANUARY 1, 2015]: Sec. 16. (a) Except as provided in ~~subsection (b);~~
40 **section 12 of this chapter**, a person that violates this chapter commits
41 a Class C infraction.

42 (b) A person that violates section 12(d) of this chapter commits a



- 1 ~~Class B misdemeanor.~~
- 2 SECTION 27. IC 9-18-4-8 IS REPEALED [EFFECTIVE
- 3 JANUARY 1, 2015]. ~~Sec. 8: A person who knowingly violates this~~
- 4 ~~chapter commits a Class B misdemeanor.~~
- 5 SECTION 28. IC 9-18-13-4 IS AMENDED TO READ AS
- 6 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. (a) A person
- 7 who operates a recovery vehicle must meet the minimum standards for
- 8 financial responsibility that are set forth in IC 9-25.
- 9 (b) A recovery vehicle may be registered only if proof of financial
- 10 responsibility in amounts required under IC 9-25 is produced at the
- 11 time of registration. The bureau shall retain a record of that proof in the
- 12 bureau's files.
- 13 (c) The bureau may adopt rules under IC 4-22-2 to carry out this
- 14 section.
- 15 (d) A person may not operate a recovery vehicle on a highway in
- 16 violation of this section.
- 17 **(e) A person who violates this section commits a Class B**
- 18 **infraction.**
- 19 SECTION 29. IC 9-18-13-7 IS AMENDED TO READ AS
- 20 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. **(a)** A person
- 21 may not operate a vehicle:
- 22 (1) that is not qualified to register as a recovery vehicle under this
- 23 chapter;
- 24 (2) for the purpose of lifting and pulling:
- 25 (A) a disabled;
- 26 (B) a wrecked;
- 27 (C) an abandoned;
- 28 (D) an improperly parked; or
- 29 (E) a burnt;
- 30 vehicle; and
- 31 (3) on a highway.
- 32 **(b) A person who violates this section commits a Class C**
- 33 **infraction.**
- 34 SECTION 30. IC 9-18-13-9 IS REPEALED [EFFECTIVE
- 35 JANUARY 1, 2015]. ~~Sec. 9: A person who violates section 4 of this~~
- 36 ~~chapter commits a Class C misdemeanor.~~
- 37 SECTION 31. IC 9-18-13-10 IS REPEALED [EFFECTIVE
- 38 JANUARY 1, 2015]. ~~Sec. 10: A person who violates section 7 of this~~
- 39 ~~chapter commits a Class C infraction.~~
- 40 SECTION 32. IC 9-19-9-1 IS REPEALED [EFFECTIVE
- 41 JANUARY 1, 2015]. ~~Sec. 1: A person may not:~~
- 42 ~~(1) advertise for sale;~~



- 1 (2) sell;
- 2 (3) use; or
- 3 (4) install;
- 4 any device that causes an odometer to register mileage other than the
- 5 mileage driven by the vehicle as registered by the odometer within the
- 6 manufacturer's designed tolerance.
- 7 SECTION 33. IC 9-19-9-2 IS REPEALED [EFFECTIVE
- 8 JANUARY 1, 2015]. Sec. 2: A person may not:
- 9 (1) disconnect;
- 10 (2) reset; or
- 11 (3) alter;
- 12 the odometer of any motor vehicle with intent to change the number of
- 13 miles indicated on the odometer.
- 14 SECTION 34. IC 9-19-9-3 IS REPEALED [EFFECTIVE
- 15 JANUARY 1, 2015]. Sec. 3: (a) This section applies to all motor
- 16 vehicles except the following:
- 17 (1) Motorcycles;
- 18 (2) Trucks the declared gross weight of which exceeds eleven
- 19 thousand (11,000) pounds;
- 20 (3) Motor vehicles that have a model year on their registration
- 21 card that is at least five (5) years earlier than the year the vehicle
- 22 is in operation on a street or highway.
- 23 (b) A person may not knowingly operate a motor vehicle on a street
- 24 or highway if the odometer of the vehicle is disconnected or
- 25 nonfunctional.
- 26 SECTION 35. IC 9-19-9-4 IS AMENDED TO READ AS
- 27 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. (a) This
- 28 chapter does not prohibit the service, repair, or replacement of an
- 29 odometer if the mileage indicated on the odometer remains the same as
- 30 before the service, repair, or replacement.
- 31 (b) If the odometer is incapable of registering the same mileage as
- 32 before the service, repair, or replacement, the odometer shall be
- 33 adjusted to read zero (0) and a notice in writing shall be attached to the
- 34 left door frame of the vehicle by the owner or the owner's agent
- 35 specifying the mileage before repair or replacement of the odometer
- 36 and the date on which the odometer was repaired or replaced. A person
- 37 may not knowingly remove or alter a notice affixed to a motor vehicle
- 38 under this section.
- 39 SECTION 36. IC 9-19-9-5 IS REPEALED [EFFECTIVE
- 40 JANUARY 1, 2015]. Sec. 5: A person who, with intent to defraud:
- 41 (1) violates this chapter; or
- 42 (2) omits to do any act that is required by this chapter;



1 ~~commits a Level 6 felony.~~

2 SECTION 37. IC 9-19-9-7, AS AMENDED BY P.L.54-2009,
3 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JANUARY 1, 2015]: Sec. 7. A person who

5 ~~(1) violates this chapter; or~~

6 ~~(2) violates 49 U.S.C. 32709 (as in effect January 1, 1995)~~

7 commits a deceptive act and is subject to a civil penalty of not more
8 than one thousand five hundred dollars (\$1,500) for each violation in
9 addition to other remedies available under this chapter and IC 24-5-0.5.
10 The attorney general, acting in the name of the state, has the exclusive
11 right to petition for recovery of such a penalty, and the penalty may be
12 recovered only in an action brought under IC 24-5-0.5-4(c).

13 SECTION 38. IC 9-19-10.5-2 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. **(a)** A person
15 may not knowingly or intentionally install in a motor vehicle, as part of
16 the motor vehicle's inflatable restraint system, an object that does not
17 comply with Federal Motor Vehicle Safety Standard Number 208 (49
18 CFR 571.208) for the make, model, and year of the motor vehicle.

19 **(b) A person who knowingly or intentionally violates this section**
20 **commits a Class A misdemeanor. However, the offense is a Level**
21 **6 felony if a person in a motor vehicle is injured or dies as a result**
22 **of the violation of subsection (a).**

23 SECTION 39. IC 9-19-10.5-3 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 3. **(a)** A person
25 may not knowingly or intentionally:

26 (1) sell;

27 (2) lease;

28 (3) trade; or

29 (4) transfer;

30 a motor vehicle in which is installed, as part of the motor vehicle's
31 inflatable restraint system, an object that does not comply with Federal
32 Motor Vehicle Safety Standard Number 208 (49 CFR 571.208) for the
33 make, model, and year of the motor vehicle to an Indiana resident.

34 **(b) A person who knowingly or intentionally violates this section**
35 **commits a Level 6 felony.**

36 SECTION 40. IC 9-19-10.5-4 IS REPEALED [EFFECTIVE
37 JANUARY 1, 2015]. ~~Sec. 4. A person who violates section 2 of this~~
38 ~~chapter commits a Class A misdemeanor. However, the offense is a~~
39 ~~Level 6 felony if a person in a motor vehicle is injured as a result of the~~
40 ~~air bag tampering.~~

41 SECTION 41. IC 9-19-10.5-5 IS REPEALED [EFFECTIVE
42 JANUARY 1, 2015]. ~~Sec. 5. A person who violates section 3 of this~~



1 ~~chapter commits a Level 6 felony.~~

2 SECTION 42. IC 9-19-19-4 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. (a) This section
4 does not apply to a manufacturer's tinting or glazing of motor vehicle
5 windows or windshields that is otherwise in compliance with or
6 permitted by FMVSS205 as promulgated in 49 CFR 571.205. Proof
7 from the manufacturer, supplier, or installer that the tinting or glazing
8 is in compliance with or permitted by FMVSS205 must be carried in
9 the vehicle.

10 (b) This section does not apply to the driver of a vehicle:

11 (1) that is owned by an individual required for medical reasons to
12 be shielded from the direct rays of the sun; or

13 (2) in which an individual required for medical reasons to be
14 shielded from the direct rays of the sun is a habitual passenger.

15 The medical reasons must be attested to by a physician or optometrist
16 licensed to practice in Indiana, and the physician's or optometrist's
17 certification of that condition must be carried in the vehicle. The
18 physician's or optometrist's certificate must be renewed annually.

19 (c) A person may not drive a motor vehicle that has a:

20 (1) windshield;

21 (2) side wing;

22 (3) side window that is part of a front door; or

23 (4) rear back window;

24 that is covered by or treated with sunscreening material or is tinted to
25 the extent or ~~manufactured in a way that the occupants of the vehicle~~
26 ~~cannot be easily identified or recognized through that window from~~
27 ~~outside the vehicle. However, it is a defense if the sunscreening~~
28 ~~material applied to those windows with material that~~ has a total solar
29 reflectance of visible light of ~~not~~ more than twenty-five percent (25%)
30 as measured on the nonfilm side and light transmittance of ~~at least less~~
31 ~~than~~ thirty percent (30%) in the visible light range.

32 (d) A person may not tint or otherwise cover or treat with
33 sunscreening the parts of a vehicle described in subsection (c) so that
34 operation of the vehicle after the tinting or sunscreening is performed
35 is a violation of subsection (c). However, it is not a violation of this
36 chapter if this work is performed for a person who submits a
37 physician's or optometrist's statement as described in subsection (b) to
38 the person who is to perform the work.

39 (e) **A vehicle may be stopped to determine compliance with this**
40 **section. However, a vehicle, the contents of a vehicle, the driver of**
41 **a vehicle, or a passenger in a vehicle may not be inspected,**
42 **searched, or detained solely because of a violation of this section.**



1 SECTION 43. IC 9-20-18-4 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. A person who
 3 moves a vehicle or combination of vehicles after the vehicle or
 4 combination of vehicles is impounded commits a ~~Class B~~
 5 ~~misdemeanor.~~ **Class A infraction.**

6 SECTION 44. IC 9-21-3-10 IS REPEALED [EFFECTIVE
 7 JANUARY 1, 2015]. ~~Sec. 10. The motorman of a street car shall obey~~
 8 ~~traffic control signals that are applicable to vehicles.~~

9 SECTION 45. IC 9-21-3-11 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 11. A person who
 11 violates section 7, 8, ~~or 9 or 10~~ of this chapter commits a Class C
 12 infraction.

13 SECTION 46. IC 9-21-4-2 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. (a) The Indiana
 15 department of transportation shall place and, except as otherwise
 16 provided in this section **and IC 8-23-2-15**, maintain traffic control
 17 devices conforming to the state manual and specifications upon all
 18 state highways, including the state maintained routes through a city or
 19 town, as necessary to indicate and to carry out this article or to regulate,
 20 warn, or guide traffic.

21 (b) A local authority may not place or maintain a traffic control
 22 device upon a highway in the state highway system or the state
 23 maintained routes through a city or town until the authority has
 24 received written permission from the Indiana department of
 25 transportation.

26 (c) If the department determines, upon the basis of an engineering
 27 and traffic investigation, that any traffic control signal is not necessary
 28 for the safe, convenient, economical, and orderly movement of traffic,
 29 the signal shall be removed by the Indiana department of transportation
 30 and be returned to the authority responsible for the signal's erection. If
 31 the Indiana department of transportation determines, based on an
 32 engineering and traffic investigation, that a traffic control signal now
 33 in place is necessary for the safe, convenient, economical, and orderly
 34 movement of traffic, the signal must remain in place, and the Indiana
 35 department of transportation shall affix a tag or seal to the signal
 36 showing that the signal has been approved by the Indiana department
 37 of transportation.

38 SECTION 47. IC 9-21-8-41 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 41. (a) A person
 40 who drives a vehicle ~~or street car~~ may not disobey the instructions of
 41 an official traffic control device placed in accordance with this article
 42 unless otherwise directed by a police officer.



1 (b) When a traffic control device or flagman is utilized at a worksite
 2 on a highway for traffic control, a person who drives a vehicle shall
 3 exercise extraordinary care to secure the mutual safety of all persons
 4 and vehicles at the worksite.

5 (c) All traffic shall observe and obey traffic control devices
 6 including signals, signs, and warnings, and all directions, signs, or
 7 warning devices that may be given or displayed by a police officer or
 8 flagman to safely control traffic movement at a worksite and promote
 9 safety at a worksite.

10 SECTION 48. IC 9-21-8-43 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 43. (a) A person
 12 may not drive a vehicle when any of the following conditions exist:

13 (1) The vehicle:

14 (A) is loaded in a manner; or

15 (B) has more than three (3) persons in the front seat;

16 so as to obstruct the view of the person who drives the vehicle to
 17 the front or sides of the vehicle.

18 (2) The vehicle:

19 (A) is loaded in a manner; or

20 (B) has more than three (3) persons in the front seat;

21 so as to interfere with the person's control over the driving
 22 mechanism of the vehicle.

23 (b) A passenger in a vehicle ~~or street car~~ may not do the following:

24 (1) Ride in a position that interferes with the view ahead or to the
 25 sides of the person who drives the vehicle. ~~or street car.~~

26 (2) Interfere with the person's control over the driving mechanism
 27 of the vehicle. ~~or street car.~~

28 SECTION 49. IC 9-21-8-52, AS AMENDED BY P.L.70-2009,
 29 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JANUARY 1, 2015]: Sec. 52. (a) A person who operates a vehicle and
 31 who recklessly:

32 (1) drives at such an unreasonably high rate of speed or at such an
 33 unreasonably low rate of speed under the circumstances as to:

34 (A) endanger the safety or the property of others; or

35 (B) block the proper flow of traffic;

36 (2) passes another vehicle from the rear while on a slope or on a
 37 curve where vision is obstructed for a distance of less than five
 38 hundred (500) feet ahead;

39 (3) drives in and out of a line of traffic, except as otherwise
 40 permitted; or

41 (4) speeds up or refuses to give one-half (1/2) of the roadway to
 42 a driver overtaking and desiring to pass;



1 commits a Class B misdemeanor.

2 (b) A person who operates a vehicle and who recklessly passes a
3 school bus stopped on a roadway when the arm signal device specified
4 in IC 9-21-12-13 is in the device's extended position commits a Class
5 B misdemeanor. However, the offense is a Class A misdemeanor if it
6 causes bodily injury to a person.

7 (c) If an offense under subsection (a) or (b) results in damage to the
8 property of another person or bodily injury to another person, **it is a**
9 **Class C misdemeanor and** the court ~~shall~~ **may** recommend the
10 suspension of the current driving license of the person for a fixed
11 period of

12 ~~(1) not less than thirty (30) days; and~~

13 ~~(2) not more than one (1) year.~~

14 SECTION 50. IC 9-21-8-56, AS AMENDED BY P.L.158-2013,
15 SECTION 148, IS AMENDED TO READ AS FOLLOWS
16 [EFFECTIVE JANUARY 1, 2015]: Sec. 56. (a) For purposes of this
17 section, "highway work zone" has the meaning set forth in
18 IC 8-23-2-15.

19 (b) Except as provided in subsections (f) through (h), a person who
20 recklessly operates a vehicle in the immediate vicinity of a highway
21 work zone when workers are present commits a Class A misdemeanor.

22 (c) Except as provided in subsections (f) through (h), a person who
23 knowingly **or** intentionally **or** ~~recklessly~~ operates a motor vehicle in the
24 immediate vicinity of a highway work zone when workers are present
25 with the intent to:

26 (1) damage traffic control devices; or

27 (2) inflict bodily injury on a worker;

28 commits a Class A misdemeanor.

29 (d) Except as provided in subsections (f) through (h), a person who
30 knowingly, intentionally, or recklessly engages in:

31 (1) aggressive driving, as defined in section 55 of this chapter; or

32 (2) a speed contest, as prohibited under IC 9-21-6-1;

33 in the immediate vicinity of a highway work zone when workers are
34 present commits a Class A misdemeanor.

35 (e) Except as provided in subsections (f) through (h), a person who
36 recklessly fails to obey a traffic control device or flagman, as
37 prohibited under section 41 of this chapter, in the immediate vicinity
38 of a highway work zone when workers are present commits a Class A
39 misdemeanor.

40 (f) An offense under subsection (b), (c), (d), or (e) is a Level 6
41 felony if the person who commits the offense:

42 (1) has a prior unrelated conviction under this section in the



1 previous five (5) years; or

2 (2) is operating the vehicle in violation of IC 9-30-5-1 or
3 IC 9-30-5-2.

4 (g) An offense under subsection (b), (c), (d), or (e) is a Level 6
5 felony if the offense results in bodily injury to a worker in the worksite.

6 (h) An offense under subsection (b), (c), (d), or (e) is a Level 5
7 felony if the offense results in the death of a worker in the worksite.

8 (i) A person who knowingly, intentionally, or recklessly engages in
9 an act described in section 55(b)(1), 55(b)(2), 55(b)(3), 55(b)(4),
10 55(b)(5), or 55(b)(6) of this chapter in the immediate vicinity of a
11 highway work zone when workers are present commits a Class B
12 infraction. Notwithstanding IC 34-28-5-5(c), the funds collected as
13 judgments for an infraction under this subsection shall be transferred
14 to the Indiana department of transportation to pay the costs of hiring off
15 duty police officers to perform the duties described in IC 8-23-2-15(b).

16 SECTION 51. IC 9-21-11-5 IS REPEALED [EFFECTIVE
17 JANUARY 1, 2015]. ~~Sec. 5: A person upon a bicycle; a coaster; roller
18 skates; or a toy vehicle may not attach the bicycle; coaster; roller
19 skates; or toy vehicle or the person to a street car or vehicle upon a
20 roadway.~~

21 SECTION 52. IC 9-21-12-1, AS AMENDED BY P.L.1-2005,
22 SECTION 104, IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE JANUARY 1, 2015]: Sec. 1. (a) A person who drives a
24 vehicle that:

25 (1) meets or overtakes from any direction a school bus stopped on
26 a roadway and is not stopped before reaching the school bus when
27 the arm signal device specified in IC 9-21-12-13 is in the device's
28 extended position; or

29 (2) proceeds before the arm signal device is no longer extended;
30 ~~commits the offense described in section 9 of this chapter.~~ **a Class A
31 infraction.**

32 (b) This section is applicable only if the school bus is in substantial
33 compliance with the markings required by the state school bus
34 committee.

35 (c) There is a rebuttable presumption that the owner of the vehicle
36 involved in the violation of this section committed the violation. This
37 presumption does not apply to the owner of a vehicle involved in the
38 violation of this section if the owner routinely engages in the business
39 of renting the vehicle for periods of thirty (30) days or less.

40 SECTION 53. IC 9-21-12-2 IS REPEALED [EFFECTIVE
41 JANUARY 1, 2015]. ~~Sec. 2: Whenever a school bus is being operated
42 upon a highway for purposes other than the actual transportation of~~



1 ~~children either to or from school or other school related activities, all~~
 2 ~~markings on the school bus indicating "school bus" shall be covered or~~
 3 ~~concealed.~~

4 SECTION 54. IC 9-21-12-5, AS AMENDED BY P.L.8-2010,
 5 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JANUARY 1, 2015]: Sec. 5. (a) This section does not apply to the
 7 following:

8 (1) A street railway grade crossing within a business or residence
 9 district.

10 (2) Abandoned or unused railroad grade crossings that are:

11 (A) designated by the Indiana department of transportation
 12 under IC 8-6-15-2; and

13 (B) marked with a "tracks out of service" sign that complies
 14 with the requirements of IC 8-6-15-3.

15 (b) A person who drives:

16 (1) a motor vehicle, **not including a school or private bus,**
 17 carrying passengers for hire;

18 (2) a school or private bus that is carrying passengers; or

19 (3) a vehicle carrying explosive substances or flammable liquids
 20 as a cargo or part of a cargo;

21 shall, before crossing at grade a track of a railroad, stop the vehicle not
 22 more than fifty (50) feet and not less than fifteen (15) feet from the
 23 nearest rail of the railroad.

24 (c) While stopped in accordance with subsection (b), the person
 25 shall do the following:

26 (1) Listen through an open window or door.

27 (2) Look in both directions along the track for an approaching
 28 train or other on-track equipment and for signals indicating the
 29 approach of a train or other on-track equipment.

30 (3) Not proceed until the person can proceed safely.

31 After stopping, the person shall cross only in a gear of the vehicle so
 32 there will be no necessity for changing gears while traversing the
 33 crossing. The person who drives the vehicle may not shift gears while
 34 crossing the track or tracks.

35 (d) If a police officer or traffic control signal directs traffic to
 36 proceed at a railroad crossing, the person who drives a vehicle subject
 37 to this section shall proceed in accordance with the instructions of the
 38 police officer or traffic control signal.

39 **(e) Except as provided in subsection (f), a person who violates**
 40 **this section commits a Class C infraction.**

41 **(f) A person who knowingly or intentionally violates subsection**
 42 **(b)(2) commits a Class B misdemeanor.**



1 SECTION 55. IC 9-21-12-6 IS REPEALED [EFFECTIVE
2 JANUARY 1, 2015]. Sec. 6: A street car or vehicle may not be driven
3 over an unprotected hose of a fire department when laid down on a
4 street, private driveway, or street car track to be used at a fire or alarm
5 of fire without the consent of the fire department official in command.

6 SECTION 56. IC 9-21-12-7 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. (a) A person
8 who drives a vehicle that is not on official business **for the state, a**
9 **unit of government, a fire department, including a volunteer fire**
10 **department, a law enforcement agency, or an emergency**
11 **ambulance service** may not do any of the following:

12 (1) Follow any fire apparatus traveling in response to a fire alarm
13 at a distance closer than five hundred (500) feet.

14 (2) Drive into or park a vehicle within the block where fire
15 apparatus has stopped in answer to a fire alarm.

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

18 SECTION 57. IC 9-21-12-9 IS REPEALED [EFFECTIVE
19 JANUARY 1, 2015]. Sec. 9: A person who violates section 1 of this
20 chapter commits a Class A infraction: A person who violates section 2
21 of this chapter commits a Class C misdemeanor.

22 SECTION 58. IC 9-21-12-11 IS REPEALED [EFFECTIVE
23 JANUARY 1, 2015]. Sec. 11: (a) A person who violates section 5; 6;
24 7; or 19 of this chapter commits a Class C infraction.

25 (b) A person who knowingly or intentionally violates section 12; 13;
26 14; 15; 16; or 17 of this chapter commits a Class C misdemeanor.

27 (c) A person described in section 18(b); 18(c); or 18(d) of this
28 chapter commits a Class B infraction.

29 SECTION 59. IC 9-21-12-12 IS REPEALED [EFFECTIVE
30 JANUARY 1, 2015]. Sec. 12: When a school bus is operated on a
31 highway, the driver shall load and unload a student as close as practical
32 to the right-hand curb or edge of the roadway.

33 SECTION 60. IC 9-21-12-13, AS ADDED BY P.L.1-2005,
34 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JANUARY 1, 2015]: Sec. 13. (a) Except:

36 (1) as provided in subsection (b); or

37 (2) when a school bus is stopped at an intersection or another
38 place where traffic is controlled by a traffic control device or a
39 police officer;

40 whenever a school bus is stopped on a roadway to load or unload a
41 student, the driver shall use an arm signal device, which must be
42 extended while the bus is stopped.



1 (b) The governing body of a public school may authorize a school
 2 bus driver to load or unload a student at a location off the roadway that
 3 the governing body designates as a special school bus loading area. The
 4 driver is not required to extend the arm signal device when loading or
 5 unloading a student in the designated area.

6 **(c) A school bus driver who knowingly or intentionally violates
 7 subsection (a) commits a Class C misdemeanor.**

8 SECTION 61. IC 9-21-12-14, AS ADDED BY P.L.1-2005,
 9 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JANUARY 1, 2015]: Sec. 14. Before a driver changes the direction of
 11 a school bus, the driver shall use a directional signal to indicate the
 12 change at least one hundred (100) feet before the driver turns. **A school
 13 bus driver who knowingly or intentionally violates this section
 14 commits a Class C misdemeanor.**

15 SECTION 62. IC 9-21-12-15, AS ADDED BY P.L.1-2005,
 16 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JANUARY 1, 2015]: Sec. 15. **(a)** The driver of a school bus shall use
 18 flashing lights as prescribed by the state school bus committee to give
 19 adequate warning that the school bus is stopped or about to stop on the
 20 roadway to load or unload a student.

21 **(b) A school bus driver who knowingly or intentionally violates
 22 subsection (a) commits a Class C misdemeanor.**

23 SECTION 63. IC 9-21-12-16, AS ADDED BY P.L.1-2005,
 24 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JANUARY 1, 2015]: Sec. 16. **(a)** When a school bus is in motion,
 26 students are prohibited from occupying any space forward of a vertical
 27 plane drawn through the rear of the driver's seat and perpendicular to
 28 the longitudinal axis of the bus. Every school bus must:

- 29 (1) be marked with a line or otherwise equipped in order to
 30 indicate the prohibited area to students; and
 31 (2) have clearly posted, at or near the front of the bus, a sign
 32 stating that it is a violation of Indiana law for a school bus to be
 33 operated with any students occupying the prohibited area.

34 **(b) A school bus driver who knowingly or intentionally violates
 35 this section commits a Class C misdemeanor.**

36 SECTION 64. IC 9-21-12-17 IS REPEALED [EFFECTIVE
 37 JANUARY 1, 2015]. Sec. 17. **(a)** Except as provided in subsection **(b)**,
 38 before crossing any railroad track at grade, the driver of a school bus
 39 or special purpose bus shall stop the bus within fifty (50) feet but not
 40 less than fifteen (15) feet from the nearest rail. While the bus is
 41 stopped, the driver shall:

- 42 (1) listen through an open door;



1 (2) look in both directions along the track for an approaching train
2 or other on-track equipment; and

3 (3) look for signals indicating the approach of a train or other
4 on-track equipment.

5 The driver may not proceed until it is safe to proceed. When it is safe
6 to proceed, the driver shall select a gear that will allow the driver to
7 cross the tracks without changing gears. The driver may not shift gears
8 while crossing the tracks.

9 (b) The driver is not required to stop when a police officer is
10 directing the flow of traffic across railroad tracks.

11 (c) Upon conviction of a violation of this section, a driver shall have
12 the driver's operator's license suspended for a period of not less than
13 sixty (60) days in addition to the penalties provided by section 11 of
14 this chapter.

15 SECTION 65. IC 9-21-12-18, AS ADDED BY P.L.107-2006,
16 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JANUARY 1, 2015]: Sec. 18. (a) Whenever a school bus or special
18 purpose bus is at a place of departure for transporting passengers, the
19 school bus or special purpose bus emergency escape exits, doors,
20 emergency exit windows, roof exits, and service doors must be free of
21 any obstruction that:

22 (1) inhibits or obstructs an exit; or

23 (2) renders the means of exit hazardous.

24 (b) A driver who knowingly operates a school bus or special
25 purpose bus in violation of subsection (a) is subject to section 11(c) of
26 this chapter: **commits a Class C misdemeanor.**

27 (c) A person who knowingly directs a driver to operate a school bus
28 or special purpose bus in violation of subsection (a) is subject to
29 section 11(c) of this chapter: **commits a Class C misdemeanor.**

30 (d) A school corporation or an entity that employs:

31 (1) a driver who knowingly operates a school bus or special
32 purpose bus in violation of subsection (a); or

33 (2) a person who knowingly directs a driver to operate a school
34 bus or special purpose bus in violation of subsection (a);

35 is subject to section 11(c) of this chapter.

36 SECTION 66. IC 9-22-3-7, AS AMENDED BY P.L.93-2010,
37 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JANUARY 1, 2015]: Sec. 7. (a) A business that is registered with the
39 secretary of state as a dealer under IC 9-23 may reassign a certificate
40 of salvage title one (1) time without applying to the bureau for the
41 issuance of a new certificate of salvage title.

42 (b) A business that violates this section commits a Class A



1 **infraction.**
 2 SECTION 67. IC 9-22-3-8 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8. **(a)** If a salvage
 4 motor vehicle has been flood damaged, extensively burned, vandalized,
 5 or severely wrecked so that one (1) or more component parts are
 6 required to restore the motor vehicle to an operable condition, the
 7 person or business that restored the motor vehicle must furnish, on an
 8 affidavit of restoration for a salvage motor vehicle form, the name,
 9 identification number, and source of all component parts that were
 10 included in the restoration of the vehicle. The affidavit must be
 11 attached to the certificate of salvage title and be submitted to the
 12 bureau upon application by a person for a certificate of title for the
 13 vehicle.

14 **(b) A person or business that violates this section commits a**
 15 **Class A infraction.**

16 SECTION 68. IC 9-22-3-31, AS AMENDED BY P.L.158-2013,
 17 SECTION 149, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JANUARY 1, 2015]: Sec. 31. A person who knowingly
 19 **or intentionally** possesses, buys, sells, exchanges, gives away, or
 20 offers to buy, sell, exchange or give away a manufacturer's
 21 identification plate or serial plate that has been removed from a motor
 22 vehicle, motorcycle, semitrailer, or recreational vehicle that is a total
 23 loss or salvage commits a Level 6 felony.

24 SECTION 69. IC 9-22-3-33 AS AMENDED BY P.L.92-2013,
 25 SECTION 49, AND AS AMENDED BY P.L.158-2013, SECTION
 26 151, IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 33: (a)~~
 27 ~~A person who *recklessly, knowingly, or intentionally* violates section~~
 28 ~~4, 5, 6, 7, or 8 of this chapter (or section 9 of this chapter before its~~
 29 ~~repeat) commits a *Class D Level 6* felony.~~

30 ~~(b) A person who *recklessly, knowingly, or intentionally* violates~~
 31 ~~section 18.5 or 30 of this chapter commits a *Class A misdemeanor*.~~

32 SECTION 70. IC 9-22-5-18, AS ADDED BY P.L.224-2013,
 33 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JANUARY 1, 2015]: Sec. 18. **(a)** Before a person sells a vehicle to,
 35 gives a vehicle to, or disposes of a vehicle with an automobile
 36 scrapyard, the person shall give the automobile scrapyard:

- 37 (1) a certificate of authority for the vehicle that:
 38 (A) is issued by the bureau under this chapter; and
 39 (B) authorizes the scrapping or dismantling of the vehicle; or
 40 (2) a certificate of title for the vehicle issued by the bureau under
 41 IC 9-17-3.

42 **(b) A person who knowingly or intentionally violates this section**



1 **commits a Class C misdemeanor.**

2 SECTION 71. IC 9-22-5-18.2, AS ADDED BY P.L.92-2013,
3 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2014]: Sec. 18.2. (a) A disposal facility, a scrap metal
5 processor, or an agent of a disposal facility or scrap metal processor
6 may purchase a motor vehicle without a certificate of title for the motor
7 vehicle if:

- 8 (1) the motor vehicle is at least fifteen (15) model years old;
9 (2) the purchase is solely for the purpose of dismantling or
10 wrecking the motor vehicle for the recovery of scrap metal or the
11 sale of parts; and
12 (3) the disposal facility or scrap metal processor records all
13 purchase transactions of vehicles as required in subsection (b).

14 (b) A disposal facility or scrap metal processor shall maintain the
15 following information with respect to each motor vehicle purchase
16 transaction to which the disposal facility or scrap metal processor is a
17 party for at least two (2) years following the date of the purchase
18 transaction:

- 19 (1) The name and address of any secondary metals recycler or
20 salvage yard.
21 (2) The name, initials, or other identifying symbol of the person
22 entering the information.
23 (3) The date of the purchase transaction.
24 (4) A description of the motor vehicle that is the subject of the
25 purchase transaction, including the make and model of the motor
26 vehicle, if practicable.
27 (5) The vehicle identification number of the motor vehicle.
28 (6) The amount of consideration given for the motor vehicle.
29 (7) A written statement signed by the seller or the seller's agent
30 certifying that the seller or the seller's agent has the lawful right
31 to sell and dispose of the motor vehicle.
32 (8) The name and address of the person from whom the motor
33 vehicle is being purchased.
34 (9) A photocopy or electronic scan of one (1) of the following
35 forms of identification issued to the seller or the seller's agent:
36 (A) A current and valid driver's license.
37 (B) An identification card issued under IC 9-24-16-1 or a
38 similar card issued under the laws of another state or the
39 federal government.
40 (C) A government issued document bearing an image of the
41 seller or seller's agent, as applicable.

42 For purposes of complying with this subdivision, a disposal



1 facility or scrap metal processor is not required to make a separate
 2 copy of the seller's or seller's agent's identification for each
 3 purchase transaction involving the seller or seller's agent but may
 4 instead refer to a copy maintained in reference to a particular
 5 purchase transaction.

6 (c) A disposal facility or scrap metal processor may not complete a
 7 purchase transaction in the absence of the information required under
 8 subsection (b)(9).

9 (d) A disposal facility, a scrap metal processor, or an agent of a
 10 disposal facility or scrap metal processor that knowingly **or**
 11 intentionally ~~or recklessly~~ buys a motor vehicle that is less than fifteen
 12 (15) model years old without a certificate of title for the motor vehicle
 13 commits a ~~Class D~~ **Level 6** felony.

14 SECTION 72. IC 9-22-5-19, AS ADDED BY P.L.224-2013,
 15 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JANUARY 1, 2015]: Sec. 19. A person who knowingly or intentionally

17 ~~(1) violates section 18 of this chapter; or~~

18 ~~(2) purchases or accepts a vehicle with intent to scrap or~~
 19 ~~dismantle the vehicle without obtaining a certificate of authority~~
 20 ~~described in section 18(1) 18(a)(1) of this chapter or a certificate~~
 21 ~~of title issued by the bureau under IC 9-17-3 from the person who~~
 22 ~~sells, gives away, or disposes of the vehicle;~~

23 commits a Class B misdemeanor.

24 SECTION 73. IC 9-22-6-1, AS AMENDED BY P.L.262-2013,
 25 SECTION 116, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JANUARY 1, 2015]: Sec. 1. (a) An individual, a firm,
 27 a limited liability company, or a corporation engaged in the business of
 28 storing, furnishing supplies for, providing towing services for, or
 29 repairing motor vehicles, trailers, semitrailers, or recreational vehicles
 30 shall obtain the name and address of the person that owns a motor
 31 vehicle, trailer, semitrailer, or recreational vehicle that is left in the
 32 custody of the individual, firm, limited liability company, or
 33 corporation for storage, furnishing of supplies, or repairs at the time the
 34 vehicle is left.

35 (b) The individual, firm, limited liability company, or corporation
 36 shall record in a book the following information concerning the vehicle
 37 described in subsection (a):

38 (1) The name and address of the person that owns the vehicle.

39 (2) The license number of the vehicle.

40 (3) The date on which the vehicle was left.

41 (c) The book shall be provided and kept by the individual, firm,
 42 limited liability company, or corporation and must be open for



1 inspection by an authorized police officer of the state, a city, or a town
2 or by the county sheriff.

3 (d) If a motor vehicle, trailer, semitrailer, or recreational vehicle is
4 stored by the week or by the month, only one (1) entry on the book is
5 required for the time during which the vehicle is stored.

6 **(e) A person who violates this section commits a Class A**
7 **infraction.**

8 SECTION 74. IC 9-22-6-2, AS ADDED BY P.L.125-2012,
9 SECTION 158, IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE JANUARY 1, 2015]: Sec. 2. (a) An individual, a firm,
11 a limited liability company, or a corporation that performs labor,
12 furnishes materials or storage, or does repair work on a motor vehicle,
13 trailer, semitrailer, or recreational vehicle at the request of the person
14 that owns the vehicle has a mechanic's lien on the vehicle for the
15 reasonable value of the charges for the labor, materials, storage, or
16 repairs.

17 (b) An individual, a firm, a partnership, a limited liability company,
18 or a corporation that provides towing services for a motor vehicle,
19 trailer, semitrailer, or recreational vehicle at the request of the person
20 that owns the motor vehicle, trailer, semitrailer, or recreational vehicle
21 has a mechanic's lien on the vehicle for the reasonable value of the
22 charges for the towing services and other related costs.

23 (c) If:

- 24 (1) the charges made under subsection (a) or (b) are not paid; and
25 (2) the motor vehicle, trailer, semitrailer, or recreational vehicle
26 is not claimed;

27 not later than thirty (30) days after the date on which the vehicle is left
28 in or comes into the possession of the individual, firm, limited liability
29 company, or corporation for repairs, storage, towing, or the furnishing
30 of materials, the individual, firm, limited liability company, or
31 corporation may advertise the vehicle for sale. The vehicle may not be
32 sold earlier than fifteen (15) days after the date the advertisement
33 required by subsection (d) has been placed or fifteen (15) days after
34 notice required by subsection (e) has been sent, whichever is later.

35 (d) Before a vehicle may be sold under subsection (c), an
36 advertisement must be placed in a newspaper that is printed in English
37 and of general circulation in the city or town in which the lienholder's
38 place of business is located. If the lienholder is located outside the
39 corporate limits of a city or a town, the advertisement must be placed
40 in a newspaper of general circulation in the county in which the place
41 of business of the lienholder is located. The advertisement must contain
42 at least the following information:



- 1 (1) A description of the vehicle, including make, type, and
2 manufacturer's identification number.
- 3 (2) The amount of the unpaid charges.
- 4 (3) The time, place, and date of the sale.
- 5 (e) In addition to the advertisement required under subsection (d),
6 the person that holds the mechanic's lien must notify the person that
7 owns the vehicle and any other person that holds a lien of record at the
8 person's last known address by certified mail, return receipt requested,
9 that the vehicle will be sold at public auction on a specified date to
10 satisfy the mechanic's lien imposed by this section.
- 11 (f) A person that holds a mechanic's lien of record on a vehicle
12 subject to sale under this section may pay the storage, repair, towing,
13 or service charges due. If the person that holds the mechanic's lien of
14 record elects to pay the charges due, the person is entitled to possession
15 of the vehicle and becomes the holder of the mechanic's lien imposed
16 by this section.
- 17 (g) If the person that owns a vehicle subject to sale under this
18 section does not claim the vehicle and satisfy the mechanic's lien on the
19 vehicle, the vehicle may be sold at public auction to the highest and
20 best bidder. A person that holds a mechanic's lien under this section
21 may purchase a vehicle subject to sale under this section.
- 22 (h) A person that holds a mechanic's lien under this section may
23 deduct and retain the amount of the mechanic's lien and the cost of the
24 advertisement required under subsection (d) from the purchase price
25 received for a vehicle sold under this section. After deducting from the
26 purchase price the amount of the mechanic's lien and the cost of the
27 advertisement, the person shall pay the surplus of the purchase price to
28 the person that owns the vehicle if the person's address or whereabouts
29 are known. If the address or whereabouts of the person that owns the
30 vehicle are not known, the surplus of the purchase price shall be paid
31 over to the clerk of the circuit court of the county in which the person
32 that holds the mechanic's lien has a place of business for the use and
33 benefit of the person that owns the vehicle.
- 34 (i) A person that holds a mechanic's lien under this section shall
35 execute and deliver to the purchaser of a vehicle under this section a
36 sales certificate in the form designated by the bureau, setting forth the
37 following information:
- 38 (1) The facts of the sale.
- 39 (2) The vehicle identification number.
- 40 (3) The certificate of title if available.
- 41 (4) A certification from the newspaper showing that the
42 advertisement was made as required under subsection (d).



1 (5) Any other information that the bureau requires.
 2 Whenever the bureau receives from the purchaser an application for
 3 certificate of title accompanied by these items, the bureau shall issue
 4 a certificate of title for the vehicle under IC 9-17.

5 **(j) A person who violates this section commits a Class A**
 6 **infraction.**

7 SECTION 75. IC 9-22-6-3 IS REPEALED [EFFECTIVE
 8 JANUARY 1, 2015]. ~~Sec. 3: A person that knowingly, intentionally, or~~
 9 ~~recklessly violates section 1 or 2 of this chapter commits a Class A~~
 10 ~~misdemeanor.~~

11 SECTION 76. IC 9-24-1-6, AS AMENDED BY P.L.125-2012,
 12 SECTION 164, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JANUARY 1, 2015]: Sec. 6. (a) Except as provided in
 14 subsection (b) or as otherwise provided in this article, an individual
 15 must hold a valid commercial driver's license to drive a commercial
 16 motor vehicle upon an Indiana highway.

17 (b) Subsection (a) does not apply if the individual:

- 18 (1) holds a valid driver's license of any type;
- 19 (2) is enrolled in a commercial motor vehicle training course
 20 approved by the bureau; and
- 21 (3) is operating a commercial motor vehicle under the direct
 22 supervision of a licensed commercial motor vehicle driver.

23 **(c) A person who knowingly or intentionally violates subsection**
 24 **(a) commits a Class C misdemeanor.**

25 SECTION 77. IC 9-24-1-8 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8. ~~(a)~~ Except as
 27 provided in ~~subsection (b)~~, **section 6 of this chapter**, a person who
 28 violates this chapter commits a Class C infraction.

29 ~~(b) A person who violates section 6 of this chapter commits a Class~~
 30 ~~C misdemeanor.~~

31 SECTION 78. IC 9-24-2-4, AS AMENDED BY P.L.85-2013,
 32 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JANUARY 1, 2015]: Sec. 4. (a) If a person is less than eighteen (18)
 34 years of age and is a habitual truant, is under a suspension or an
 35 expulsion or has withdrawn from school as described in section 1 of
 36 this chapter, the bureau shall, upon notification by the person's
 37 principal, suspend the person's driving privileges until the earliest of
 38 the following:

- 39 (1) The person becomes eighteen (18) years of age.
- 40 (2) One hundred twenty (120) days after the person is suspended.
- 41 (3) The suspension, expulsion, or exclusion is reversed after the
 42 person has had a hearing under IC 20-33-8.



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

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

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

8 (c) If an aggrieved person believes that:

9 (1) the information provided was technically incorrect; or

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

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

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

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

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

21 (g) A person whose driving privileges are suspended under this
22 section is eligible to apply for ~~restricted~~ **specialized** driving privileges
23 under ~~IC 9-24-15~~. **IC 9-30-16**.

24 (h) The bureau shall reinstate the driving privileges of a person
25 whose driving privileges were suspended under this section if the
26 person does the following:

27 (1) Establishes to the satisfaction of the principal of the school
28 where the action occurred that caused the suspension of the
29 driving privileges that the person has:

30 (A) enrolled in a full-time or part-time program of education;
31 and

32 (B) participated for thirty (30) or more days in the program of
33 education.

34 (2) Submits to the bureau a form developed by the bureau that
35 contains:

36 (A) the verified signature of the principal or the president of
37 the governing body of the school described in subdivision (1);
38 and

39 (B) notification to the bureau that the person has complied
40 with subdivision (1).

41 A person may appeal the decision of a principal under subdivision (1)
42 to the governing body of the school corporation where the principal's



1 school is located.

2 SECTION 79. IC 9-24-2-5, AS AMENDED BY P.L.125-2012,
3 SECTION 172, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JANUARY 1, 2015]: Sec. 5. (a) A person whose driving
5 privileges have been suspended under section 4 of this chapter is
6 entitled to a prompt judicial hearing. The person may file a petition that
7 requests a hearing in a circuit, superior, county, or municipal court in
8 the county where:

- 9 (1) the person resides; or
10 (2) the school attended by the person is located.
11 (b) The petition for review must:
12 (1) be in writing; and
13 (2) be verified by the person seeking review and:
14 (A) allege specific facts that indicate the suspension or
15 expulsion was improper; or
16 (B) allege that due to the person's emancipation or dependents
17 that an undue hardship exists that requires the granting of a
18 restricted driving permit.

19 (c) The hearing conducted by the court under this section shall be
20 limited to the following issues:

- 21 (1) Whether the school followed proper procedures when
22 suspending or expelling the person from school, including
23 affording the person due process under IC 20-33-8.
24 (2) Whether the bureau followed proper procedures in suspending
25 the person's driving privileges.
26 ~~(3) Whether an undue hardship exists that requires the granting of~~
27 ~~restricted driving privileges under IC 9-24-15.~~
28 (d) If the court finds:
29 (1) that the school failed to follow proper procedures when
30 suspending or expelling the person from school; or
31 (2) that the bureau failed to follow proper procedures in
32 suspending the person's driving privileges;

33 the court may order the bureau to reinstate the person's driving
34 privileges.

35 ~~(e) If the court finds that an undue hardship exists, and the person~~
36 ~~otherwise qualifies under IC 9-24-15, the court may order restricted~~
37 ~~driving privileges limiting the petitioner to essential driving for work~~
38 ~~and driving between home, work, and school only. The restricted~~
39 ~~driving privileges must state the restrictions related to time, territory,~~
40 ~~and route. If a court orders restricted driving privileges for the~~
41 ~~petitioner, the court shall do the following:~~

- 42 ~~(1) Include in the order a finding of facts that states the~~



- 1 petitioner's driving restrictions.
- 2 (2) Enter the findings of fact and order in the order book of the
- 3 court.
- 4 (3) Send the bureau a signed copy of the order.
- 5 (4) (e) The prosecuting attorney of the county in which a petition has
- 6 been filed under this section shall represent the state on behalf of the
- 7 bureau with respect to the petition. A school that is made a party to an
- 8 action filed under this section is responsible for the school's own
- 9 representation.
- 10 (5) (f) In an action under this section the petitioner has the burden
- 11 of proof by a preponderance of the evidence.
- 12 (6) (g) The court's order is a final judgment appealable in the
- 13 manner of civil actions by either party. The attorney general shall
- 14 represent the state on behalf of the bureau with respect to the appeal.
- 15 SECTION 80. IC 9-24-3-4, AS AMENDED BY P.L.125-2012,
- 16 SECTION 175, IS AMENDED TO READ AS FOLLOWS
- 17 [EFFECTIVE JANUARY 1, 2015]: Sec. 4. To receive an operator's
- 18 license, an individual must surrender to the bureau any and all driver's
- 19 licenses or identification cards issued **under IC 9-24** to the individual
- 20 by Indiana or any other jurisdiction.
- 21 SECTION 81. IC 9-24-6-18 IS AMENDED TO READ AS
- 22 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 18. Except as
- 23 provided in ~~sections 16 and~~ **section** 17 of this chapter, a person who
- 24 violates this chapter commits a Class C infraction.
- 25 SECTION 82. IC 9-24-8-6 IS REPEALED [EFFECTIVE
- 26 JANUARY 1, 2015]. Sec. 6: ~~In addition to any other penalty, the~~
- 27 ~~bureau:~~
- 28 (1) shall revoke the motorcycle learner's permit of a person who
- 29 is convicted of operating a motorcycle under the influence of
- 30 alcohol; and
- 31 (2) may not issue a motorcycle learner's permit or motorcycle
- 32 endorsement to a person referred to in subdivision (1) for at least
- 33 (1) year after the date of the person's conviction.
- 34 SECTION 83. IC 9-24-11-4, AS AMENDED BY P.L.85-2013,
- 35 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 36 JANUARY 1, 2015]: Sec. 4. (a) An individual may not have more than
- 37 one (1) driver's license or identification card **issued under IC 9-24** at
- 38 a time.
- 39 (b) An individual may not hold a driver's license and an
- 40 identification card **issued under IC 9-24** at the same time.
- 41 (c) **A person who violates subsection (a) or (b) commits a Class**
- 42 **C infraction.**



1 SECTION 84. IC 9-24-11-8, AS AMENDED BY P.L.158-2013,
 2 SECTION 153, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JANUARY 1, 2015]: Sec. 8. ~~(a)~~ Except as provided in
 4 subsections ~~(b)~~ and ~~(c)~~, a person who violates this chapter commits a
 5 Class ~~C~~ **E** infraction:

6 ~~(b)~~ **(a)** A person who:

7 (1) has been issued a permit or license on which there is a printed
 8 or stamped restriction as provided under section 7 of this chapter;
 9 and

10 (2) operates a motor vehicle in violation of the restriction;
 11 commits a Class ~~C~~ **C** misdemeanor: **infraction**. The license of a person
 12 who violates this subsection may be suspended in the manner provided
 13 for the suspension or revocation of an operator's license:

14 ~~(c)~~ **(b)** A person who causes serious bodily injury to or the death of
 15 another person when operating a motor vehicle after knowingly or
 16 intentionally failing to take prescribed medication, the taking of which
 17 was a condition of the issuance of the operator's restricted license under
 18 section 7 of this chapter, commits a Class ~~A~~ **A** misdemeanor. However,
 19 the offense is a Level 6 felony if, within the five (5) years preceding the
 20 commission of the offense, the person had a prior unrelated conviction
 21 under this subsection.

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

25 SECTION 85. IC 9-24-11-10, AS AMENDED BY P.L.85-2013,
 26 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JANUARY 1, 2015]: Sec. 10. (a) In addition to any other penalty
 28 imposed for a conviction under section ~~8(c)~~ **8(b)** of this chapter, the
 29 court ~~shall~~ **may** recommend that the person's driving privileges be
 30 suspended for a fixed period of at least ~~ninety (90) days~~ and not more
 31 than two (2) years **and the court may also order specialized driving**
 32 **privileges under IC 9-30-16.**

33 (b) The court shall specify:

34 (1) the length of the fixed period of suspension; and
 35 (2) the date the fixed period of suspension begins;

36 whenever the court ~~makes a recommendation~~ **issues an order** under
 37 subsection (a). ~~If the court fails to recommend a fixed term of~~
 38 ~~suspension; or recommends a fixed term that is less than the minimum~~
 39 ~~term required by statute; the bureau shall impose the minimum period~~
 40 ~~of suspension required under this chapter.~~

41 SECTION 86. IC 9-24-11-11 IS REPEALED [EFFECTIVE
 42 JANUARY 1, 2015]. ~~Sec. 11. The bureau shall, upon receiving a~~



1 record of conviction of a person under section 8(e) of this chapter, set
 2 a period of suspension for a fixed period of at least ninety (90) days and
 3 not more than two (2) years. The bureau shall fix this period in
 4 accordance with the recommendation of the court that entered the
 5 conviction, as provided in section 10 of this chapter. If the court fails
 6 to recommend a fixed term of suspension, or recommends a fixed term
 7 that is less than the minimum term required by statute, the bureau shall
 8 impose the minimum period of suspension required under this chapter.

9 SECTION 87. IC 9-24-15 IS REPEALED [EFFECTIVE JANUARY
 10 1, 2015]. (Issuance of Restricted Driver's License Because of
 11 Hardship).

12 SECTION 88. IC 9-24-16-12, AS AMENDED BY P.L.158-2013,
 13 SECTION 155, IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JANUARY 1, 2015]: Sec. 12. (a) A person who:

15 (1) knowingly permits the use of an identification card issued
 16 under this chapter by a person other than the person to whom the
 17 card was issued;

18 (2) knowingly displays or represents as the person's own
 19 identification card issued under this chapter an identification card
 20 that was not issued to the person displaying the card; or

21 (3) does not surrender, upon demand of the proper official, an
 22 identification card issued under this chapter that has become
 23 invalid or expired; or

24 (4) knowingly sells, offers to sell, buys, possesses, or offers a false
 25 identification card that could reasonably be mistaken for a valid
 26 identification card required by this chapter to be issued by the
 27 bureau but that has not been issued by the bureau;

28 commits a Class B Class C misdemeanor.

29 (b) A person who:

30 (1) knowingly or intentionally uses false information in an
 31 application:

32 (A) for an identification card issued under this chapter; or

33 (B) for a renewal, amendment, or replacement of an
 34 identification card issued under this chapter; or

35 (2) knowingly or intentionally makes a false statement or
 36 otherwise commits fraud in an application for an identification
 37 card issued under this chapter;

38 commits application fraud; a Level 6 felony.

39 SECTION 89. IC 9-24-16-12.5 IS ADDED TO THE INDIANA
 40 CODE AS A NEW SECTION TO READ AS FOLLOWS
 41 [EFFECTIVE JANUARY 1, 2015]: Sec. 12.5. (a) A person who
 42 knowingly sells, offers to sell, buys, produces, forges, counterfeits,



1 or offers a false identification card that could reasonably be
 2 mistaken for a valid identification card required by this chapter to
 3 be issued by the bureau but that has not been issued by the bureau
 4 commits a Class B misdemeanor.

5 (b) A person who:

6 (1) knowingly or intentionally uses false information in an
 7 application:

8 (A) for an identification card issued under this chapter; or

9 (B) for a renewal, amendment, or replacement of an
 10 identification card issued under this chapter; or

11 (2) knowingly or intentionally makes a false statement or
 12 otherwise commits fraud in an application for an
 13 identification card issued under this chapter;

14 commits application fraud, a Level 6 felony.

15 SECTION 90. IC 9-24-16-13 IS REPEALED [EFFECTIVE
 16 JANUARY 1, 2015]. Sec. 13. A person who forges or reproduces an
 17 identification card issued under this chapter:

18 (1) with intent to use the card; or

19 (2) so that the card may be used by another person;

20 commits a Class B misdemeanor.

21 SECTION 91. IC 9-24-18-0.5 IS ADDED TO THE INDIANA
 22 CODE AS A NEW SECTION TO READ AS FOLLOWS
 23 [EFFECTIVE JANUARY 1, 2015]: Sec. 0.5. If a court suspends or
 24 revokes a person's driving privileges under this title, the court shall
 25 inform the bureau of the action in a format designated by the
 26 bureau.

27 SECTION 92. IC 9-24-18-1, AS AMENDED BY P.L.85-2013,
 28 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JANUARY 1, 2015]: Sec. 1. (a) A person, except a person exempted
 30 under IC 9-24-1-7, who knowingly or intentionally operates a motor
 31 vehicle upon a highway and has never received a valid driving license
 32 commits a Class C misdemeanor. However, the offense is a Class A
 33 misdemeanor if the person has a prior unrelated conviction under this
 34 section.

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

39 (c) The court shall specify:

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

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

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



1 (d) The bureau shall, upon receiving a record of conviction of a
 2 person upon a charge of operating a motor vehicle while never having
 3 received a valid driving license; prohibit the person from receiving a
 4 driving license by placing a suspension of driving privileges on the
 5 person's record for a fixed period of at least ninety (90) days and not
 6 more than two (2) years. The bureau shall fix this period in accordance
 7 with the recommendation of the court that entered the conviction; as
 8 provided in subsection (c). If the court fails to recommend a fixed term
 9 of suspension; or recommends a fixed term that is less than the
 10 minimum term required by statute; the bureau shall impose the
 11 minimum period of suspension required under this chapter.

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

16 SECTION 93. IC 9-24-18-7 IS REPEALED [EFFECTIVE
 17 JANUARY 1, 2015]. Sec. 7. A person who counterfeits or falsely
 18 reproduces a driver's license with intent to use the license or to permit
 19 another person to use the license commits a Class B misdemeanor.

20 SECTION 94. IC 9-24-18-8 IS REPEALED [EFFECTIVE
 21 JANUARY 1, 2015]. Sec. 8: (a) The bureau shall suspend for a
 22 mandatory period of at least ninety (90) days the current driving license
 23 or permit of a person who:

24 (1) uses or has possession of a driving license or permit of another
 25 person with the intent to violate or evade or to attempt to violate
 26 or evade any provision of law relating to the sale, purchase, use;
 27 or possession of alcoholic beverages; or

28 (2) is convicted of the offenses listed in IC 7.1-5-7-1(b) or
 29 IC 7.1-5-7-10.

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

33 SECTION 95. IC 9-24-18-9, AS AMENDED BY P.L.85-2013,
 34 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JANUARY 1, 2015]: Sec. 9. (a) The bureau may establish a driving
 36 record for an Indiana resident who does not hold any type of valid
 37 driving license. The driving record shall be established for an
 38 unlicensed driver when the bureau receives an abstract of court
 39 conviction for the type of conviction that would appear on an official
 40 driver's record.

41 (b) If an unlicensed driver applies for and receives any type of
 42 driver's license in Indiana, the person's driving record as an unlicensed



1 driver shall be recorded on the permanent record file. An unlicensed
 2 driver who has had at least two (2) traffic violation convictions in
 3 Indiana within twenty-four (24) months before applying for any type of
 4 driver's license may not be issued a license within one (1) year after the
 5 date of the second traffic conviction as indicated on the abstract of
 6 court conviction record. If the bureau issues a license without
 7 knowledge of the second conviction, the bureau shall suspend the
 8 license for one (1) year upon learning of the second conviction and
 9 notify the person of the reason for the suspension and the term of the
 10 suspension.

11 (c) The bureau shall also certify traffic violation convictions on the
 12 driving record of an unlicensed driver who subsequently receives an
 13 Indiana driver's license.

14 SECTION 96. IC 9-24-18-12 IS REPEALED [EFFECTIVE
 15 JANUARY 1, 2015]. ~~Sec. 12. Upon receipt of a court order under~~
 16 ~~IC 7-1-5-7-7 (minor possessing, consuming, or transporting alcohol or~~
 17 ~~having alcohol present in a bodily substance); the bureau shall suspend~~
 18 ~~the minor's driving privileges for the period ordered by the court. If the~~
 19 ~~court fails to recommend a fixed term of suspension, or recommends~~
 20 ~~a fixed term that is less than the minimum term required by statute, the~~
 21 ~~bureau shall impose the minimum period of suspension required under~~
 22 ~~IC 7-1-5-7.~~

23 SECTION 97. IC 9-24-19-1, AS AMENDED BY P.L.42-2011,
 24 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JANUARY 1, 2015]: Sec. 1. Except as provided in sections 2 **and** 3
 26 **and** 4 of this chapter, a person who operates a motor vehicle upon a
 27 highway while the person's driving privilege, license, or permit is
 28 suspended or revoked commits a Class A infraction.

29 SECTION 98. IC 9-24-19-3, AS AMENDED BY P.L.114-2012,
 30 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JANUARY 1, 2015]: Sec. 3. (a) A person who operates a motor vehicle
 32 upon a highway when the person knows that the person's driving
 33 privilege, license, or permit is suspended or revoked, when the person's
 34 suspension or revocation was a result of the person's conviction of an
 35 offense (as defined in IC 35-31.5-2-215) commits a Class A
 36 misdemeanor.

37 (b) **However, the offense described in subsection (a) is a:**

- 38 (1) **Level 6 felony if the operation of the motor vehicle results**
 39 **in bodily injury; or**
 40 (2) **Level 5 felony if the operation of the motor vehicle results**
 41 **in the death of another person.**

42 SECTION 99. IC 9-24-19-4 IS REPEALED [EFFECTIVE



1 JANUARY 1, 2015]. Sec. 4: (a) A person who violates section 3 of this
 2 chapter commits a Level 6 felony if the operation results in bodily
 3 injury or serious bodily injury.

4 (b) A person who violates section 3 of this chapter commits a Level
 5 5 felony if the operation results in the death of another person.

6 SECTION 100. IC 9-24-19-5 IS REPEALED [EFFECTIVE
 7 JANUARY 1, 2015]. Sec. 5: (a) In addition to any other penalty
 8 imposed for a conviction under this chapter, the court shall recommend
 9 that the person's driving privileges be suspended for a fixed period of
 10 not less than ninety (90) days and not more than two (2) years.

11 (b) The court shall specify:

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

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

14 whenever the court makes a recommendation under subsection (a):

15 (c) The bureau shall, upon receiving a record of conviction of a
 16 person upon a charge of driving a motor vehicle while the driving
 17 privileges, permit, or license of the person is suspended; fix the period
 18 of suspension in accordance with the recommendation of the court. If
 19 the court fails to recommend a fixed term of suspension, or
 20 recommends a fixed term that is less than the minimum term required
 21 by statute, the bureau shall impose the minimum period of suspension
 22 required under this chapter.

23 SECTION 101. IC 9-25-6-0.5 IS ADDED TO THE INDIANA
 24 CODE AS A NEW SECTION TO READ AS FOLLOWS
 25 [EFFECTIVE JANUARY 1, 2015]: **Sec. 0.5. If a court orders the**
 26 **suspension of a person's driving privileges, the bureau shall**
 27 **suspend the person's driving privileges in accordance with the**
 28 **court order, even if the court's order conflicts with a previous**
 29 **bureau action.**

30 SECTION 102. IC 9-25-6-18 IS REPEALED [EFFECTIVE
 31 JANUARY 1, 2015]. Sec. 18: A person who:

32 (1) forges or without authority signs or approves any certificate to
 33 serve as proof of financial responsibility as required by the
 34 bureau; or

35 (2) knowingly files or offers for filing a certificate described in
 36 subdivision (1);

37 commits a Class B misdemeanor.

38 SECTION 103. IC 9-26-1-1 IS REPEALED [EFFECTIVE
 39 JANUARY 1, 2015]. Sec. 1: Except as provided in section 1.5 of this
 40 chapter, the driver of a motor vehicle involved in an accident that
 41 results in the injury or death of a person or the entrapment of a person
 42 in a vehicle shall do the following:



1 (1) Immediately stop the driver's motor vehicle at the scene of the
 2 accident or as close to the accident as possible in a manner that
 3 does not obstruct traffic more than is necessary.

4 (2) Immediately return to and remain at the scene of the accident
 5 until the driver does the following:

6 (A) Gives the driver's name and address and the registration
 7 number of the motor vehicle the driver was driving;

8 (B) Upon request, exhibits the driver's license of the driver to
 9 the following:

10 (i) The person struck;

11 (ii) The driver or occupant of or person attending each
 12 vehicle involved in the accident.

13 (C) Subject to section 1.5(a) of this chapter, determines the
 14 need for and renders reasonable assistance to each person
 15 injured or entrapped in the accident, including the removal of;
 16 or the making of arrangements for the removal of:

17 (i) each injured person from the scene of the accident to a
 18 physician or hospital for medical treatment; and

19 (ii) each entrapped person from the vehicle in which the
 20 person is entrapped.

21 (3) Subject to section 1.5(b) of this chapter, immediately give
 22 notice of the accident by the quickest means of communication to
 23 one (1) of the following:

24 (A) The local police department, if the accident occurs within
 25 a municipality;

26 (B) The office of the county sheriff or the nearest state police
 27 post, if the accident occurs outside a municipality.

28 SECTION 104. IC 9-26-1-1.1 IS ADDED TO THE INDIANA
 29 CODE AS A NEW SECTION TO READ AS FOLLOWS
 30 [EFFECTIVE JANUARY 1, 2015]: **Sec. 1.1. (a) The operator of a
 31 motor vehicle involved in an accident shall do the following:**

32 **(1) Either:**

33 **(A) immediately stop the operator's motor vehicle:**

34 **(i) at the scene of the accident; and**

35 **(ii) as close to the accident as possible in a manner that
 36 does not obstruct traffic more than is necessary; or**

37 **(B) remain at the scene of the accident until the operator
 38 does the following:**

39 **(i) Upon request, gives the operator's name and address
 40 and the registration number of the motor vehicle the
 41 operator was driving to any person involved in the
 42 accident.**



- 1 (ii) Upon request, exhibits the operator's driver's license
2 to any person involved in the accident or occupant of or
3 any person attending to any vehicle involved in the
4 accident.
- 5 (2) If the accident results in the injury or death of another
6 person, the operator shall, in addition to the requirements of
7 subdivision (1):
- 8 (A) provide reasonable assistance to each person injured
9 in or entrapped by the accident, as directed by a law
10 enforcement officer, medical personnel, or a 911 telephone
11 operator; and
- 12 (B) immediately give notice of the accident by the quickest
13 means of communication to one (1) of the following:
- 14 (i) The local police department, if the accident occurs
15 within a municipality.
- 16 (ii) The office of the county sheriff or the nearest state
17 police post, if the accident occurs outside a municipality.
- 18 (3) If the accident involves a collision with an unattended
19 vehicle or damage to property other than a vehicle, the
20 operator shall, in addition to the requirements of subdivision
21 (1):
- 22 (A) take reasonable steps to locate and notify the owner or
23 person in charge of the damaged vehicle or property of the
24 damage; and
- 25 (B) if after reasonable inquiry the operator cannot find the
26 owner or person in charge of the damaged vehicle or
27 property, do the following:
- 28 (i) Notify either the sheriff's department of the county in
29 which the damaged vehicle or property is located or a
30 member of the state police department.
- 31 (ii) Give the sheriff's department or the state police
32 department the information required by this section.
- 33 (b) An operator of a motor vehicle who knowingly or
34 intentionally fails to comply with subsection (a) commits leaving
35 the scene of an accident, a Class B misdemeanor. However, the
36 offense is:
- 37 (1) a Class A misdemeanor if the accident results in bodily
38 injury to another person;
- 39 (2) a Level 6 felony if:
- 40 (A) the accident results in serious bodily injury to another
41 person; or
- 42 (B) within the five (5) years preceding the commission of



- 1 the offense, the operator had a previous conviction of any
 2 of the offenses listed in IC 9-30-10-4(a);
 3 (3) a Level 5 felony if the accident results in the death of
 4 another person; and
 5 (4) a Level 3 felony if the operator knowingly or intentionally
 6 fails to stop or comply with subsection (a) during or after the
 7 commission of the offense of operating while intoxicated
 8 causing serious bodily injury (IC 9-30-5-4) or operating while
 9 intoxicated causing death (IC 9-30-5-5).
- 10 SECTION 105. IC 9-26-1-1.5, AS AMENDED BY P.L.125-2012,
 11 SECTION 293, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JANUARY 1, 2015]: Sec. 1.5. (a) If:
- 13 (1) the ~~driver~~ **operator** of a motor vehicle is physically incapable
 14 of determining the need for or rendering assistance to any injured
 15 or entrapped person as required under section ~~†(2)(C) 1.1(a)(2)~~
 16 of this chapter;
 17 (2) there is another occupant in the motor vehicle at the time of
 18 the accident who is:
 19 (A) at least:
 20 (i) fifteen (15) years of age and holds a learner's permit
 21 issued under IC 9-24-7-1 or a driver's license issued under
 22 IC 9-24-11; or
 23 (ii) eighteen (18) years of age; and
 24 (B) capable of determining the need for and rendering
 25 reasonable assistance to injured or entrapped persons as
 26 provided in section ~~†(2)(C) 1.1(a)(2)~~ of this chapter; and
 27 (3) the other occupant in the motor vehicle knows that the ~~driver~~
 28 **operator** of the motor vehicle is physically incapable of
 29 determining the need for or rendering assistance to any injured or
 30 entrapped person;
- 31 the motor vehicle occupant referred to in subdivisions (2) and (3) shall
 32 immediately determine the need for and render reasonable assistance
 33 to each person injured or entrapped in the accident as provided in
 34 section ~~†(2)(C) 1.1(a)(2)~~ of this chapter.
- 35 (b) If:
- 36 (1) the driver of a motor vehicle is physically incapable of giving
 37 immediate notice of an accident as required under section ~~†(3)~~ of
 38 this chapter;
 39 (2) there is another occupant in the motor vehicle at the time of
 40 the accident who is:
 41 (A) at least:
 42 (i) fifteen (15) years of age and holds a learner's permit



- 1 issued under IC 9-24-7-1 or a driver's license issued under
 2 IC 9-24-11; or
 3 (ii) eighteen (18) years of age; and
 4 (B) capable of giving notice as provided in section 1(3) of this
 5 chapter; and
 6 (3) the other occupant in the motor vehicle knows that the driver
 7 of the motor vehicle is physically incapable of giving immediate
 8 notice of an accident;
 9 the motor vehicle occupant referred to in subdivisions (2) and (3) shall
 10 immediately give notice of the accident by the quickest means of
 11 communication as provided in section 1(3) of this chapter.
 12 (c) (b) If there is more than one (1) motor vehicle occupant to whom
 13 subsection (a) applies, it is a defense to a prosecution of one (1) motor
 14 vehicle occupant under subsection (a) that the defendant reasonably
 15 believed that another occupant of the motor vehicle determined the
 16 need for and rendered reasonable assistance as required under
 17 subsection (a).
 18 (d) If there is more than one (1) motor vehicle occupant to whom
 19 subsection (b) applies, it is a defense to a prosecution of one (1) motor
 20 vehicle occupant under subsection (b) that the defendant reasonably
 21 believed that another occupant of the motor vehicle gave the notice
 22 required under subsection (b).
 23 SECTION 106. IC 9-26-1-2 IS REPEALED [EFFECTIVE
 24 JANUARY 1, 2015]. Sec. 2: The driver of a motor vehicle involved in
 25 an accident that does not result in injury or death of a person or the
 26 entrapment of a person in a motor vehicle and that does not involve the
 27 transportation of hazardous materials but that does result in damage to
 28 a vehicle that is driven or attended by a person shall do the following:
 29 (1) Immediately stop the motor vehicle at the scene of the
 30 accident or as close to the accident as possible in a manner that
 31 does not obstruct traffic more than is necessary. If the accident
 32 occurs on a federal interstate highway, or on a ramp providing
 33 access to or from a federal interstate highway, the driver shall, as
 34 soon as safely possible, move the motor vehicle off the highway
 35 or ramp to a location as close to the accident as possible in a
 36 manner that does not obstruct traffic more than is necessary.
 37 (2) Immediately return to and remain at the scene of the accident
 38 until the driver does the following upon request:
 39 (A) Gives the driver's name and address and the registration
 40 number of the motor vehicle the driver was driving.
 41 (B) Gives the names and addresses of the owner and any
 42 occupants of the motor vehicle the driver was driving, if the



1 names or addresses are different from the name and address
2 provided under clause (A):

3 (C) Provides proof of financial responsibility (as defined in
4 IC 9-25-2-3) for the motor vehicle.

5 (D) Exhibits the driver's license of the driver to the driver or
6 occupant of or person attending each vehicle involved in the
7 accident.

8 SECTION 107. IC 9-26-1-3 IS REPEALED [EFFECTIVE
9 JANUARY 1, 2015]. Sec. 3: The driver of a motor vehicle that collides
10 with an unattended vehicle shall immediately stop and do one (1) of the
11 following:

12 (1) Locate and notify the operator or owner of the vehicle of the
13 name and address of the driver and owner of the motor vehicle
14 striking the unattended vehicle.

15 (2) Leave in a conspicuous place on the vehicle struck a written
16 notice giving the name and address of the driver and the owner of
17 the motor vehicle doing the striking and a statement of the
18 circumstances of the accident.

19 SECTION 108. IC 9-26-1-4 IS REPEALED [EFFECTIVE
20 JANUARY 1, 2015]. Sec. 4: (a) The driver of a motor vehicle that
21 causes damage to the property of another person, other than damage to
22 a vehicle, shall do the following:

23 (1) Immediately stop the motor vehicle at the scene of the
24 accident or as close to the accident as possible in a manner that
25 does not obstruct traffic more than is necessary.

26 (2) Immediately return to and remain at the scene of the accident
27 until the driver does the following:

28 (A) Takes reasonable steps to locate and notify the owner or
29 person in charge of the property of the damage.

30 (B) Gives the person the driver's name and address and the
31 registration number of the motor vehicle.

32 (C) Upon request, exhibits the driver's license of the driver.

33 (b) If after reasonable inquiry the driver of the motor vehicle cannot
34 find the owner or person in charge of the damaged property, the driver
35 of the motor vehicle shall do the following:

36 (1) Notify either the sheriff's department of the county in which
37 the damaged property is located or a member of the state police
38 department.

39 (2) Give the sheriff's department or state police department the
40 information required by this section.

41 SECTION 109. IC 9-26-1-8 IS REPEALED [EFFECTIVE
42 JANUARY 1, 2015]. Sec. 8: (a) A person who knowingly or



1 intentionally fails to stop or comply with section 1(1) or 1(2) of this
 2 chapter after causing injury to a person commits a Class A
 3 misdemeanor. However, the offense is:

4 (1) a Level 6 felony if:

5 (A) the accident involves serious bodily injury to a person; or

6 (B) within the five (5) years preceding the commission of the
 7 offense, the person had a previous conviction of any of the
 8 offenses listed in IC 9-30-10-4(a);

9 (2) a Level 5 felony if the accident involves the death of a person;
 10 and

11 (3) a Level 4 felony if the person knowingly or intentionally fails
 12 to stop or comply with section 1(1) or 1(2) of this chapter after
 13 committing operating while intoxicated causing serious bodily
 14 injury (IC 9-30-5-4).

15 (b) A person who knowingly or intentionally fails to stop or comply
 16 with section 3 or 4 of this chapter after causing damage to the property
 17 of another person commits a Class B misdemeanor.

18 SECTION 110. IC 9-26-1-9 IS REPEALED [EFFECTIVE
 19 JANUARY 1, 2015]. Sec. 9: A person who intentionally, knowingly,
 20 or recklessly violates section 1(3); 1.5; 2(1); or 2(2) of this chapter
 21 commits a Class C misdemeanor.

22 SECTION 111. IC 9-26-6-0.5 IS REPEALED [EFFECTIVE
 23 JANUARY 1, 2015]. Sec. 0.5: Section 1 of this chapter applies to a
 24 person removing a wrecked or damaged golf cart or off-road vehicle
 25 from a street or highway.

26 SECTION 112. IC 9-26-6-1, AS AMENDED BY P.L.125-2012,
 27 SECTION 302, IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE JANUARY 1, 2015]: Sec. 1. A person removing a
 29 wrecked or damaged motor vehicle, **including a wrecked or damaged**
 30 **golf cart or off-road vehicle**, from a street or highway must remove
 31 any glass or other foreign material dropped upon the street or highway
 32 from the motor vehicle.

33 SECTION 113. IC 9-26-6-2, AS AMENDED BY P.L.125-2012,
 34 SECTION 303, IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JANUARY 1, 2015]: Sec. 2. (a) This section does not
 36 apply to the removal of a motor vehicle that constitutes a traffic hazard.

37 (b) The **driver operator** of a motor vehicle that is used to remove a
 38 motor vehicle that caused damage to real or personal property, except
 39 a motor vehicle of another person as described in ~~IC 9-26-1-4~~;
 40 **IC 9-26-1-1.1**, shall give the notification required by ~~IC 9-26-1-4~~
 41 **IC 9-26-1-1.1** before removing the motor vehicle that caused the
 42 damage.



1 **(c) A person who knowingly or intentionally violates this section**
 2 **commits a Class B misdemeanor.**

3 SECTION 114. IC 9-26-6-4 IS REPEALED [EFFECTIVE
 4 JANUARY 1, 2015]. ~~Sec. 4. A person who violates section 2 of this~~
 5 ~~chapter commits a Class B misdemeanor.~~

6 SECTION 115. IC 9-26-8-2 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. A law
 8 enforcement officer may, without a warrant, arrest a person for a
 9 violation of ~~IC 9-26-1-1(1)~~; ~~IC 9-26-1-1(2)~~; ~~IC 9-26-1-2(1)~~;
 10 ~~IC 9-26-1-2(2)~~; ~~IC 9-26-1-3~~; or ~~IC 9-26-1-4~~ **IC 9-26-1-1.1** if the law
 11 enforcement officer has **reasonable probable** cause to believe that the
 12 violation was committed by the person.

13 SECTION 116. IC 9-28-2-9, AS AMENDED BY P.L.125-2012,
 14 SECTION 306, IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JANUARY 1, 2015]: Sec. 9. (a) Upon written
 16 notification from a jurisdiction that is a party to an agreement entered
 17 into under this chapter, the bureau shall take appropriate action against
 18 a licensed driver for failure to meet the conditions set out in the citation
 19 of the jurisdiction in which the traffic offense occurred.

20 (b) The bureau shall notify the driver by first class mail of the
 21 request by the respective jurisdiction to have the driver's driving
 22 privileges suspended. For the purposes of this chapter, a written notice
 23 sent to the driver's last registered address with the bureau meets the
 24 conditions of due notice.

25 (c) The driver has fifteen (15) days from the date of notice to satisfy
 26 the conditions of the citation issued by the jurisdiction or to request a
 27 hearing before a bureau hearing officer to show evidence or present
 28 information why the bureau should not suspend the driver's driving
 29 privileges for failure to meet the terms of the citation.

30 (d) Upon holding the hearing, the bureau may suspend the driver's
 31 driving privileges until the conditions of the citation are met or a
 32 release from the citing jurisdiction is obtained.

33 (e) If the bureau does not receive information from the driver
 34 concerning the notification, the bureau shall suspend the driver's
 35 driving privileges until the conditions of the citation are met or a
 36 release is obtained.

37 ~~(f) A driver whose driving privileges have been suspended for~~
 38 ~~failure to meet the conditions of a citation is not eligible for a hardship~~
 39 ~~license under IC 9-24-15.~~

40 ~~(g)~~ **(f)** The bureau may not suspend driving privileges under this
 41 section for a nonmoving traffic offense occurring in another
 42 jurisdiction.



1 SECTION 117. IC 9-29-1-2, AS AMENDED BY P.L.259-2013,
 2 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JANUARY 1, 2015]: Sec. 2. (a) Money from the increases in fees
 4 levied by the 1969 regular session of the general assembly in IC 9-18-2,
 5 IC 9-18-5, IC 9-18-6, IC 9-18-7, IC 9-18-9, IC 9-18-10, IC 9-18-16,
 6 IC 9-24-3, IC 9-24-4, IC 9-24-5, IC 9-24-7, IC 9-24-8, IC 9-24-10,
 7 IC 9-24-11, IC 9-24-12, IC 9-24-13, IC 9-24-14, and IC 9-29-9-15
 8 (IC 9-1-4 before its repeal on July 1, 1991) shall be deposited daily
 9 with the treasurer of state and credited to the highway, road, and street
 10 fund established under IC 8-14-2-2.1.

11 (b) For the purpose of providing adequate and sufficient funds for
 12 the crossroads 2000 fund established under IC 8-14-10-9, and subject
 13 to subsection (c), after June 30, 1997, with the approval of the bureau
 14 of motor vehicles commission the bureau of motor vehicles may adopt
 15 rules under IC 4-22-2 to increase, by an amount that is in addition to
 16 the fees specified by statute, the fees under the following:

17 IC 9-29-4-3

18 IC 9-29-5 (excluding fees under IC 9-29-5-44)

19 IC 9-29-9-1

20 IC 9-29-9-2

21 IC 9-29-9-3

22 IC 9-29-9-4

23 IC 9-29-9-5

24 IC 9-29-9-7

25 IC 9-29-9-8

26 IC 9-29-9-9

27 IC 9-29-9-11

28 IC 9-29-9-13

29 ~~IC 9-29-9-14~~

30 IC 9-29-15-1

31 IC 9-29-15-2

32 IC 9-29-15-3

33 IC 9-29-15-4

34 IC 9-29-17-1

35 IC 9-29-17-2

36 IC 9-29-17-3

37 IC 9-29-17-4.

38 The amount of fees increased under this section shall first be deposited
 39 into the crossroads 2000 fund established under IC 8-14-10-9.

40 (c) The bureau's authority to adopt rules under subsection (b) is
 41 subject to the condition that a fee increase must be uniform throughout
 42 all license branches and at all partial service locations in Indiana.



1 (d) If a fee imposed by a statute listed in subsection (b) is
 2 eliminated, the amount of the fee increase set forth in a rule adopted
 3 under this section before July 1, 2007, with respect to the fee must be:

- 4 (1) collected by the bureau notwithstanding the elimination of the
 5 underlying fee;
 6 (2) collected in addition to all other fees collected at the time of
 7 the underlying transaction; and
 8 (3) deposited in the crossroads 2000 fund established under
 9 IC 8-14-10-9.

10 However, this subsection does not apply to a fee imposed under
 11 IC 9-29-5-14, IC 9-29-5-14.5, IC 9-29-5-15, or IC 9-29-5-39, which
 12 were repealed by legislation enacted in 2013.

13 SECTION 118. IC 9-29-9-14 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 14. The fee for a
 15 **restricted specialized driving privilege** permit issued under IC 9-24-15
 16 is ten dollars (\$10).

17 SECTION 119. IC 9-30-2-6 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 6. A law
 19 enforcement officer may, without a warrant, arrest a person in case of
 20 violations of:

- 21 (1) ~~IC 9-26-1-1(1)~~; ~~IC 9-26-1-1(2)~~; ~~IC 9-26-1-2(1)~~;
 22 ~~IC 9-26-1-2(2)~~; ~~IC 9-26-1-3~~; or ~~IC 9-26-1-4~~; **IC 9-26-1-1.1**; and
 23 (2) IC 9-30-5 if the violation of IC 9-30-5 is coupled with an
 24 accident;

25 when the law enforcement officer has **reasonable probable** cause to
 26 believe that the violation was committed by the person. The procedure
 27 prescribed in this section is not the only method prescribed by law for
 28 the arrest and prosecution of a person for an offense of similar grade.

29 SECTION 120. IC 9-30-4-1, AS AMENDED BY P.L.85-2013,
 30 SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JANUARY 1, 2015]: Sec. 1. (a) Upon any reasonable ground
 32 appearing on the records of the bureau **and specified in rules adopted**
 33 **under subsection (b)**, the bureau may do the following:

- 34 (1) Suspend or revoke the current driving privileges or driver's
 35 license of any person.
 36 (2) Suspend or revoke the certificate of registration and license
 37 plate for any motor vehicle.

38 (b) **The bureau shall adopt rules under IC 4-22-2 to specify**
 39 **reasonable grounds for suspension or revocation permitted under**
 40 **subsection (a).**

41 SECTION 121. IC 9-30-4-3, AS AMENDED BY P.L.125-2012,
 42 SECTION 329, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JANUARY 1, 2015]: Sec. 3. (a) A person aggrieved by
 2 an order or act of the bureau under section ~~1~~ or 2 of this chapter may,
 3 within fifteen (15) days after notice is given, file a petition in the circuit
 4 or superior court of the county in which the person resides. If the
 5 person is a nonresident, the person may file a petition for review in the
 6 Marion County circuit court.

7 (b) The petitioner must state facts showing how the order or act of
 8 the bureau is wrongful or unlawful, but the filing of a petition does not
 9 suspend the order or act unless a stay is allowed by a judge of the court
 10 pending final determination of the review on a showing of reasonable
 11 probability that the order or act is wrongful or unlawful.

12 (c) The court shall, within six (6) months of the date of the filing of
 13 the petition, hear the petition, take testimony, and examine the facts of
 14 the case. The court may, in disposing of the issues, modify, affirm, or
 15 reverse the order or act of the bureau in whole or in part and shall make
 16 an appropriate order. If the petition has not been heard within six (6)
 17 months from the date of the filing, the original order or act of the
 18 bureau shall be reinstated in full force and effect.

19 SECTION 122. IC 9-30-4-6, AS AMENDED BY P.L.85-2013,
 20 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JANUARY 1, 2015]: Sec. 6. (a) Whenever the bureau suspends or
 22 revokes the current driver's license or driving privileges upon receiving
 23 a record of the conviction of a person for any offense under the motor
 24 vehicle laws, ~~not enumerated under subsection (b)~~, the bureau may also
 25 suspend any of the certificates of registration and license plates issued
 26 for any motor vehicle registered in the name of the person so convicted.
 27 However, the bureau may not suspend the evidence of registration,
 28 unless otherwise required by law, if the person has given or gives and
 29 maintains during the three (3) years following the date of suspension
 30 or revocation proof of financial responsibility in the future in the
 31 manner specified in this section.

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

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

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

42 ~~(3) A felony under Indiana motor vehicle laws or felony in the~~



1 ~~commission of which a motor vehicle is used.~~

2 ~~(4)~~ **(3)** Three (3) charges of criminal recklessness involving the
3 use of a motor vehicle within the preceding twelve (12) months.

4 ~~(5)~~ **(4)** Failure to stop and give information or assistance or failure
5 to stop and disclose the person's identity at the scene of an
6 accident that has resulted in death, personal injury, or property
7 damage in excess of two hundred dollars (\$200).

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

13 (c) The **bureau shall suspend a driver's license or driving**
14 **privileges of a person shall also be suspended** upon conviction in
15 another jurisdiction for any offense described in subsection ~~(b)(1);~~
16 ~~(b)(2); (b)(3); (b)(4); and (b)(5);~~ **the following:**

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

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

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

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

30 ~~except~~ **However,** if property damage is less than two hundred dollars
31 (\$200), the bureau may determine whether the driver's license or
32 driving privileges and certificates of registration and license plates
33 shall be suspended or revoked. ~~The license of a person shall also be~~
34 ~~suspended upon conviction in another jurisdiction for any offense~~
35 ~~described in subsection (b)(6).~~

36 **(d) A person whose driving privileges are suspended under this**
37 **chapter is eligible for specialized driving privileges under**
38 **IC 9-30-16.**

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

42 ~~(1)~~ **(1)** Except as provided in ~~subdivisions~~ **subdivision (2), (3); (4);**



1 and (5), and subject to section 6.5 of this chapter, for six (6)
2 months from the date of conviction or on the date on which the
3 person is otherwise eligible for a license, whichever is later.
4 Except as provided in IC 35-48-4-15, this includes a person
5 convicted of a crime for which the person's driving privilege or
6 driver's license is suspended or revoked under subsection (b)(6).
7 (2) Subject to section 6.5 of this chapter, Upon conviction of an
8 offense described in subsection (b)(1) or (c)(1), or (b)(4) or
9 (c)(4) when the accident has resulted in death, for a fixed
10 period of not less than two (2) years and not more than five (5)
11 years, to be fixed by the bureau based upon recommendation of
12 the court entering a conviction. If the court fails to recommend a
13 fixed term of suspension, or recommends a fixed term that is less
14 than the minimum term required by statute, the bureau shall
15 impose the minimum period of suspension required under this
16 chapter. A new or reinstated driver's license or driving privileges
17 may not be issued to the person unless that person, within the
18 three (3) years following the expiration of the suspension or
19 revocation, gives and maintains in force at all times during the
20 effective period of a new or reinstated license proof of financial
21 responsibility in the future in the manner specified in this chapter.
22 However, the liability of the insurance carrier under a motor
23 vehicle liability policy that is furnished for proof of financial
24 responsibility in the future as set out in this chapter becomes
25 absolute whenever loss or damage covered by the policy occurs,
26 and the satisfaction by the insured of a final judgment for loss or
27 damage is not a condition precedent to the right or obligation of
28 the carrier to make payment on account of loss or damage, but the
29 insurance carrier has the right to settle a claim covered by the
30 policy. If the settlement is made in good faith, the amount shall be
31 deductive from the limits of liability specified in the policy. A
32 policy may not be canceled or annulled with respect to a loss or
33 damage by an agreement between the carrier and the insured after
34 the insured has become responsible for the loss or damage, and a
35 cancellation or annulment is void. The policy may provide that
36 the insured or any other person covered by the policy shall
37 reimburse the insurance carrier for payment made on account of
38 any loss or damage claim or suit involving a breach of the terms,
39 provisions, or conditions of the policy. If the policy provides for
40 limits in excess of the limits specified in this chapter, the
41 insurance carrier may plead against any plaintiff, with respect to
42 the amount of the excess limits of liability, any defenses that the



1 carrier may be entitled to plead against the insured. The policy
 2 may further provide for prorating of the insurance with other
 3 applicable valid and collectible insurance. An action does not lie
 4 against the insurance carrier by or on behalf of any claimant under
 5 the policy until a final judgment has been obtained after actual
 6 trial by or on behalf of any claimant under the policy.

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

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

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

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

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

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

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

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

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

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

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

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

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



- 1 (1) A conviction upon a plea of guilty.
- 2 (2) A determination of guilt by a jury or court, even if:
- 3 (A) no sentence is imposed; or
- 4 (B) a sentence is suspended.
- 5 (3) A forfeiture of bail, bond, or collateral deposited to secure the
- 6 defendant's appearance for trial, unless the forfeiture is vacated.
- 7 (4) A payment of money as a penalty or as costs in accordance
- 8 with an agreement between a moving traffic violator and a traffic
- 9 violations bureau.
- 10 ~~(g)~~ **(h)** A suspension or revocation under this section or under
- 11 IC 9-30-13-0.5 stands pending appeal of the conviction to a higher
- 12 court and may be set aside or modified only upon the receipt by the
- 13 bureau of the certificate of the court reversing or modifying the
- 14 judgment that the cause has been reversed or modified. However, if the
- 15 suspension or revocation follows a conviction in a court of no record
- 16 in Indiana, the suspension or revocation is stayed pending appeal of the
- 17 conviction to a court of record.
- 18 ~~(h)~~ **(i)** A person aggrieved by an order or act of the bureau under this
- 19 section or IC 9-30-13-0.5 may file a petition for a court review.
- 20 SECTION 123. IC 9-30-4-7 IS REPEALED [EFFECTIVE
- 21 JANUARY 1, 2015]. Sec. 7. (a) A person whose:
- 22 (1) driver's license; or
- 23 (2) certificate of registration or license plate;
- 24 has been suspended or revoked and has not been reinstated shall
- 25 immediately return the driver's license, certificate of registration, and
- 26 license plate to the bureau. A person who knowingly fails to comply
- 27 with this requirement commits a Class C misdemeanor.
- 28 (b) The bureau may:
- 29 (1) take possession of a license, certificate of registration, or
- 30 license plate upon the suspension or revocation; or
- 31 (2) direct a law enforcement officer to take possession and return
- 32 the license, certificate, or license plate to the office of the bureau.
- 33 (c) All law enforcement officers are authorized as agents of the
- 34 bureau to seize the license, certificate of registration, and license plate
- 35 of a person who fails to surrender the license, certificate, or license
- 36 plate. A law enforcement officer shall notify the bureau of the seizure.
- 37 SECTION 124. IC 9-30-4-8, AS AMENDED BY P.L.125-2012,
- 38 SECTION 332, IS AMENDED TO READ AS FOLLOWS
- 39 [EFFECTIVE JANUARY 1, 2015]: Sec. 8. (a) A person whose
- 40 certificate of registration has been suspended or revoked, with
- 41 restoration or the issuance of a new certificate being contingent upon
- 42 the furnishing of proof of financial responsibility, and who, during the



1 suspension or revocation or in the absence of full authorization from
 2 the bureau, operates the motor vehicle upon a highway or knowingly
 3 permits the motor vehicle to be operated by another person upon a
 4 highway except as permitted under this chapter commits a Class C
 5 misdemeanor.

6 ~~(b) A person with restricted driving privileges who operates a motor~~
 7 ~~vehicle upon a highway in violation of the terms and conditions~~
 8 ~~specified for the restricted driving privileges commits a Class C~~
 9 ~~misdemeanor.~~

10 SECTION 125. IC 9-30-5-10, AS AMENDED BY P.L.85-2013,
 11 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JANUARY 1, 2015]: Sec. 10. (a) In addition to a criminal penalty
 13 imposed for an offense under this chapter, IC 35-46-9, or IC 14-15-8
 14 (before its repeal), the court shall, after reviewing the person's bureau
 15 driving record and other relevant evidence, recommend the suspension
 16 of the person's driving privileges for the fixed period of time specified
 17 under this section. The court may require that a period of suspension
 18 recommended under this section be imposed, if applicable, before a
 19 period of incarceration or after a period of incarceration, or both before
 20 and after a period of incarceration, as long as the suspension otherwise
 21 complies with the periods established in this section.

22 (b) If the person:

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

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

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

30 (c) If the person has a previous conviction of operating a vehicle or
 31 a motorboat while intoxicated and the previous conviction occurred
 32 more than five (5) years but less than ten (10) years before the
 33 conviction under consideration by the court, the court ~~shall~~ **may**
 34 recommend the suspension of the person's driving privileges for ~~at least~~
 35 ~~one hundred eighty (180) days but~~ not more than two (2) years. The
 36 court may stay the execution of ~~that~~ part of the suspension ~~that exceeds~~
 37 ~~the minimum period of suspension~~ and grant the person ~~probationary~~
 38 ~~specialized~~ driving privileges for a period of time equal to the length
 39 of the stay.

40 (d) If the person has a previous conviction of operating a vehicle or
 41 a motorboat while intoxicated and the previous conviction occurred
 42 less than five (5) years before the conviction under consideration by the



1 court, the court ~~shall~~ **may** recommend the suspension of the person's
 2 driving privileges for ~~at least one (1) year~~ **but** not more than two (2)
 3 years. The court may stay the execution of ~~that~~ part of the suspension
 4 ~~that exceeds the minimum period of suspension~~ and grant the person
 5 **probationary specialized** driving privileges for a period of time equal
 6 to the length of the stay. If the court grants **probationary specialized**
 7 driving privileges under this subsection, the court shall order that the
 8 **probationary specialized** driving privileges include the requirement
 9 that the person may not operate a motor vehicle unless the motor
 10 vehicle is equipped with a functioning certified ignition interlock
 11 device under IC 9-30-8. However, the court may grant **probationary**
 12 **specialized** driving privileges under this subsection without requiring
 13 the installation of an ignition interlock device if the person is
 14 successfully participating in a court supervised alcohol treatment
 15 program in which the person is taking disulfiram or a similar substance
 16 that the court determines is effective in treating alcohol abuse. The
 17 person granted **probationary specialized** driving privileges under this
 18 subsection shall pay all costs associated with the installation of an
 19 ignition interlock device unless the sentencing court determines that
 20 the person is indigent.

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

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

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

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

36 (g) The bureau shall fix the period of suspension in accordance with
 37 the recommendation of the court under this section and in accordance
 38 with IC 9-30-6-9. ~~If the court fails to recommend a fixed period of~~
 39 ~~suspension; or recommends a fixed period that is less than the~~
 40 ~~minimum period required by statute; the bureau shall impose the~~
 41 ~~minimum period of suspension required under this section.~~

42 SECTION 126. IC 9-30-5-11 IS REPEALED [EFFECTIVE

EH 1279—LS 7045/DI 107



1 JANUARY 1, 2015]. Sec. 11. (a) If a court grants a person
 2 probationary driving privileges under section 12 of this chapter, the
 3 person may operate a vehicle only as follows:

- 4 (1) To and from the person's place of employment.
 5 (2) For specific purposes in exceptional circumstances.
 6 (3) To and from a court-ordered treatment program.

7 (b) If the court grants the person probationary driving privileges
 8 under section 12(a) of this chapter, that part of the court's order
 9 granting probationary driving privileges does not take effect until the
 10 person's driving privileges have been suspended for at least thirty (30)
 11 days under IC 9-30-6-9.

12 (c) The court shall notify a person who is granted probationary
 13 driving privileges of the following:

- 14 (1) That the probationary driving period commences when the
 15 bureau issues the probationary driving privileges.
 16 (2) That the bureau may not issue probationary driving privileges
 17 until the bureau receives a reinstatement fee from the person, if
 18 applicable, and the person otherwise qualifies for valid driving
 19 privileges.

20 SECTION 127. IC 9-30-5-12 IS REPEALED [EFFECTIVE
 21 JANUARY 1, 2015]. Sec. 12. (a) If:

- 22 (1) a court recommends suspension of a person's driving
 23 privileges under section 10(b) of this chapter for an offense
 24 committed under this chapter; and
 25 (2) the person did not refuse to submit to a chemical test offered
 26 under IC 9-30-6-2 during the investigation of the offense;

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

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

32 (c) If:

- 33 (1) a court recommends suspension of a person's driving
 34 privileges under section 10(c), 10(d), or 10(e) of this chapter for
 35 an offense committed under this chapter; and
 36 (2) the period of suspension recommended by the court exceeds
 37 the minimum permissible fixed period of suspension specified
 38 under section 10 of this chapter;

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



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

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

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

11 SECTION 128. IC 9-30-5-13 IS REPEALED [EFFECTIVE
 12 JANUARY 1, 2015]. Sec. 13: (a) An order for probationary driving
 13 privileges granted under this chapter must include the following:

14 (1) A requirement that the person may not violate a traffic law:

15 (2) A restriction of a person's driving privileges providing for
 16 automatic execution of the suspension of driving privileges if an
 17 order is issued under subsection (b):

18 (3) A written finding by the court that the court has reviewed the
 19 person's driving record and other relevant evidence and found that
 20 the person qualifies for probationary driving privileges under this
 21 chapter:

22 (4) Other reasonable terms of probation:

23 (b) If the court finds that the person has violated the terms of the
 24 order granting probationary driving privileges, the court shall order
 25 execution of that part of the sentence concerning the suspension of the
 26 person's driving privileges:

27 SECTION 129. IC 9-30-5-14 IS REPEALED [EFFECTIVE
 28 JANUARY 1, 2015]. Sec. 14: (a) A person whose driving privileges are
 29 suspended under section 10 of this chapter:

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

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

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

40 (c) The bureau shall designate a period of suspension of driving
 41 privileges imposed under section 10 of this chapter as consecutive to
 42 any period of suspension imposed under IC 9-30-6-9(b) unless the



1 sentencing order of the court, under subsection (b), in the best interest
 2 of society; terminates all or part of the remaining suspension under
 3 IC 9-30-6-9(b);

4 SECTION 130. IC 9-30-5-16, AS AMENDED BY P.L.172-2006,
 5 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JANUARY 1, 2015]: Sec. 16. (a) Except as provided in subsections (b)
 7 and (c) and section 10 of this chapter, the court may, in granting
 8 ~~probationary~~ **specialized** driving privileges under this chapter, also
 9 order that the ~~probationary~~ **specialized** driving privileges include the
 10 requirement that a person may not operate a motor vehicle unless the
 11 vehicle is equipped with a functioning certified ignition interlock
 12 device under IC 9-30-8.

13 (b) An order granting ~~probationary~~ **specialized** driving privileges
 14 **under IC 9-30-16**

15 ~~(1)~~ under:

16 ~~(A)~~ section 12(a) of this chapter, if the person has a previous
 17 conviction that occurred at least ten (10) years before the
 18 conviction under consideration by the court; or

19 ~~(B)~~ section 12(e) of this chapter; or

20 ~~(2)~~ to a person who has a prior unrelated conviction for an offense
 21 under this chapter of which the consumption of alcohol is an
 22 element;

23 must prohibit the person from operating a motor vehicle unless the
 24 vehicle is equipped with a functioning certified ignition interlock
 25 device under IC 9-30-8. However, a court is not required to order the
 26 installation of an ignition interlock device for a person ~~described in~~
 27 ~~subdivision (1) or (2)~~ if the person is successfully participating in a
 28 court supervised alcohol treatment program in which the person is
 29 taking disulfiram or a similar substance that the court determines is
 30 effective in treating alcohol abuse.

31 (c) A court may not order the installation of an ignition interlock
 32 device on a vehicle operated by an employee to whom any of the
 33 following apply:

34 (1) Has been convicted of violating section 1 or 2 of this chapter.

35 (2) Is employed as the operator of a vehicle owned, leased, or
 36 provided by the employee's employer.

37 (3) Is subject to a labor agreement that prohibits an employee who
 38 is convicted of an alcohol related offense from operating the
 39 employer's vehicle.

40 SECTION 131. IC 9-30-8-3 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 3. (a) The ~~bureau~~
 42 **director of the state department of toxicology, based on the**



1 **recommendation of the governor's council on impaired and**
 2 **dangerous driving**, shall adopt rules under IC 4-22-2 to establish
 3 standards and specifications for **an a certified** ignition interlock device.
 4 ~~the installation of which the courts may mandate under IC 9-30-5-16.~~
 5 The standards and specifications must require at a minimum that the
 6 device meets the following requirements:

- 7 (1) Is accurate.
 8 (2) Does not impede the safe operation of a vehicle.
 9 (3) Provides a minimum opportunity to be bypassed.
 10 (4) Shows evidence of tampering if tampering is attempted.
 11 (5) Has a label affixed warning ~~that~~ a person ~~that~~ tampering with
 12 or misusing the device is **a crime and may** subject ~~that person~~
 13 to ~~a criminal and civil penalty.~~ **penalties.**
 14 **(6) Provides the ability to accurately identify the user.**

15 **(b) After July 1, 2015, all ignition interlock devices used in**
 16 **Indiana must be certified under rules adopted by the state**
 17 **department of toxicology.**

18 **(c) A vendor or provider may submit an application for**
 19 **approval of an ignition interlock device in a form prescribed by the**
 20 **director of the state department of toxicology.**

21 **(d) The director of the state department of toxicology shall:**

- 22 (1) **have tests conducted concerning the ignition interlock**
 23 **device with standards set forth by the state department of**
 24 **toxicology; and**
 25 (2) **have the results of the tests evaluated by a person or entity**
 26 **designated by the state department of toxicology.**

27 **(e) The tests required under this section must be performed by**
 28 **an independent laboratory designated by the state department of**
 29 **toxicology. The vendor shall pay any testing expenses under this**
 30 **section.**

31 **(f) If the director of the state department of toxicology finds that**
 32 **the ignition interlock device complies with the standards of the**
 33 **state department of toxicology, the director may approve the**
 34 **ignition interlock device as a certified ignition interlock device.**

35 **(g) The director of the state department of toxicology shall**
 36 **provide periodic reports to the governor's council on impaired and**
 37 **dangerous driving, including, but not limited to:**

- 38 (1) **the number of ignition interlock devices certified by the**
 39 **state department of toxicology;**
 40 (2) **the number of ignition interlock devices currently installed**
 41 **in Indiana; and**
 42 (3) **the number of ignition interlock devices rejected by the**



- 1 state department of toxicology.
- 2 (h) The state department of toxicology shall consider all
- 3 recommendations made by the governor's council on impaired and
- 4 dangerous driving.
- 5 (i) The governor's council on impaired and dangerous driving
- 6 shall meet once a year to:
- 7 (1) evaluate reports submitted by the state department of
- 8 toxicology;
- 9 (2) evaluate and study ignition interlock issues;
- 10 (3) make recommendations to the state department of
- 11 toxicology; and
- 12 (4) make recommendations to the general assembly in an
- 13 electronic format under IC 5-14-6.

14 SECTION 132. IC 9-30-8-6 IS ADDED TO THE INDIANA CODE

15 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE

16 JANUARY 1, 2015]: Sec. 6. (a) A vendor or provider whose ignition

17 interlock device is certified under section 3 of this chapter shall

18 provide a report to the court that ordered the device or the court's

19 designee within two (2) weeks if any of the following occur:

- 20 (1) Any attempt to start the vehicle with a breath alcohol
- 21 concentration of four hundredths (.04) grams or higher if the
- 22 person does not register a test result indicating a breath
- 23 alcohol concentration of four hundredths (.04) grams or lower
- 24 within ten (10) minutes of the initial test.
- 25 (2) Absent a documented failure of the ignition interlock
- 26 device, failure to take or pass any required test.
- 27 (3) Failure of the person ordered to use an ignition interlock
- 28 device to appear at the ignition interlock vendor or provider
- 29 for maintenance, repair, calibration, monitoring, inspection,
- 30 or replacement of the ignition interlock device.
- 31 (4) Any violations or restrictions imposed by the court.

32 (b) Any person who is required to have an ignition interlock

33 device installed as part of probation, a specialized driving permit,

34 or any other order of a court is required to pay for the installation,

35 leasing, maintenance, and removal of the ignition interlock device,

36 as well as any additional expenses ordered by the court or the

37 court's designee.

38 (c) An ignition interlock vendor or provider shall provide any

39 reports or data requested by the state department of toxicology.

40 SECTION 133. IC 9-30-10-4, AS AMENDED BY P.L.85-2013,

41 SECTION 100, IS AMENDED TO READ AS FOLLOWS

42 [EFFECTIVE JANUARY 1, 2015]: Sec. 4. (a) A person who has



1 accumulated at least two (2) judgments within a ten (10) year period
 2 for any of the following violations, singularly or in combination, and
 3 not arising out of the same incident, is a habitual violator:

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

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

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

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

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

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

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

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

21 resulting in death.

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

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

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

27 resulting in death.

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

32 (1) Operation of a vehicle while intoxicated.

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

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

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

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

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



- 1 (A) one hundred (100) milliliters of the blood; or
 2 (B) two hundred ten (210) liters of the breath.
- 3 ~~(5) Operating a motor vehicle while the person's license to do so~~
 4 ~~has been suspended or revoked as a result of the person's~~
 5 ~~conviction of an offense under IC 9-1-4-52 (repealed July 1,~~
 6 ~~1991); IC 9-24-18-5(b) (repealed July 1, 2000); IC 9-24-19-2;~~
 7 ~~IC 9-24-19-3; or IC 9-24-19-4.~~
- 8 ~~(6) Operating a motor vehicle without ever having obtained a~~
 9 ~~license to do so.~~
- 10 ~~(7) (5) Reckless driving.~~
- 11 ~~(8) (6) Criminal recklessness as a felony involving the operation~~
 12 ~~of a motor vehicle.~~
- 13 ~~(9) (7) Drag racing or engaging in a speed contest in violation of~~
 14 ~~law.~~
- 15 ~~(10) (8) Violating IC 9-4-1-40 (repealed July 1, 1991),~~
 16 ~~IC 9-4-1-46 (repealed July 1, 1991), IC 9-26-1-1(1);~~
 17 ~~IC 9-26-1-1(2); IC 9-26-1-2(1); IC 9-26-1-2(2); IC 9-26-1-3; or~~
 18 ~~IC 9-26-1-4. IC 9-26-1-1.1.~~
- 19 **(9) Resisting law enforcement under IC 35-44.1-3-1.**
- 20 ~~(11) (10) Any felony under an Indiana motor vehicle statute or~~
 21 ~~any felony in which the commission operation of which a motor~~
 22 ~~vehicle is used. an element of the offense.~~
- 23 A judgment for a violation enumerated in subsection (a) shall be added
 24 to the violations described in this subsection for the purposes of this
 25 subsection.
- 26 (c) A person who has accumulated at least ten (10) judgments
 27 within a ten (10) year period for any traffic violation, except a parking
 28 or an equipment violation, of the type required to be reported to the
 29 bureau, singularly or in combination, and not arising out of the same
 30 incident, is a habitual violator. However, at least one (1) of the
 31 judgments must be for:
- 32 **(1) a violation enumerated in subsection (a); or**
 33 **(2) a violation enumerated in subsection (b);**
 34 **(3) operating a motor vehicle while the person's license to do**
 35 **so has been suspended or revoked as a result of the person's**
 36 **conviction of an offense under IC 9-1-4-52 (repealed July 1,**
 37 **1991), IC 9-24-18-5(b) (repealed July 1, 2000), IC 9-24-19-2,**
 38 **or IC 9-24-19-3; or**
 39 **(4) operating a motor vehicle without ever having obtained a**
 40 **license to do so.**
- 41 A judgment for a violation enumerated in subsection (a) or (b) shall be
 42 added to the judgments described in this subsection for the purposes of



1 this subsection.

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

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

9 SECTION 134. IC 9-30-10-5, AS AMENDED BY P.L.85-2013,
10 SECTION 101, IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JANUARY 1, 2015]: Sec. 5. (a) If it appears from the
12 records maintained by the bureau that a person's driving record makes
13 the person a habitual violator under section 4 of this chapter, the
14 bureau shall mail a notice to the person's last known address that
15 informs the person that the person's driving privileges will be
16 suspended in thirty (30) days because the person is a habitual violator
17 according to the records of the bureau.

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

- 20 (1) except as provided in subdivision (2), ten (10) years if the
21 person is a habitual violator under section 4(a) of this chapter;
22 (2) life if the person is a habitual violator under section 4(a) of
23 this chapter and has at least two (2) violations under section
24 4(a)(4) through 4(a)(7) of this chapter;
25 (3) ten (10) years if the person is a habitual violator under section
26 4(b) of this chapter; or
27 (4) five (5) years if the person is a habitual violator under section
28 4(c) of this chapter.

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

32 (d) Notwithstanding subsection (b), if the bureau does not discover
33 that a person's driving record makes the person a habitual violator
34 under section 4 of this chapter for more than ~~three (3)~~ **two (2)** years
35 after the bureau receives the person's final qualifying conviction, the
36 bureau ~~upon notice to the person,~~ shall **not** suspend the person's driving
37 privileges for ~~the remaining applicable any~~ **any** period. ~~under subsection~~
38 ~~(b): A reduction in a period of suspension under this subsection does~~
39 ~~not affect the requirements under section 9 of this chapter concerning~~
40 ~~probation and restricted driving privileges.~~

41 SECTION 135. IC 9-30-10-6.5 IS ADDED TO THE INDIANA
42 CODE AS A NEW SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JANUARY 1, 2015]: **Sec. 6.5. If a court finds by clear**
 2 **and convincing evidence that a person is a habitual traffic violator**
 3 **under IC 9-30-10-4, the court:**

4 **(1) shall order:**

5 **(A) that the person is a habitual traffic violator; and**

6 **(B) the bureau to suspend the person's driving license; and**

7 **(2) may order that the person is eligible for specialized driving**
 8 **privileges under IC 9-30-16.**

9 SECTION 136. IC 9-30-10-8, AS AMENDED BY P.L.125-2012,
 10 SECTION 351, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JANUARY 1, 2015]: Sec. 8. (a) If a person files a
 12 petition for judicial review under section 6 of this chapter, the court
 13 shall promptly hold a hearing. The petition must be filed and the
 14 hearing must be held in accordance with section 7 of this chapter.

15 (b) If the court finds that the petitioner is not a habitual violator, the
 16 court shall order the bureau to reinstate the driving privileges of the
 17 person.

18 (c) If the court finds that the petitioner is a habitual violator, the
 19 person's driving privileges remain suspended. ~~unless the court places~~
 20 ~~the person on probation under section 9 of this chapter.~~

21 (d) The findings of the court under this section constitute a final
 22 judgment from which either party may appeal. An appeal does not act
 23 as a stay of the findings and orders of the court.

24 SECTION 137. IC 9-30-10-9 IS REPEALED [EFFECTIVE
 25 JANUARY 1, 2015]. ~~Sec. 9: (a) This section does not apply to a person~~
 26 ~~who:~~

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

28 ~~(2) has been charged with an offense involving the operation of~~
 29 ~~a motor vehicle in accordance with the federal Motor Carrier~~
 30 ~~Safety Improvement Act of 1999 (MCSIA) (Public Law~~
 31 ~~106-159, 113 Stat. 1748).~~

32 ~~(b) If a court finds that a person:~~

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

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

36 ~~(3) operates a vehicle for commercial or business purposes; and~~
 37 ~~the person's mileage for commercial or business purposes:~~

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

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

42 ~~(4) does not have:~~



- 1 (A) a judgment for a violation enumerated in section 4(a) of
 2 this chapter; or
 3 (B) at least three (3) judgments (singularly or in combination
 4 and not arising out of the same incident) of the violations
 5 enumerated in section 4(b) of this chapter; and
 6 (5) has not violated the terms of the person's suspension by
 7 operating a vehicle;
- 8 the court may place the person on probation in accordance with
 9 subsection (d):
- 10 (c) If a court finds that a person:
- 11 (1) is a habitual violator under section 4(b) of this chapter;
 12 (2) has not been previously placed on probation under this section
 13 by a court;
 14 (3) does not have a judgment for any violation listed in section
 15 4(a) of this chapter;
 16 (4) has had the person's driving privileges suspended under this
 17 chapter for at least five (5) consecutive years; and
 18 (5) has not violated the terms of the person's suspension by
 19 operating a vehicle;
- 20 the court may place the person on probation in accordance with
 21 subsection (d). However, if the person has any judgments for operation
 22 of a vehicle before July 1, 2001, while intoxicated or with an alcohol
 23 concentration equivalent to at least ten-hundredths (0.10) gram of
 24 alcohol per one hundred (100) milliliters of the blood or two hundred
 25 ten (210) liters of the breath, or for the operation of a vehicle after June
 26 30, 2001, while intoxicated or with an alcohol concentration equivalent
 27 to at least eight-hundredths (0.08) gram of alcohol per one hundred
 28 (100) milliliters of the blood or two hundred ten (210) liters of the
 29 breath, the court, before the court places a person on probation under
 30 subsection (d), must find that the person has successfully fulfilled the
 31 requirements of a rehabilitation program certified by the division of
 32 mental health and addiction or the Indiana judicial center.
- 33 (d) Whenever a court places a habitual violator on probation, the
 34 court:
- 35 (1) shall record each of the court's findings under this section in
 36 writing;
 37 (2) shall order the bureau to issue the person probationary driving
 38 privileges for a fixed period of not more than the applicable
 39 remaining period of suspension;
 40 (3) shall attach restrictions to the person's driving privileges;
 41 including restrictions limiting the person's driving to:
 42 (A) commercial or business purposes or other employment



- 1 related driving;
- 2 (B) specific purposes in exceptional circumstances;
- 3 (C) rehabilitation programs; and
- 4 (D) specified hours during which the person may drive;
- 5 (4) shall require the person to submit to reasonable monitoring
- 6 requirements;
- 7 (5) shall order the person to file proof of future financial
- 8 responsibility for three (3) years following the date of being
- 9 placed on probation; and
- 10 (6) shall impose other appropriate conditions of probation, which
- 11 must include one (1) or more of the following conditions if the
- 12 person was convicted of an offense described in
- 13 IC 9-30-10-4(b)(1) through IC 9-30-10-4(b)(4):
- 14 (A) An order prohibiting the person from operating a motor
- 15 vehicle or motorized bicycle with an alcohol concentration
- 16 equivalent to at least two-hundredths (0.02) gram of alcohol
- 17 per:
- 18 (i) one hundred (100) milliliters of the person's blood; or
- 19 (ii) two hundred ten (210) liters of the person's breath;
- 20 or while under the influence of any other intoxicating
- 21 substance.
- 22 (B) An order that the person submit to a method to monitor the
- 23 person's compliance with the prohibition against operating a
- 24 motor vehicle or motorized bicycle with an alcohol
- 25 concentration equivalent to at least two-hundredths (0.02)
- 26 gram of alcohol per:
- 27 (i) one hundred (100) milliliters of the person's blood; or
- 28 (ii) two hundred ten (210) liters of the person's breath;
- 29 or while intoxicated (as defined under IC 9-13-2-86).
- 30 (C) The court shall determine the appropriate monitoring
- 31 method, which may include one (1) or more of the following:
- 32 (i) The person may operate only a motor vehicle equipped
- 33 with an ignition interlock device.
- 34 (ii) The person must submit to a chemical test if a law
- 35 enforcement officer lawfully stops the person while
- 36 operating a motor vehicle or motorized bicycle and the law
- 37 enforcement officer requests that the person submit to a
- 38 chemical test.
- 39 (iii) The person must wear a device that detects and records
- 40 the person's use of alcohol.
- 41 (iv) The person must submit to any other reasonable
- 42 monitoring requirement as determined by the court.



1 (e) If a court finds that a person:

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

3 (2) does not have any judgments for violations under section 4(a)
4 of this chapter;

5 (3) does not have any judgments or convictions for violations
6 under section 4(b) of this chapter, except for judgments or
7 convictions under section 4(b)(5) of this chapter that resulted
8 from driving on a suspended license that was suspended for:

9 (A) the commission of infractions only; or

10 (B) previously driving on a suspended license;

11 (4) has not been previously placed on probation under this section
12 by a court; and

13 (5) has had the person's driving privileges suspended under this
14 chapter for at least three (3) consecutive years and has not
15 violated the terms of the person's suspension by operating a
16 vehicle for at least three (3) consecutive years;

17 the court may place the person on probation under the conditions
18 described in subsection (d)(1) through (d)(5):

19 (f) If the bureau receives an order granting probationary driving
20 privileges to a person who, according to the records of the bureau, does
21 not qualify under this chapter, the bureau shall do the following:

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

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

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

33 SECTION 138. IC 9-30-10-11 IS REPEALED [EFFECTIVE
34 JANUARY 1, 2015]. Sec. 11. A petition for revocation of probation
35 granted under section 9 of this chapter must:

36 (1) be filed in the court that placed the person on probation;

37 (2) be filed by the prosecuting attorney for the county in which
38 the court is located;

39 (3) state the alleged violation; and

40 (4) be served upon the probationer in the manner provided for the
41 service of summons in a civil action.

42 SECTION 139. IC 9-30-10-12 IS REPEALED [EFFECTIVE



1 JANUARY 1, 2015]. Sec. 12: (a) Upon the filing of a petition for
 2 revocation of probation; the court shall do the following:

3 (1) Set a date for a hearing upon the petition that is not earlier
 4 than twenty (20) days nor later than forty-five (45) days from the
 5 date of the filing of the petition for review.

6 (2) Hold a hearing on the date set; unless the proceeding is
 7 continued by order of the court.

8 (3) Cause notice of the hearing date to be sent to all parties.

9 (b) At the hearing; the prosecuting attorney must bear the burden of
 10 proof by a preponderance of the evidence to prevail.

11 (c) If the court finds that the person has violated any terms of the
 12 probation; the court shall do the following:

13 (1) Record each of its findings in writing.

14 (2) Obtain the person's driver's license.

15 (3) Order the bureau to suspend the person's driving privileges for
 16 a period equal to the period of suspension originally imposed
 17 under section 5 of this chapter.

18 (4) Not place the person on probation under section 9 of this
 19 chapter.

20 (d) If the court finds that the person has not violated any of the
 21 terms of the person's probation; the court shall do the following:

22 (1) Record each of the court's findings in writing.

23 (2) Continue the person on probation for the remainder of the
 24 probationary period.

25 (e) The court's findings under subsection (c) or (d) constitute a final
 26 judgment from which either party may appeal. An appeal does not act
 27 as a stay of the court's findings and orders.

28 SECTION 140. IC 9-30-10-13 IS REPEALED [EFFECTIVE
 29 JANUARY 1, 2015]. Sec. 13: (a) The bureau may issue driving
 30 privileges to a habitual violator whose driving privileges were
 31 suspended under section 5(b) of this chapter if the following conditions
 32 exist:

33 (1) The time specified for the person's probation or the restriction
 34 or suspension of the person's driving privileges has elapsed.

35 (2) The person has met all the requirements of all applicable
 36 statutes and rules relating to the licensing of motor vehicle
 37 operators.

38 (3) The person files with the bureau and maintains; for three (3)
 39 years after termination of probation; restriction; or suspension of
 40 driving privileges; proof of future financial responsibility in
 41 accordance with IC 9-25.

42 (4) If the person has a prior conviction for operating while



1 intoxicated; the bureau places a restriction on the person's driver's
 2 license and driving record that indicates the person is prohibited
 3 from operating a motor vehicle or motorized bicycle with an
 4 alcohol concentration equivalent to at least two-hundredths (0.02)
 5 gram of alcohol per:

6 (A) one hundred (100) milliliters of the person's blood; or

7 (B) two hundred ten (210) liters of the person's breath;

8 for three (3) years after termination of probation; restriction; or
 9 suspension of driving privileges:

10 (5) The person signs a bureau form by which the person agrees
 11 that as a condition to obtaining the driving privileges the person
 12 will submit to a chemical test at any time during the period three
 13 (3) years after termination of probation; restriction; or suspension
 14 of driving privileges if a law enforcement officer lawfully stops
 15 the person while operating a motor vehicle or motorized bicycle
 16 and the law enforcement officer requests that the person submit
 17 to a chemical test:

18 (b) The bureau may issue driving privileges to operate a motor
 19 vehicle to a habitual violator whose driving privileges have been
 20 suspended for life if the following conditions exist:

21 (1) The bureau has received an order for rescission of suspension
 22 and reinstatement issued under section 15 of this chapter:

23 (2) The person to whom the driving privileges are to be issued has
 24 never been convicted of a violation described in section 4(a) or 17
 25 of this chapter:

26 (3) The person has not been convicted of an offense under section
 27 16 of this chapter more than one (1) time:

28 (4) The person has met all the requirements of all applicable
 29 statutes and rules relating to the licensing of motor vehicle
 30 operators:

31 (5) The person:

32 (A) files with the bureau; and

33 (B) maintains for three (3) years after rescission of the
 34 suspension;

35 proof of future financial responsibility in accordance with
 36 IC 9-25:

37 (6) If the person has a prior conviction for operating while
 38 intoxicated; the bureau places a restriction on the person's driver's
 39 license and driving record that indicates the person is prohibited
 40 from operating a motor vehicle or motorized bicycle with an
 41 alcohol concentration equivalent to at least two-hundredths (0.02)
 42 gram of alcohol per:



- 1 (A) one hundred (100) milliliters of the person's blood; or
 2 (B) two hundred ten (210) liters of the person's breath;
 3 or while intoxicated (as defined under IC 9-13-2-86) for three (3)
 4 years after termination of probation, restriction, or suspension of
 5 driving privileges.
 6 (7) The person signs a bureau form by which the person agrees
 7 that as a condition to obtaining the driving privileges the person
 8 will submit to a chemical test at any time during the period three
 9 (3) years after termination of probation, restriction, or suspension
 10 of driving privileges if a law enforcement officer lawfully stops
 11 the person while operating a motor vehicle or motorized bicycle
 12 and the law enforcement officer requests that the person submit
 13 to a chemical test.
 14 (c) A habitual violator is not eligible for relief under the hardship
 15 provisions of IC 9-24-15.
 16 (d) The bureau shall not issue driving privileges to a person who
 17 does not satisfy all of the requirements set forth in subsections (a) and
 18 (b).
- 19 SECTION 141. IC 9-30-10-14 IS REPEALED [EFFECTIVE
 20 JANUARY 1, 2015]. Sec. 14. (a) Except as provided in subsection (c);
 21 a person whose driving privileges have been suspended for life may
 22 petition a court in a civil action for a rescission of the suspension order
 23 and reinstatement of driving privileges if the following conditions
 24 exist:
 25 (1) Ten (10) years have elapsed since the date on which an order
 26 for the lifetime suspension of the person's driving privileges was
 27 issued.
 28 (2) The person has never been convicted of a violation described
 29 in section 4(a) of this chapter.
 30 (3) The person has never been convicted of an offense under
 31 section 17 of this chapter.
 32 (4) The person has not been convicted of an offense under section
 33 16 of this chapter more than one (1) time.
 34 (b) A petition for rescission and reinstatement under this section
 35 must meet the following conditions:
 36 (1) Be verified by the petitioner.
 37 (2) State the petitioner's age, date of birth, and place of residence.
 38 (3) Describe the circumstances leading up to the lifetime
 39 suspension of the petitioner's driving privileges.
 40 (4) Aver a substantial change in the petitioner's circumstances of
 41 the following:
 42 (A) That indicates the petitioner would no longer pose a risk



- 1 to the safety of others if the petitioner's driving privileges are
 2 reinstated.
- 3 (B) That makes the lifetime suspension of the petitioner's
 4 driving privileges unreasonable.
- 5 (C) Indicates it is in the best interests of society for the
 6 petitioner's driving privileges to be reinstated.
- 7 (5) Aver that the requisite amount of time has elapsed since the
 8 date on which the order for the lifetime suspension of the person's
 9 driving privileges was issued as required under subsections (a)
 10 and (e).
- 11 (6) Aver that the petitioner has never been convicted of an offense
 12 under section 17 of this chapter.
- 13 (7) Aver that the petitioner has not been convicted of an offense
 14 under section 16 of this chapter more than one (1) time.
- 15 (8) Aver that the petitioner has never been convicted of a
 16 violation described in section 4(a) of this chapter.
- 17 (9) Be filed in a circuit or superior court having jurisdiction in the
 18 county where the petitioner resides.
- 19 (10) If the petition is being filed under subsection (e), aver the
 20 existence of the conditions listed in subsection (e)(1) through
 21 (e)(3):
- 22 (e) The petitioner shall serve the prosecuting attorney of the county
 23 where the petitioner resides and the bureau with a copy of the petition
 24 described in subsection (b): A responsive pleading is not required.
- 25 (d) The prosecuting attorney of the county where the petitioner
 26 resides shall represent the state in the matter.
- 27 (e) A person whose driving privileges have been suspended for life
 28 may petition a court in a civil action for a rescission of the suspension
 29 order and reinstatement of driving privileges if all of the following
 30 conditions exist:
- 31 (1) Three (3) years have elapsed since the date on which the order
 32 for lifetime suspension of the petitioner's driving privileges was
 33 issued.
- 34 (2) The petitioner's lifetime suspension was the result of driving
 35 on a suspended license that was suspended for commission of
 36 infractions only or for driving on a suspended license.
- 37 (3) The petitioner has never been convicted of a violation
 38 described in section 4(a) or 4(b) of this chapter, with the
 39 exception of a judgment or conviction under section 4(b)(5) of
 40 this chapter.
- 41 (4) The petitioner has never been convicted of an offense under
 42 section 17 of this chapter.



1 (5) The petitioner has not been convicted of an offense under
2 section 16 of this chapter more than one (1) time.

3 SECTION 142. IC 9-30-10-15 IS REPEALED [EFFECTIVE
4 JANUARY 1, 2015]. Sec. 15: (a) Upon receiving a petition filed under
5 section 14 of this chapter, a court shall set a date for hearing the matter
6 and direct the clerk of the court to provide notice of the hearing date to
7 the following:

8 (1) The petitioner.

9 (2) The prosecuting attorney of the county where the petitioner
10 resides.

11 (3) The bureau.

12 (b) A court may order the rescission of the order that required the
13 suspension of the petitioner's driving privileges for life and may order
14 the bureau to reinstate the driving privileges of a petitioner whose
15 driving privileges have been suspended for life if, after the hearing of
16 the matter, the court makes the following written findings and
17 conclusions, based on clear and convincing evidence:

18 (1) That the petitioner has never been convicted of a violation
19 described in section 4(a) of this chapter.

20 (2) That the petitioner has never been convicted of an offense
21 under section 17 of this chapter.

22 (3) That the petitioner has not been convicted of an offense under
23 section 16 of this chapter more than one (1) time.

24 (4) If the person is petitioning the court under section 14(a) of this
25 chapter that ten (10) years have elapsed since the date on which
26 an order was issued that required the suspension of the petitioner's
27 driving privileges for life.

28 (5) That there has been a substantial change in the petitioner's
29 circumstances indicating the petitioner would no longer pose a
30 risk to the safety of others if the petitioner's driving privileges
31 were reinstated.

32 (6) That there has been a substantial change in the petitioner's
33 circumstances indicating that the suspension of the petitioner's
34 driving privileges for life has become unreasonable.

35 (7) That it is in the best interests of society for the petitioner's
36 driving privileges to be reinstated.

37 (8) If the person is petitioning the court under section 14(e) of this
38 chapter:

39 (A) that three (3) years have elapsed since the date the order
40 was issued that required the suspension of the petitioner's
41 driving privileges for life; and

42 (B) that the conditions listed under section 14(e) of this



1 chapter are satisfied.

2 (c) The petitioner has the burden of proof under this section and an
3 order issued under subsection (b) is a final order, appealable by any
4 party to the action.

5 (d) In an order for reinstatement of driving privileges issued under
6 this section, the court may require the bureau to issue the prevailing
7 petitioner:

8 (1) driving privileges under section 13(b) of this chapter; or
9 (2) restricted driving privileges for a time and subject to
10 conditions specified by the court, which must include one (1) or
11 more of the following conditions if the person was determined to
12 be a habitual violator under IC 9-30-10-4(a)(4) through
13 IC 9-30-10-4(a)(7) or IC 9-30-10-4(b)(1) through
14 IC 9-30-10-4(b)(4):

15 (A) Specified hours during which the person may drive.

16 (B) An order prohibiting the person from operating a motor
17 vehicle or motorized bicycle with an alcohol concentration
18 equivalent to at least two-hundredths (0.02) gram of alcohol
19 per:

20 (i) one hundred (100) milliliters of the person's blood; or

21 (ii) two hundred ten (210) liters of the person's breath;

22 or while intoxicated (as defined under IC 9-13-2-86).

23 (C) An order that the person submit to a method to monitor the
24 person's compliance with the prohibition against operating a
25 motor vehicle or motorized bicycle with an alcohol
26 concentration equivalent to at least two-hundredths (0.02)
27 gram of alcohol per:

28 (i) one hundred (100) milliliters of the person's blood; or

29 (ii) two hundred ten (210) liters of the person's breath;

30 or while intoxicated (as defined under IC 9-13-2-86).

31 (D) The court shall determine the appropriate monitoring
32 method, which may include one (1) or more of the following:

33 (i) The person may operate only a motor vehicle equipped
34 with an ignition interlock device.

35 (ii) The person must submit to a chemical test if a law
36 enforcement officer lawfully stops the person while
37 operating a motor vehicle or motorized bicycle and the law
38 enforcement officer requests that the person submit to a
39 chemical test.

40 (iii) The person must wear a device that detects and records
41 the person's use of alcohol.

42 (iv) The person must submit to any other reasonable



1 monitoring requirement as determined by the court.

2 (e) If a court orders the bureau to issue restricted or probationary
3 driving privileges to a petitioner under subsection (d), the court shall
4 specify the conditions under which the petitioner may be issued driving
5 privileges to operate a motor vehicle under section 13(b) of this
6 chapter. After the expiration date of the restricted or probationary
7 driving privileges and upon:

8 (1) fulfillment by the petitioner of the conditions specified by the
9 court; and

10 (2) the expiration of the restricted driving privileges issued under
11 subsection (d)(2);

12 the bureau shall issue the petitioner driving privileges to operate a
13 motor vehicle under section 13(b) of this chapter.

14 (f) If the bureau receives an order granting a rescission of the
15 suspension order and reinstatement of driving privileges to a person
16 who, according to the records of the bureau, does not qualify under this
17 chapter, the bureau shall do the following:

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

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

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

29 SECTION 143. IC 9-30-10-17, AS AMENDED BY P.L.158-2013,
30 SECTION 163, IS AMENDED TO READ AS FOLLOWS
31 [EFFECTIVE JANUARY 1, 2015]: Sec. 17. (a) A person who operates
32 a motor vehicle after the person's driving privileges are forfeited for life
33 under section 16 of this chapter, IC 9-4-13-14 (repealed April 1, 1984),
34 or IC 9-12-3-1 (repealed July 1, 1991) **is a habitual traffic violator**
35 **under this chapter and commits an offense involving the person's**
36 **operation of a motor vehicle and the offense causes serious bodily**
37 **injury or death** commits a Level 5 felony.

38 (b) In addition to any criminal penalties imposed for a conviction of
39 an offense described in subsection (a), **if the new offense caused**
40 **death**, the bureau shall suspend the person's driving privileges for the
41 life of the person.

42 SECTION 144. IC 9-30-10-17.5 IS REPEALED [EFFECTIVE



1 JANUARY 1, 2015]. Sec. 17.5: A person who operates a vehicle or
 2 motorized bicycle in violation of conditions of restricted driving
 3 privileges ordered by a court under section 9(d)(6) or 15(d)(2) of this
 4 chapter commits a Class A misdemeanor.

5 SECTION 145. IC 9-30-10-18, AS AMENDED BY P.L.28-2010,
 6 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JANUARY 1, 2015]: Sec. 18. In a criminal action brought under
 8 section 16 or 17 or 17.5 of this chapter, it is a defense that the
 9 operation of a motor vehicle or motorized bicycle was necessary to
 10 save life or limb in an extreme emergency. The defendant must bear the
 11 burden of proof by a preponderance of the evidence to establish this
 12 defense.

13 SECTION 146. IC 9-30-13-1 IS REPEALED [EFFECTIVE
 14 JANUARY 1, 2015]. Sec. 1: For a person who uses a motor vehicle to
 15 commit recklessness under IC 35-42-2-2; the judge of the court in
 16 which the person is convicted shall recommend that the driving
 17 privileges of the person be suspended for not less than sixty (60) days
 18 and not more than two (2) years. If the court fails to recommend a fixed
 19 term of suspension, or recommends a fixed term that is less than the
 20 minimum term required by statute, the bureau shall impose the
 21 minimum period of suspension required under this section.

22 SECTION 147. IC 9-30-13-2 IS REPEALED [EFFECTIVE
 23 JANUARY 1, 2015]. Sec. 2: For a person who uses a motor vehicle to
 24 commit obstruction of traffic under IC 35-44.1-2-13; the judge of the
 25 court in which the person is convicted may recommend that the driving
 26 privileges of the person be suspended for not less than sixty (60) days
 27 and not more than two (2) years. If the court recommends a fixed term
 28 of suspension that is less than the minimum term required by statute,
 29 the bureau shall impose the minimum period of suspension under this
 30 section.

31 SECTION 148. IC 9-30-13-3 IS REPEALED [EFFECTIVE
 32 JANUARY 1, 2015]. Sec. 3: For a person who uses a motor vehicle to
 33 commit criminal mischief under IC 35-43-1-2; the judge of the court in
 34 which the person is convicted may recommend that the driving
 35 privileges of the person be suspended for not less than sixty (60) days
 36 and not more than two (2) years. If the court recommends a fixed term
 37 of suspension that is less than the minimum term required by statute,
 38 the bureau shall impose the minimum period of suspension under this
 39 section.

40 SECTION 149. IC 9-30-13-4 IS REPEALED [EFFECTIVE
 41 JANUARY 1, 2015]. Sec. 4: (a) If a person commits any of the
 42 following offenses; the court that convicted the person shall



1 recommend the suspension of the person's driving privileges for a fixed
2 period of at least two (2) years and not more than five (5) years:

3 (1) Involuntary manslaughter resulting from the operation of a
4 motor vehicle (IC 35-42-1-4):

5 (2) Reckless homicide resulting from the operation of a motor
6 vehicle (IC 35-42-1-5):

7 (b) If the court fails to recommend a fixed term of suspension; or
8 recommends a fixed term that is less than the minimum term required
9 by statute; the bureau shall impose the minimum period of suspension
10 required under this section:

11 SECTION 150. IC 9-30-13-6, AS AMENDED BY P.L.207-2013,
12 SECTION 9, AS AMENDED BY P.L.207-2013, SECTION 10, AND
13 AS AMENDED BY P.L.85-2013, SECTION 111, IS CORRECTED
14 AND AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JANUARY 1, 2015]: Sec. 6. (a) The bureau shall, upon receiving an
16 order of a court issued under ~~IC 31-14-12-4~~ *or* IC 31-16-12-7 (*or*
17 *IC 31-14-12-4 before its repeal*), suspend the driving privileges of the
18 person who is the subject of the order.

19 (b) The bureau may not reinstate driving privileges suspended under
20 this section until the bureau receives an order allowing reinstatement
21 from the court that issued the order for suspension.

22 (c) Upon receiving an order for suspension under subsection (a), the
23 bureau shall promptly mail a notice to the last known address of the
24 person who is the subject of the order, stating the following:

25 (1) That the person's driving privileges are suspended, beginning
26 ~~five (5)~~ *eighteen (18)* business days after the date the notice is
27 mailed, and that the suspension will terminate ten (10) business
28 days after the bureau receives an order allowing reinstatement
29 from the court that issued the suspension order.

30 (2) That the person has the right to petition for reinstatement of
31 driving privileges to the court that issued the order for suspension.

32 (3) ~~That the person may be granted specialized driving privileges~~
33 ~~under IC 9-24-15-6.7 if the person otherwise qualifies and can~~
34 ~~prove that public transportation is unavailable for travel by the~~
35 ~~person:~~

36 (A) to and from the person's regular place of employment;

37 (B) in the course of the person's regular employment;

38 (C) to and from the person's place of worship; or

39 (D) to participate in parenting time with the petitioner's
40 children consistent with a court order granting parenting time:

41 (d) A person who operates a motor vehicle in violation of this
42 section commits a Class A infraction, unless:



1 (1) the person's driving privileges are suspended under this
2 section; and

3 (2) the person has been granted **restricted specialized** driving
4 privileges under ~~IC 9-24-15~~ **IC 9-30-16** as a result of the
5 suspension under this section.

6 *(e) The bureau shall, upon receiving a record of conviction of a*
7 *person upon a charge of driving a motor vehicle while the driving*
8 *privileges, permit, or license of the person is suspended, fix the period*
9 *of suspension in accordance with the recommendation of the court. If*
10 *the court fails to recommend a term of suspension, or recommends a*
11 *fixed term that is not prescribed by statute, the bureau shall impose the*
12 *applicable period of suspension required by statute.*

13 SECTION 151. IC 9-30-13-7, AS AMENDED BY P.L.85-2013,
14 SECTION 112, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JANUARY 1, 2015]: Sec. 7. (a) If the bureau is advised
16 by the Title IV-D agency that the obligor (as defined in IC 31-25-4-4)
17 either requested a hearing under IC 31-25-4-33 and failed to appear or
18 appeared and was found to be delinquent, the bureau shall promptly
19 mail a notice to the obligor stating the following:

20 (1) That the obligor's driving privileges are suspended, beginning
21 eighteen (18) business days after the date the notice is mailed, and
22 that the suspension will terminate after the bureau receives a
23 notice from the Title IV-D agency that the obligor has:

24 (A) paid the obligor's child support arrearage in full; or

25 (B) established a payment plan with the Title IV-D agency to
26 pay the arrearage, which includes an income withholding order
27 under IC 31-16-15-0.5 or IC 31-16-15-2.5.

28 (2) That the obligor may be granted **restricted specialized** driving
29 privileges under ~~IC 9-24-15-6.7~~ **IC 9-30-16**. ~~if the obligor can~~
30 ~~prove that public transportation is unavailable for travel by the~~
31 ~~obligor:~~

32 (A) to and from the obligor's regular place of employment;

33 (B) in the course of the obligor's regular employment;

34 (C) to and from the obligor's place of worship; or

35 (D) to participate in parenting time with the petitioner's
36 children consistent with a court order granting parenting time.

37 (b) The bureau may not reinstate driving privileges suspended under
38 this section until the bureau receives a notice from the Title IV-D
39 agency that the obligor has:

40 (1) paid the obligor's child support arrearage in full; or

41 (2) established a payment plan with the Title IV-D agency to pay
42 the arrearage, which includes an income withholding order under



- 1 IC 31-16-15-0.5 or IC 31-16-15-2.5.
- 2 (c) An obligor who operates a motor vehicle in violation of this
3 section commits a Class A infraction, unless:
- 4 (1) the obligor's driving privileges are suspended under this
5 section; and
- 6 (2) the obligor has been granted ~~restricted~~ **specialized** driving
7 privileges under ~~IC 9-24-15~~ **IC 9-30-16** as a result of the
8 suspension under this section.
- 9 (d) ~~The bureau shall, upon receiving a record of conviction of a
10 person upon a charge of driving a motor vehicle while the driving
11 privileges, permit, or license of the person is suspended, fix the period
12 of suspension in accordance with the recommendation of the court. If
13 the court fails to recommend a term of suspension, or recommends a
14 fixed term that is not prescribed by statute, the bureau shall impose the
15 applicable period of suspension required by statute.~~
- 16 SECTION 152. IC 9-30-13-8, AS AMENDED BY P.L.85-2013,
17 SECTION 113, IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE JANUARY 1, 2015]: Sec. 8. (a) Upon receiving an order
19 issued by a court under IC 35-43-4-8(b) concerning a person convicted
20 of fuel theft, the bureau shall do the following:
- 21 (1) Suspend under subsection (b) the driving privileges of the
22 person who is the subject of the order, whether or not the person's
23 current driver's license accompanies the order.
- 24 (2) Mail to the last known address of the person who is the subject
25 of the order a notice:
- 26 (A) stating that the person's driving privileges are being
27 suspended for fuel theft;
- 28 (B) setting forth the date on which the suspension takes effect
29 and the date on which the suspension terminates; and
- 30 (C) stating that the person may be granted ~~restricted~~
31 **specialized** driving privileges under ~~IC 9-24-15-6.7~~
32 **IC 9-30-16** if the person meets the conditions for obtaining
33 ~~restricted~~ **specialized** driving privileges.
- 34 (b) The suspension of the driving privileges of a person who is the
35 subject of an order issued under IC 35-43-4-8(b):
- 36 (1) begins five (5) business days after the date on which the
37 bureau mails the notice to the person under subsection (a)(2); and
- 38 (2) terminates thirty (30) days after the suspension begins.
- 39 (c) A person who operates a motor vehicle during a suspension of
40 the person's driving privileges under this section commits a Class A
41 infraction unless the person's operation of the motor vehicle is
42 authorized by ~~restricted~~ **specialized** driving privileges granted to the



1 person under ~~IC 9-24-15-6.7~~: **IC 9-30-16.**

2 (d) The bureau shall, upon receiving a record of conviction of a
3 person upon a charge of driving a motor vehicle while the driving
4 privileges, permit, or license of the person is suspended, fix the period
5 of suspension in accordance with the ~~recommendation~~ **order** of the
6 court. ~~If the court fails to recommend a term of suspension, or~~
7 ~~recommends a fixed term that is not prescribed by statute, the bureau~~
8 ~~shall impose the applicable period of suspension required by statute.~~

9 SECTION 153. IC 9-30-15.5 IS ADDED TO THE INDIANA
10 CODE AS A **NEW CHAPTER** TO READ AS FOLLOWS
11 [EFFECTIVE JANUARY 1, 2015]:

12 **Chapter 15.5. Habitual Vehicular Substance Offender**

13 **Sec. 1. As used in this chapter, "vehicular substance offense"**
14 **means any misdemeanor or felony in which operation of a motor**
15 **vehicle while intoxicated, operation of a motor vehicle in excess of**
16 **the statutory limit for alcohol, or operation of a motor vehicle with**
17 **a controlled substance or its metabolite in the person's body, is a**
18 **material element. The term includes an offense under IC 9-30-5,**
19 **IC 9-24-6-15, and an offense under IC 9-11-2 (before its repeal).**

20 **Sec. 2. (a) The state may seek to have a person sentenced as a**
21 **habitual vehicular substance offender for any vehicular substance**
22 **offense by alleging, on a page separate from the rest of the**
23 **charging instrument, that the person has accumulated two (2)**
24 **prior unrelated vehicular substance offense convictions.**

25 **(b) For purposes of subsection (a), a person has accumulated**
26 **two (2) prior unrelated vehicular substance offense convictions if**
27 **the person is convicted and sentenced for a vehicular substance**
28 **offense committed after sentencing for a prior unrelated vehicular**
29 **substance offense conviction. However, if the person has only two**
30 **(2) prior unrelated vehicular substance offense convictions, the**
31 **earlier prior unrelated offense cannot have occurred more than ten**
32 **(10) years before the date of the more recent prior unrelated**
33 **offense. If the person has at least three (3) prior unrelated**
34 **convictions, the person has accumulated the convictions regardless**
35 **of when the offenses occurred. However, a conviction does not**
36 **count for purposes of subsection (a) and this subsection if:**

37 **(1) it has been set aside; or**

38 **(2) it is a conviction for which the person has been pardoned.**

39 **(c) If the person is convicted of a vehicular substance offense in**
40 **a jury trial, the jury shall reconvene for the sentencing hearing. If**
41 **the trial is to the court, or the judgment is entered on a guilty plea,**
42 **the court alone shall conduct the sentencing hearing, under**



1 **IC 35-38-1-3.**

2 (d) A person is a habitual vehicular substance offender if the
 3 jury (if the hearing is by jury) or the court (if the hearing is to the
 4 court alone) finds that the state has proved beyond a reasonable
 5 doubt that the person has accumulated four (4) unrelated vehicular
 6 substance offense convictions or three (3) unrelated vehicular
 7 substance offense convictions within a ten (10) year period.

8 (e) The court shall sentence a person found to be a habitual
 9 vehicular substance offender to an additional fixed term of at least
 10 one (1) year but not more than eight (8) years of imprisonment, to
 11 be added to the term of imprisonment imposed under IC 35-50-2
 12 or IC 35-50-3.

13 SECTION 154. IC 9-30-16 IS ADDED TO THE INDIANA CODE
 14 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 15 JANUARY 1, 2015]:

16 **Chapter 16. Driver's License Suspension Penalties**

17 **Sec. 1. (a) Except as provided in subsection (b), the following are**
 18 **ineligible for a specialized driving permit under this chapter:**

- 19 (1) A person who has never had a valid Indiana driver's
 20 license.
 21 (2) A person who holds a commercial driver's license.
 22 (3) A person who has refused to submit to a chemical test
 23 offered under IC 9-30-6.

24 (b) In addition to applying to a person who held an operator's,
 25 a public passenger chauffeur's, or a chauffeur's license at the time
 26 of the criminal conviction for which the operation of a motor
 27 vehicle is an element of the offense, this chapter applies to an
 28 individual who:

- 29 (1) held a commercial driver's license at the time the
 30 individual committed an offense for which the operation of a
 31 motor vehicle was an element of the offense;
 32 (2) no longer holds a commercial driver's license; and
 33 (3) subsequently was issued an operator's license, chauffeur's
 34 license, or public passenger chauffeur's license.

35 (c) Except as specifically provided in this chapter, for any
 36 criminal conviction in which the operation of a motor vehicle is an
 37 element of the offense, a court may suspend the person's driving
 38 privileges for a period up to the maximum allowable period of
 39 incarceration under the penalty for the offense.

40 (d) A suspension of driving privileges under this chapter may
 41 begin before the conviction. Multiple suspensions of driving
 42 privileges ordered by a court that are part of the same episode of



1 criminal conduct shall be served concurrently.

2 (e) If a person has had an ignition interlock device installed as
3 a condition of specialized driving privileges, the period of the
4 installation shall be credited as part of the suspension of driving
5 privileges.

6 Sec. 2. (a) If a person is convicted of an offense that includes the
7 element of causing serious bodily injury of another person and the
8 offense involved the operation of a motor vehicle, the court shall
9 order that the person's driving privileges are suspended for a
10 period of at least one (1) year and not more than the maximum
11 allowable period of incarceration of the criminal penalty for the
12 offense. A person whose driving privileges are suspended under
13 this section is eligible for specialized driving privileges under
14 section 3 of this chapter.

15 (b) If a person is convicted of an offense that includes the
16 element of causing the death of another person and the offense
17 involved the operation of a motor vehicle, the court shall order that
18 the person's driving privileges are suspended for a period of at
19 least two (2) years and not more than the maximum allowable
20 period of incarceration of the criminal penalty for the offense. A
21 person whose driving privileges are suspended under this section
22 is not eligible for specialized driving privileges under section 3 of
23 this chapter.

24 Sec. 3. (a) A court imposing a suspension of driving privileges
25 under this chapter may stay the suspension and grant a specialized
26 driving privilege as set forth in this section.

27 (b) Regardless of the underlying offense, specialized driving
28 privileges granted under this section shall be granted for at least
29 one hundred eighty (180) days.

30 (c) Specialized driving privileges must be determined by a court
31 and may include, but are not limited to:

- 32 (1) requiring the use of ignition interlock devices; and
33 (2) restricting a person to being allowed to operate a motor
34 vehicle:
35 (A) during certain hours of the day; or
36 (B) between specific locations and the person's residence.

37 (d) A stay of a conviction and specialized driving privileges may
38 not be granted to a person who has previously been granted
39 specialized driving privileges and the person has more than one (1)
40 conviction under section 5 of this chapter.

41 (e) A person who has been granted specialized driving privileges
42 shall:



1 (1) maintain proof of future financial responsibility insurance
2 during the period of specialized driving privileges;

3 (2) carry a copy of the order granting specialized driving
4 privileges or have the order in the vehicle being operated by
5 the person; and

6 (3) produce the copy of the order granting specialized driving
7 privileges upon the request of a police officer.

8 Sec. 4. (a) A person whose driving privileges have been
9 suspended by the bureau may petition a court for specialized
10 driving privileges.

11 (b) A petition filed under this section must:

12 (1) be verified by the petitioner;

13 (2) state the petitioner's age, date of birth, and address;

14 (3) state the grounds for relief and the relief sought;

15 (4) be filed in the county in which the petitioner resides;

16 (5) be filed in a circuit or superior court; and

17 (6) be served on the bureau and the prosecuting attorney.

18 (c) A prosecuting attorney may appear on behalf of the bureau
19 to respond to a petition filed under this section.

20 Sec. 5. (a) A person who knowingly or intentionally violates a
21 condition imposed by a court under section 2 of this chapter
22 commits a Class C misdemeanor.

23 (b) For a person convicted of an offense under subsection (a),
24 the court may modify or revoke specialized driving privileges. The
25 court may order the bureau to lift the stay of a suspension of
26 driving privileges and suspend the person's driving license as
27 originally ordered.

28 SECTION 155. IC 9-31-2-3 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 3. (a) Except as
30 provided in section 5 of this chapter, a person may not transfer
31 ownership of a watercraft that was acquired by the person after January
32 1, 1986, without delivering to the transferee of the watercraft a
33 certificate of title with an assignment on the certificate of title that
34 shows title in the transferee.

35 (b) A person who acquires ownership of a watercraft after January
36 1, 1986, must obtain a certificate of title for the watercraft under
37 section 6 of this chapter.

38 (c) A person who violates this section commits a Class A
39 infraction.

40 SECTION 156. IC 9-31-2-5, AS AMENDED BY P.L.125-2012,
41 SECTION 379, IS AMENDED TO READ AS FOLLOWS
42 [EFFECTIVE JANUARY 1, 2015]: Sec. 5. (a) A manufacturer,



1 importer, dealer, or other person may not sell or otherwise dispose of
 2 a new watercraft to a dealer, to be used by the dealer for purposes of
 3 display and resale, without delivering to the dealer a manufacturer's or
 4 importer's certificate executed under this section and with those
 5 assignments on the certificate as are necessary to show title in the
 6 purchaser of the watercraft. A dealer may not purchase or acquire a
 7 new watercraft without obtaining from the seller of the watercraft the
 8 manufacturer's or importer's certificate.

9 (b) A manufacturer's or importer's certificate of the origin of a
 10 watercraft must contain the following information along with any
 11 additional information the bureau requires:

12 (1) A description of the watercraft, including, if applicable, the
 13 make, year, length, dry weight, series or model, horsepower
 14 rating, hull type, and hull identification number.

15 (2) Certification of the date of transfer of the watercraft to a
 16 distributor, dealer, or other transferee and the name and address
 17 of the transferee.

18 (3) Certification that this is the first transfer of the new watercraft
 19 in ordinary trade and commerce.

20 (4) The signature and address of a representative of the transferor.

21 (c) An assignment of a manufacturer's or importer's certificate shall
 22 be printed on the reverse side of the manufacturer's or importer's
 23 certificate. The assignment form must include the following:

24 (1) The name and address of the transferee.

25 (2) A certification that the watercraft is new.

26 (3) A warranty that the title at the time of delivery is subject only
 27 to the liens and encumbrances that are set forth and described in
 28 full in the assignment.

29 **(d) A person who violates this section commits a Class A**
 30 **infraction.**

31 SECTION 157. IC 9-31-2-6, AS AMENDED BY P.L.125-2012,
 32 SECTION 380, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JANUARY 1, 2015]: Sec. 6. (a) Except as provided in
 34 subsection (b), an application for a certificate of title shall be filed with
 35 the bureau within thirty-one (31) days after the date of purchase or
 36 transfer. The application must be accompanied by the fee prescribed in
 37 IC 9-29-15-1.

38 (b) This subsection applies only to a watercraft acquired by a
 39 conveyance subject to section 30 of this chapter. An application for a
 40 certificate of title shall be filed with the bureau within sixty (60) days
 41 after the date of the transfer under section 30 of this chapter. The
 42 application must be accompanied by the fee prescribed in IC 9-29-15-1



1 and any other applicable fees and service charges.

2 **(c) A person who violates this section commits a Class A**
3 **infraction.**

4 SECTION 158. IC 9-31-2-9, AS AMENDED BY P.L.125-2012,
5 SECTION 383, IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE JANUARY 1, 2015]: Sec. 9. **(a)** If a certificate of title
7 was not previously issued in Indiana for the watercraft, the application
8 must be accompanied by one (1) of the following:

9 (1) A manufacturer's or importer's certificate.

10 (2) A certificate of registration issued under IC 9-31-3, if
11 purchased by the applicant before January 1, 1986.

12 (3) A certificate of title or bill of sale.

13 (4) Other evidence of ownership required by the law of another
14 state from which the watercraft is brought into Indiana.

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

17 SECTION 159. IC 9-31-2-10 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 10. **(a)** Evidence
19 of ownership of a watercraft for which an Indiana certificate of title was
20 not previously issued and that does not have permanently affixed to the
21 watercraft a hull identification number shall be accompanied by the
22 certificate of hull identification number assigned by the bureau under
23 section 8 of this chapter.

24 **(b) A person who violates this section commits a Class A**
25 **infraction.**

26 SECTION 160. IC 9-31-2-26 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 26. A person who
28 does any of the following commits a Class A ~~misdemeanor~~ **infraction**:

29 (1) ~~Operates~~ **Allows a watercraft that the person owns to be**
30 **operated** in Indiana a watercraft for which a certificate of title is
31 **required** without having a certificate as prescribed by this chapter.

32 (2) ~~Operates in Indiana a watercraft for which a certificate of title~~
33 ~~is required for which the certificate of title is canceled.~~

34 (3) ~~(2)~~ **(2)** Fails to surrender a certificate of title upon cancellation of
35 the certificate by the bureau and notice of the cancellation as
36 prescribed in this chapter.

37 (4) ~~(3)~~ **(3)** Fails to surrender a certificate of title to the bureau, as
38 provided in this chapter, if the watercraft is destroyed, dismantled,
39 or changed in a manner that the watercraft is not the watercraft
40 described in the certificate of title.

41 SECTION 161. IC 9-31-2-27 IS REPEALED [EFFECTIVE
42 JANUARY 1, 2015]. ~~Sec. 27: A person who does any of the following~~

EH 1279—LS 7045/DI 107



- 1 commits a Level 6 felony:
- 2 (1) Alters or forges a certificate of title or a manufacturer's or
- 3 importer's certificate to a watercraft, an assignment of either, or
- 4 a cancellation of a lien on a watercraft.
- 5 (2) Holds or uses a certificate, assignment, or cancellation,
- 6 knowing the document is altered or forged.
- 7 (3) Procures or attempts to procure a certificate of title to a
- 8 watercraft or passes or attempts to pass a certificate of title or an
- 9 assignment of title to a watercraft knowing or having reason to
- 10 believe that the watercraft is stolen.
- 11 (4) Sells or offers for sale in Indiana a watercraft on which the
- 12 manufacturer's or assigned hull identification number is
- 13 destroyed, removed, covered, altered, or defaced, with knowledge
- 14 of the destruction, removal, covering, alteration, or defacement of
- 15 the manufacturer's or assigned hull identification number.
- 16 (5) Destroys, removes, alters, or defaces the manufacturer's or
- 17 assigned hull identification number of a watercraft.
- 18 (6) Uses a false or fictitious name, gives a false or fictitious
- 19 address, or makes a false statement in an application or certificate
- 20 required under this chapter or in a bill of sale or sworn statement
- 21 of ownership, or otherwise commits fraud in an application.
- 22 (7) Sells or transfers a watercraft without delivering to the
- 23 purchaser or transferee of the watercraft a certificate of title or a
- 24 manufacturer's or importer's certificate to the watercraft assigned
- 25 to the purchaser as provided for in this chapter.
- 26 SECTION 162. IC 9-31-2-28 IS REPEALED [EFFECTIVE
- 27 JANUARY 1, 2015]. Sec. 28: A person who violates section 2, 3, 5, 6,
- 28 9, 10, or 11 of this chapter commits a Class C misdemeanor.
- 29 SECTION 163. IC 9-32-4-1, AS ADDED BY P.L.262-2013,
- 30 SECTION 139, IS AMENDED TO READ AS FOLLOWS
- 31 [EFFECTIVE JANUARY 1, 2015]: Sec. 1. (a) If a vehicle for which a
- 32 certificate of title has been issued is sold or if the ownership of the
- 33 vehicle is transferred in any manner other than by a transfer on death
- 34 conveyance under IC 9-17-3-9, in addition to complying with
- 35 IC 9-17-3-3.4, the person who holds the certificate of title must do the
- 36 following:
- 37 (1) In the case of a sale or transfer between vehicle dealers
- 38 licensed by this state or another state, deliver the certificate of
- 39 title within twenty-one (21) days after the date of the sale or
- 40 transfer.
- 41 (2) Deliver the certificate of title to the purchaser or transferee
- 42 within twenty-one (21) days after the date of sale or transfer to the



- 1 purchaser or transferee of the vehicle, if all the following
 2 conditions exist:
- 3 (A) The seller or transferor is a vehicle dealer licensed by the
 4 state under this article.
- 5 (B) The vehicle dealer is not able to deliver the certificate of
 6 title at the time of sale or transfer.
- 7 (C) The vehicle dealer provides the purchaser or transferee
 8 with an affidavit under section 2 of this chapter.
- 9 (D) The purchaser or transferee has made all agreed upon
 10 initial payments for the vehicle, including delivery of a
 11 trade-in vehicle without hidden or undisclosed statutory liens.
- 12 (b) A licensed dealer may offer for sale a vehicle for which the
 13 dealer does not possess a certificate of title, if the dealer can comply
 14 with subsection (a)(1) or (a)(2) at the time of the sale.
- 15 (c) A vehicle dealer who fails to deliver a certificate of title within
 16 the time specified under this section is subject to the following civil
 17 penalties:
- 18 (1) One hundred dollars (\$100) for the first violation in a calendar
 19 year.
- 20 (2) Two hundred fifty dollars (\$250) for the second violation in a
 21 calendar year.
- 22 (3) Five hundred dollars (\$500) for all subsequent violations in a
 23 calendar year.
- 24 Payment shall be made to the secretary of state and deposited in the
 25 dealer enforcement account established under IC 9-32-7-2.
- 26 (d) If a purchaser or transferee does not receive a valid certificate of
 27 title within the time specified by this section, the purchaser or
 28 transferee has the right to return the vehicle to the vehicle dealer ten
 29 (10) days after giving the vehicle dealer written notice demanding
 30 delivery of a valid certificate of title and the dealer's failure to deliver
 31 a valid certificate of title within that ten (10) day period. Upon return
 32 of the vehicle to the dealer in the same or similar condition as delivered
 33 to the purchaser or transferee under this section, the vehicle dealer
 34 shall pay to the purchaser or transferee the purchase price plus sales
 35 taxes, finance expenses, insurance expenses, and any other amount
 36 paid to the dealer by the purchaser or transferee.
- 37 (e) For purposes of this subsection, "timely deliver", with respect to
 38 a third party, means to deliver to the purchaser or transferee with a
 39 postmark dated or hand delivered not more than ten (10) business days
 40 after there is no obligation secured by the vehicle. If the dealer's
 41 inability to timely deliver a valid certificate of title results from the acts
 42 or omissions of a third party who has failed to timely deliver a valid



1 certificate of title to the dealer, the dealer is entitled to claim against
2 the third party one hundred dollars (\$100). If:

3 (1) the dealer's inability to timely deliver a valid certificate of title
4 results from the acts or omissions of a third party who has failed
5 to timely deliver the certificate of title in the third party's
6 possession to the dealer; and

7 (2) the failure continues for ten (10) business days after the dealer
8 gives the third party written notice of the failure;

9 the dealer is entitled to claim against the third party all damages
10 sustained by the dealer in rescinding the dealer's sale with the
11 purchaser or transferee, including the dealer's reasonable attorney's
12 fees.

13 (f) If a vehicle for which a certificate of title has been issued by
14 another state is sold or delivered, the person selling or delivering the
15 vehicle shall deliver to the purchaser or receiver of the vehicle a proper
16 certificate of title with an assignment of the certificate of title in a form
17 prescribed by the bureau.

18 (g) A dealer shall make payment to a third party to satisfy any
19 obligation secured by the vehicle within ten (10) days after the date of
20 sale.

21 **(h) Except as provided in subsection (i), a person who violates**
22 **this section commits a Class C infraction.**

23 **(i) A person who knowingly or intentionally violates subsection**
24 **(a)(1), (a)(2), or (d) commits a Class B misdemeanor.**

25 SECTION 164. IC 9-32-6-7, AS ADDED BY P.L.92-2013,
26 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JANUARY 1, 2015]: Sec. 7. (a) Except as provided in sections 8 and
28 9 of this chapter, dealer-new, dealer-used, manufacturer, and wholesale
29 license plates may be used only on motor vehicles in the:

- 30 (1) dealer's inventory being held for sale;
31 (2) usual operation of the manufacturer's or dealer's business;
32 (3) movement of the manufacturer's or dealer's inventory; or
33 (4) inventory of a manufacturer or dealer that is unattended by the
34 manufacturer or dealer or the dealer's agent for a maximum of ten
35 (10) days by a prospective buyer or a service customer.

36 (b) The license plates referenced in subsection (a) must be:

- 37 (1) primarily used or stored at an address within Indiana; or
38 (2) displayed on a vehicle being transported for purposes of sale
39 by a licensed Indiana dealer.

40 **(c) A person who violates this section commits a Class A**
41 **infraction.**

42 SECTION 165. IC 9-32-6-10, AS ADDED BY P.L.92-2013,



1 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JANUARY 1, 2015]: Sec. 10. (a) Dealer-new, dealer-used,
3 manufacturer, and wholesale license plates may not be used on a
4 vehicle that:

5 (1) is required to be registered; and

6 (2) has a fee charged by dealers to others for the use of the
7 vehicle.

8 (b) **A person who violates this section commits a Class A**
9 **infraction.**

10 SECTION 166. IC 9-32-6-11, AS ADDED BY P.L.92-2013,
11 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JANUARY 1, 2015]: Sec. 11. (a) The secretary may issue an interim
13 license plate to a dealer or manufacturer who is licensed and has been
14 issued a license plate under section 2 of this chapter.

15 (b) The secretary shall prescribe the form of an interim license plate
16 issued under this section. However, an interim license plate must bear
17 the assigned registration number and provide sufficient space for the
18 expiration date as provided in subsection (c).

19 (c) Whenever a dealer or manufacturer sells or leases a motor
20 vehicle, the dealer or manufacturer may provide the buyer or lessee
21 with an interim license plate. The dealer shall, in the manner provided
22 by the secretary, affix on the plate in numerals and letters at least three
23 (3) inches high the date on which the interim license plate expires.

24 (d) An interim license plate authorizes a motor vehicle owner or
25 lessor to operate the vehicle for a maximum period of thirty-one (31)
26 days after the date of sale or lease of the vehicle to the vehicle's owner
27 or lessor or until a regular license plate is issued, whichever occurs
28 first. **A person who violates this subsection commits a Class A**
29 **infraction.**

30 (e) A motor vehicle that is required by law to display license plates
31 on the front and rear of the vehicle is required to display only a single
32 interim license plate.

33 (f) An interim license plate shall be displayed:

34 (1) in the same manner required in IC 9-18-2-26; or

35 (2) in a location on the left side of a window facing the rear of the
36 motor vehicle that is clearly visible and unobstructed. The plate
37 must be affixed to the window of the motor vehicle.

38 (g) The dealer must provide an ownership document to the
39 purchaser at the time of issuance of the interim license plate that must
40 be kept in the motor vehicle during the period an interim license plate
41 is used.

42 (h) All interim license plates not issued by the dealer must be



1 retained in the possession of the dealer at all times.

2 SECTION 167. IC 9-32-6-12, AS ADDED BY P.L.92-2013,
3 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JANUARY 1, 2015]: Sec. 12. A dealer ~~may not that~~ knowingly or
5 intentionally ~~issue~~ **issues** an altered interim license plate or an interim
6 license plate with false or fictitious information **commits a Class A**
7 **infraction.**

8 SECTION 168. IC 9-32-6-13, AS ADDED BY P.L.92-2013,
9 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JANUARY 1, 2015]: Sec. 13. **(a)** A person ~~may not who~~ knowingly or
11 intentionally ~~operate~~ **operates** a vehicle displaying an altered interim
12 license plate issued under section 11 of this chapter **commits a Class**
13 **C misdemeanor.**

14 **(b) A person who knowingly and with the intent to defraud**
15 **obtains an altered interim license plate issued under section 11 of**
16 **this chapter commits a Class C misdemeanor.**

17 SECTION 169. IC 9-32-9-1, AS ADDED BY P.L.92-2013,
18 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JANUARY 1, 2015]: Sec. 1. **(a)** A disposal facility, a used parts dealer,
20 or an automotive salvage rebuilder must be licensed by the secretary
21 under this chapter before the facility, dealer, or rebuilder may do any
22 of the following:

- 23 (1) Sell a used major component part of a vehicle.
- 24 (2) Wreck or dismantle a vehicle for resale of the major
25 component parts of the vehicle.
- 26 (3) Rebuild a wrecked or dismantled vehicle.
- 27 (4) Possess more than two (2) inoperable vehicles subject to
28 registration for more than thirty (30) days unless the facility,
29 dealer, or rebuilder holds a mechanic's lien on each vehicle over
30 the quantity of two (2).
- 31 (5) Engage in the business of storing, disposing, salvaging, or
32 recycling of vehicles, vehicle hulks, or parts of vehicles.

33 **(b) A person who violates this section commits a Class A**
34 **infraction.**

35 SECTION 170. IC 9-32-9-2, AS ADDED BY P.L.92-2013,
36 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JANUARY 1, 2015]: Sec. 2. **(a)** A disposal facility, a used parts dealer,
38 or an automotive salvage rebuilder licensed in Indiana must have a
39 principal place of business in Indiana conducting the business that is
40 the basis for the license. A place of business that performs only
41 ministerial tasks is not considered to be conducting business.

42 **(b) A disposal facility, a used parts dealer, or an automotive**



1 **salvage rebuilder who violates this section commits a Class A**
 2 **infraction.**

3 SECTION 171. IC 9-32-9-10, AS ADDED BY P.L.92-2013,
 4 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JANUARY 1, 2015]: Sec. 10. (a) A licensee shall post a license
 6 granted to the licensee under this chapter in a conspicuous place at the
 7 licensed place of business.

8 **(b) A licensee that violates this section commits a Class A**
 9 **infraction.**

10 SECTION 172. IC 9-32-11-1, AS ADDED BY P.L.92-2013,
 11 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JANUARY 1, 2015]: Sec. 1. (a) The following persons must be
 13 licensed under this article to engage in the business of buying or selling
 14 motor vehicles or semitrailers:

- 15 (1) An automobile auctioneer.
- 16 (2) A converter manufacturer.
- 17 (3) A dealer.
- 18 (4) A distributor.
- 19 (5) A distributor representative.
- 20 (6) A factory branch.
- 21 (7) A factory representative.
- 22 (8) A manufacturer.
- 23 (9) A transfer dealer.
- 24 (10) A wholesale dealer.
- 25 (11) An automotive mobility dealer.

26 (b) An automotive mobility dealer who engages in the business of:

- 27 (1) selling, installing, or servicing;
- 28 (2) offering to sell, install, or service; or
- 29 (3) soliciting or advertising the sale, installation, or servicing of;

30 equipment or modifications specifically designed to facilitate use or
 31 operation of a vehicle by an individual who is disabled or aged must be
 32 licensed under this article.

33 **(c) An automotive mobility dealer that fails to be licensed under**
 34 **this article and engages in the businesses described in subsection**
 35 **(b) commits a Class A infraction.**

36 SECTION 173. IC 9-32-11-12, AS ADDED BY P.L.92-2013,
 37 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JANUARY 1, 2015]: Sec. 12. (a) A license issued under this chapter
 39 is valid for a one (1) year period in accordance with the following
 40 schedule:

- 41 (1) A person whose business name begins with the letters A
 42 through B, inclusive, shall register before March 1 of each year.



- 1 (2) A person whose business name begins with the letters C
 2 through D, inclusive, shall register before April 1 of each year.
 3 (3) A person whose business name begins with the letters E
 4 through G, inclusive, shall register before May 1 of each year.
 5 (4) A person whose business name begins with the letters H
 6 through I, inclusive, shall register before June 1 of each year.
 7 (5) A person whose business name begins with the letters J
 8 through L, inclusive, shall register before July 1 of each year.
 9 (6) A person whose business name begins with the letters M
 10 through O, inclusive, shall register before August 1 of each year.
 11 (7) A person whose business name begins with the letters P
 12 through R, inclusive, shall register before September 1 of each
 13 year.
 14 (8) A person whose business name begins with the letters S
 15 through T, inclusive, shall register before October 1 of each year.
 16 (9) A person whose business name begins with the letters U
 17 through Z, inclusive, shall register before November 1 of each
 18 year.

19 (b) A sole proprietor shall register based upon the name of the sole
 20 proprietorship.

21 (c) A sole proprietor who does not register based upon the name
 22 of the sole proprietorship commits a Class A infraction.

23 (d) A person required to be licensed under this chapter that fails
 24 to register in accordance with the schedule set forth in subsection
 25 (a) commits a Class A infraction.

26 SECTION 174. IC 9-32-13-31 IS ADDED TO THE INDIANA
 27 CODE AS A NEW SECTION TO READ AS FOLLOWS
 28 [EFFECTIVE JANUARY 1, 2015]: **Sec. 31. A person that performs**
 29 **an act that is an unfair practice under this chapter commits a Class**
 30 **A infraction.**

31 SECTION 175. IC 9-32-17-2 IS REPEALED [EFFECTIVE
 32 JANUARY 1, 2015]. **Sec. 2: (a) Except as provided in subsections (b)**
 33 **and (c), a person who violates IC 9-32-4 commits a Class C infraction:**

34 (b) A person who knowingly or intentionally violates
 35 IC 9-32-4-1(a)(1), IC 9-32-4-1(a)(2), IC 9-32-4-1(a)(4),
 36 IC 9-32-4-1(a)(5), or IC 9-32-4-1(d) commits a Class B misdemeanor:

37 (c) A person who knowingly or intentionally violates
 38 IC 9-32-4-1(a)(3) commits a:

39 (1) Class A misdemeanor for the first violation; and

40 (2) Class D felony for a second or subsequent unrelated violation.

41 SECTION 176. IC 9-32-17-3 IS REPEALED [EFFECTIVE
 42 JANUARY 1, 2015]. **Sec. 3: (a) Except as provided in subsection (b);**



1 a person who knowingly or intentionally violates any of the following
2 commits a Class A misdemeanor:

- 3 (1) IC 9-32-6-7.
4 (2) IC 9-32-6-10.
5 (3) IC 9-32-6-11(d).
6 (4) IC 9-32-6-12.

7 (b) A person who knowingly or intentionally violates IC 9-32-6-13
8 commits a Class A misdemeanor:

9 SECTION 177. IC 9-32-17-4 IS REPEALED [EFFECTIVE
10 JANUARY 1, 2015]. Sec. 4: A person who knowingly or intentionally
11 violates any of the following commits a Class A misdemeanor:

- 12 (1) IC 9-32-9-1.
13 (2) IC 9-32-9-2.
14 (3) IC 9-32-9-10.

15 SECTION 178. IC 9-32-17-5 IS REPEALED [EFFECTIVE
16 JANUARY 1, 2015]. Sec. 5: A person who knowingly or intentionally
17 violates:

- 18 (1) IC 9-32-11-1; or
19 (2) IC 9-32-11-12;

20 commits a Class A misdemeanor:

21 SECTION 179. IC 9-32-17-6 IS REPEALED [EFFECTIVE
22 JANUARY 1, 2015]. Sec. 6: A person who knowingly or intentionally
23 violates IC 9-32-13 commits a Class A misdemeanor:

24 SECTION 180. IC 10-11-2-26, AS AMENDED BY P.L.135-2013,
25 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JANUARY 1, 2015]: Sec. 26. (a) The superintendent may assign
27 qualified persons who are not state police officers to supervise or
28 operate permanent or portable weigh stations. A person assigned under
29 this section may stop, inspect, and issue citations to operators of trucks
30 and trailers having a declared gross weight of at least ten thousand one
31 (10,001) pounds and buses at a permanent or portable weigh station or
32 while operating a clearly marked Indiana state police vehicle for
33 violations of the following:

- 34 (1) IC 6-1.1-7-10.
35 (2) IC 6-6-1.1-1202.
36 (3) IC 6-6-2.5.
37 (4) IC 6-6-4.1-12.
38 (5) IC 8-2.1.
39 (6) IC 9-18.
40 (7) IC 9-19.
41 (8) IC 9-20.
42 (9) IC 9-21-7-2 through IC 9-21-7-11.



- 1 (10) IC 9-21-8-41 pertaining to the duty to obey an official traffic
 2 control device for a weigh station.
 3 (11) IC 9-21-8-45 through IC 9-21-8-48.
 4 (12) IC 9-21-9.
 5 (13) IC 9-21-15.
 6 (14) IC 9-21-21.
 7 (15) IC 9-24-1-1 through IC 9-24-1-1.5.
 8 (16) IC 9-24-1-7.
 9 (17) Except as provided in subsection (c), IC 9-24-1-6,
 10 ~~IC 9-24-6-16~~, IC 9-24-6-17, and IC 9-24-6-18, commercial
 11 driver's license.
 12 (18) IC 9-24-4.
 13 (19) IC 9-24-5.
 14 (20) IC 9-24-11-4.
 15 (21) IC 9-24-13-3.
 16 (22) IC 9-24-18-1 through IC 9-24-18-2.
 17 (23) IC 9-25-4-3.
 18 (24) IC 9-28-4.
 19 (25) IC 9-28-5.
 20 (26) IC 9-28-6.
 21 (27) IC 9-29-5-11 through IC 9-29-5-13.
 22 (28) IC 9-29-5-42.
 23 ~~(29) IC 9-29-6-1.~~
 24 ~~(30)~~ **(29)** IC 10-14-8.
 25 ~~(31)~~ **(30)** IC 13-17-5-1, IC 13-17-5-2, IC 13-17-5-3, or
 26 IC 13-17-5-4.
 27 ~~(32)~~ **(31)** IC 13-30-2-1.
 28 (b) For the purpose of enforcing this section, a person assigned
 29 under this section may detain a person in the same manner as a law
 30 enforcement officer under IC 34-28-5-3.
 31 (c) A person assigned under this section may not enforce
 32 IC 9-24-6-14 or IC 9-24-6-15.
 33 ~~(d) Subsection (a)(29) expires on the date that IC 9-29-6-1 expires.~~
 34 SECTION 181. IC 14-15-11-11, AS AMENDED BY P.L.114-2012,
 35 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JANUARY 1, 2015]: Sec. 11. (a) Except as provided in subsection (b),
 37 a person who operates a motorboat upon public waters while the
 38 person's Indiana driver's license is suspended or revoked commits a
 39 Class A infraction. However, if:
 40 (1) a person knowingly or intentionally violates this subsection;
 41 and
 42 (2) less than ten (10) years have elapsed between the date a



1 judgment was entered against the person for a prior unrelated
 2 violation of this subsection, IC 9-1-4-52 (repealed July 1, 1991),
 3 IC 9-24-18-5 (repealed July 1, 2000), or IC 9-24-19 and the date
 4 the violation described in subdivision (1) was committed;
 5 the person commits a Class A misdemeanor.

6 (b) If:

7 (1) a person operates a motorboat upon public waters while the
 8 person's Indiana driver's license is suspended or revoked; and

9 (2) the person's suspension or revocation was a result of the
 10 person's conviction of an offense (as defined in
 11 IC 35-31.5-2-215);

12 the person commits a Class A misdemeanor. However, notwithstanding
 13 IC 35-50-3-2, a person who violates this subsection shall be imprisoned
 14 for a fixed term of not less than sixty (60) days and not more than one
 15 (1) year. Notwithstanding IC 35-50-3-1, the court may not suspend any
 16 part of the sentence except that part of the sentence exceeding sixty
 17 (60) days.

18 (c) In addition to any other penalty imposed for a conviction under
 19 this section, the court ~~shall~~ **may** recommend that the person's privileges
 20 to operate a motorboat upon public waters be suspended for a fixed
 21 period of not ~~less than ninety (90) days and not~~ more than two (2)
 22 years.

23 (d) The bureau, upon receiving a record of conviction of a person on
 24 a charge of operating a motorboat while the person's driver's license
 25 was suspended, shall extend the period of suspension ~~for a fixed period~~
 26 ~~of not less than ninety (90) days and not more than two (2) years. The~~
 27 ~~bureau shall fix this period~~ in accordance with the recommendation of
 28 the court that entered the conviction.

29 (e) In a prosecution under this section, the burden is on the
 30 defendant to prove by a preponderance of the evidence that, at the time
 31 of the alleged offense, the defendant held a valid Indiana driver's
 32 license.

33 SECTION 182. IC 14-15-11-14, AS AMENDED BY P.L.40-2012,
 34 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JANUARY 1, 2015]: Sec. 14. (a) ~~The bureau~~ **A court** may suspend or
 36 revoke the driver's license of a person upon the conviction of the
 37 person of a crime based on a violation of IC 14-15-3, IC 14-15-8
 38 (before its repeal), IC 35-46-9, or IC 14-15-12.

39 (b) In suspending or revoking a driver's license under this section,
 40 **the court shall notify** the bureau **of the driver's license suspension**
 41 **or revocation, and the bureau** shall follow the procedure set forth in
 42 IC 9-30-4.



1 SECTION 183. IC 31-37-5-7 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. (a) If a child is
 3 alleged to have committed an act that would be an offense under
 4 IC 9-30-5 if committed by an adult, a juvenile court shall recommend
 5 the immediate suspension of the child's driving privileges as provided
 6 in IC 9-30-5. If a court recommends suspension of a child's driving
 7 privileges under this section, the bureau of motor vehicles shall comply
 8 with the recommendation of suspension as provided in IC 9-30-6-12.

9 (b) If a court recommends suspension of a child's driving privileges
 10 under this section, the court may order the bureau of motor vehicles to
 11 reinstate the child's driving privileges as provided in IC 9-30-6-11.

12 (c) If a juvenile court orders the bureau of motor vehicles to
 13 reinstate a child's driving privileges under subsection (b), the bureau
 14 shall comply with the order. Unless the order for reinstatement is
 15 issued as provided under IC 9-30-6-11(a)(2) because of a violation of
 16 the speedy trial provisions applicable to the juvenile court, the bureau
 17 shall also do the following:

18 (1) Remove any record of the suspension from the bureau's record
 19 keeping system.

20 (2) Reinstate the privileges without cost to the person.

21 (d) If a juvenile court orders a suspension under this section and the
 22 child did not refuse to submit to a chemical test offered under
 23 IC 9-30-6-2 during the investigation of the delinquent act that would
 24 have been an offense under IC 9-30-5 if committed by an adult, the
 25 juvenile court may grant the child **probationary specialized** driving
 26 privileges for **one hundred eighty (180) days** in conformity with the
 27 procedures in **IC 9-30-5-12: IC 9-30-16**. ~~The standards and procedures~~
 28 ~~in IC 9-30-5-11 and IC 9-30-5-13 apply to an action under this~~
 29 ~~subsection.~~

30 (e) If a proceeding described in this section is terminated in favor of
 31 the child and the child did not refuse to submit to a chemical test
 32 offered as provided under IC 9-30-6-2 during the investigation of the
 33 delinquent act that would be an offense under IC 9-30-5 if committed
 34 by an adult, the bureau shall remove any record of the suspension,
 35 including the reasons for the suspension, from the child's official
 36 driving record.

37 (f) The bureau of motor vehicles may adopt rules under IC 4-22-2
 38 to carry out this section.

39 SECTION 184. IC 31-37-19-17.3 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 17.3. (a) This
 41 section applies if a child is a delinquent child under IC 31-37-1 due to
 42 the commission of a delinquent act that, if committed by an adult,



1 would be an offense under IC 9-30-5.

2 (b) The juvenile court shall, in addition to any other order or decree
3 the court makes under this chapter, recommend the suspension of the
4 child's driving privileges as provided in IC 9-30-5. If a court
5 recommends suspension of a child's driving privileges under this
6 section, the bureau of motor vehicles shall comply with the
7 recommendation of suspension as provided in IC 9-30-6-12.

8 (c) If a court recommends suspension of a child's driving privileges
9 under this section, the court may order the bureau of motor vehicles to
10 reinstate the child's driving privileges as provided in IC 9-30-6-11.

11 (d) If a juvenile court orders the bureau of motor vehicles to
12 reinstate a child's driving privileges under subsection (c), the bureau
13 shall comply with the order. Unless the order for reinstatement is
14 issued as provided under IC 9-30-6-11(a)(2) because of a violation of
15 the speedy trial provisions applicable to the juvenile court, the bureau
16 shall also do the following:

17 (1) Remove any record of the suspension from the bureau's record
18 keeping system.

19 (2) Reinstate the privileges without cost to the person.

20 (e) If:

21 (1) a juvenile court recommends suspension of a child's driving
22 privileges under this section; and

23 (2) the child did not refuse to submit to a chemical test offered as
24 provided under IC 9-30-6-2 during the investigation of the
25 delinquent act that would be an offense under IC 9-30-5 if
26 committed by an adult;

27 the juvenile court may stay the execution of the suspension of the
28 child's driving privileges and grant the child probationary driving
29 privileges for one hundred eighty (180) days.

30 (f) If a juvenile court orders a suspension under this section and the
31 child did not refuse to submit to a chemical test offered under
32 IC 9-30-6-2 during the investigation of the delinquent act that would
33 have been an offense under IC 9-30-5 if committed by an adult, the
34 juvenile court may grant the child **probationary specialized** driving
35 privileges ~~for one hundred eighty (180) days~~ in conformity with the
36 procedures in ~~IC 9-30-5-12~~: **IC 9-30-16**. ~~The standards and procedures~~
37 ~~in IC 9-30-5-11 and IC 9-30-5-13 apply to an action under this~~
38 ~~subsection.~~

39 (g) A child whose driving privileges are suspended under this
40 section is entitled to credit for any days during which the license was
41 suspended under IC 31-37-5-7, if the child did not refuse to submit to
42 a chemical test offered as provided under IC 9-30-6-2 during the



1 investigation of the delinquent act that would be an offense under
2 IC 9-30-5 if committed by an adult.

3 (h) A period of suspension of driving privileges imposed under this
4 section must be consecutive to any period of suspension imposed under
5 IC 31-37-5-7. However, if the juvenile court finds in the sentencing
6 order that it is in the best interest of society, the juvenile court may
7 terminate all or any part of the remaining suspension under
8 IC 31-37-5-7.

9 (i) The bureau of motor vehicles may adopt rules under IC 4-22-2
10 to carry out this section.

11 SECTION 185. IC 31-40-2-1.7, AS AMENDED BY P.L.125-2012,
12 SECTION 407, IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JANUARY 1, 2015]: Sec. 1.7. (a) A person may pay a
14 monthly probation user's fee under section 1 or 1.5 of this chapter
15 before the date the payment is required to be made without obtaining
16 the prior approval of a court or a probation department. However, if a
17 delinquent child is discharged from probation before the date the
18 delinquent child was scheduled to be released from probation, any
19 monthly probation user's fee paid in advance for the delinquent child
20 may not be refunded.

21 (b) A probation department may petition a court to:

22 (1) impose a probation user's fee on a person; or

23 (2) increase a person's probation user's fee;

24 under section 1 or 1.5 of this chapter if the financial ability of the
25 person to pay a probation user's fee changes while the person is on
26 probation.

27 (c) An order to pay a probation user's fee under section 1 or 1.5 of
28 this chapter:

29 (1) is a judgment lien that:

30 (A) attaches to the property of the person subject to the order;

31 (B) may be perfected;

32 (C) may be enforced to satisfy any payment that is delinquent
33 under section 1 or 1.5 of this chapter; and

34 (D) expires;

35 in the same manner as a judgment lien created in a civil
36 proceeding;

37 (2) is not discharged by the completion of the person's
38 probationary period or other sentence imposed on the person; and

39 (3) is not discharged by the liquidation of a person's estate by a
40 receiver under IC 32-30-5.

41 (d) A delinquent child placed on probation for more than one (1)
42 delinquent act:



1 (1) may be required to pay more than one (1) initial probation
2 user's fee; and

3 (2) may not be required to pay more than one (1) monthly
4 probation user's fee per month;

5 to either the probation department or the clerk of the court.

6 (e) If a court orders a person to pay a probation user's fee under
7 section 1 or 1.5 of this chapter, the court may garnish the wages, salary,
8 and other income earned by the person to enforce the order.

9 ~~(f) If:~~

10 ~~(1) a person is delinquent in paying the person's probation user's~~
11 ~~fees required under section 1 or 1.5 of this chapter; and~~

12 ~~(2) the person's driving privileges or driver's license or permit has~~
13 ~~been suspended or revoked or the person has never been issued a~~
14 ~~driver's license or permit;~~

15 the court may order the bureau of motor vehicles to not issue a driver's
16 license or permit to the person until the person has paid the person's
17 delinquent probation user's fees:

18 SECTION 186. IC 33-39-1-8, AS AMENDED BY P.L.158-2013,
19 SECTION 342, IS AMENDED TO READ AS FOLLOWS
20 [EFFECTIVE JANUARY 1, 2015]: Sec. 8. (a) After June 30, 2005, this
21 section does not apply to a person who:

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

23 (2) has been charged with an offense involving the operation of
24 a motor vehicle in accordance with the federal Motor Carrier
25 Safety Improvement Act of 1999 (MCSIA) (Public Law
26 106-159.113 Stat. 1748).

27 (b) This section does not apply to a person arrested for or charged
28 with:

29 (1) an offense under IC 9-30-5-1 through IC 9-30-5-5; or

30 (2) if a person was arrested or charged with an offense under
31 IC 9-30-5-1 through IC 9-30-5-5, an offense involving:

32 (A) intoxication; or

33 (B) the operation of a vehicle;

34 if the offense involving intoxication or the operation of a vehicle was
35 part of the same episode of criminal conduct as the offense under
36 IC 9-30-5-1 through IC 9-30-5-5.

37 (c) This section does not apply to a person:

38 (1) who is arrested for or charged with an offense under:

39 (A) ~~IC 7.1-5-7-7(a)~~, IC 7.1-5-7-7, if the alleged offense
40 occurred while the person was operating a motor vehicle;

41 (B) IC 9-30-4-8(a), if the alleged offense occurred while the
42 person was operating a motor vehicle;



- 1 (C) IC 35-42-2-2(c)(1);
2 (D) IC 35-44.1-2-13(b)(1); or
3 (E) IC 35-43-1-2(a), if the alleged offense occurred while the
4 person was operating a motor vehicle; and
5 (2) who held a probationary license (as defined in
6 IC 9-24-11-3.3(b)) and was less than eighteen (18) years of age at
7 the time of the alleged offense.
- 8 (d) A prosecuting attorney may withhold prosecution against an
9 accused person if:
10 (1) the person is charged with a misdemeanor;
11 (2) the person agrees to conditions of a pretrial diversion program
12 offered by the prosecuting attorney;
13 (3) the terms of the agreement are recorded in an instrument
14 signed by the person and the prosecuting attorney and filed in the
15 court in which the charge is pending; and
16 (4) the prosecuting attorney electronically transmits information
17 required by the prosecuting attorneys council concerning the
18 withheld prosecution to the prosecuting attorneys council, in a
19 manner and format designated by the prosecuting attorneys
20 council.
- 21 (e) An agreement under subsection (d) may include conditions that
22 the person:
23 (1) pay to the clerk of the court an initial user's fee and monthly
24 user's fees in the amounts specified in IC 33-37-4-1;
25 (2) work faithfully at a suitable employment or faithfully pursue
26 a course of study or career and technical education that will equip
27 the person for suitable employment;
28 (3) undergo available medical treatment or counseling and remain
29 in a specified facility required for that purpose;
30 (4) support the person's dependents and meet other family
31 responsibilities;
32 (5) make restitution or reparation to the victim of the crime for the
33 damage or injury that was sustained;
34 (6) refrain from harassing, intimidating, threatening, or having
35 any direct or indirect contact with the victim or a witness;
36 (7) report to the prosecuting attorney at reasonable times;
37 (8) answer all reasonable inquiries by the prosecuting attorney
38 and promptly notify the prosecuting attorney of any change in
39 address or employment; and
40 (9) participate in dispute resolution either under IC 34-57-3 or a
41 program established by the prosecuting attorney.
- 42 (f) An agreement under subsection (d)(2) may include other



1 provisions reasonably related to the defendant's rehabilitation, if
2 approved by the court.

3 (g) The prosecuting attorney shall notify the victim when
4 prosecution is withheld under this section.

5 (h) All money collected by the clerk as user's fees under this section
6 shall be deposited in the appropriate user fee fund under IC 33-37-8.

7 (i) If a court withholds prosecution under this section and the terms
8 of the agreement contain conditions described in subsection (e)(6):

9 (1) the clerk of the court shall comply with IC 5-2-9; and

10 (2) the prosecuting attorney shall file a confidential form
11 prescribed or approved by the division of state court
12 administration with the clerk.

13 SECTION 187. IC 34-24-1-1, AS AMENDED BY P.L.196-2013,
14 SECTION 15, AND AS AMENDED BY P.L.293-2013(ts), SECTION
15 42, AND AS AMENDED BY P.L.158-2013, SECTION 349, IS
16 CORRECTED AND AMENDED TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The following may be seized:

18 (1) All vehicles (as defined by IC 35-31.5-2-346), if they are used
19 or are intended for use by the person or persons in possession of
20 them to transport or in any manner to facilitate the transportation
21 of the following:

22 (A) A controlled substance for the purpose of committing,
23 attempting to commit, or conspiring to commit any of the
24 following:

25 (i) Dealing in or manufacturing cocaine or a narcotic drug
26 (IC 35-48-4-1).

27 (ii) Dealing in methamphetamine (IC 35-48-4-1.1).

28 (iii) Dealing in a schedule I, II, or III controlled substance
29 (IC 35-48-4-2).

30 (iv) Dealing in a schedule IV controlled substance
31 (IC 35-48-4-3).

32 (v) Dealing in a schedule V controlled substance
33 (IC 35-48-4-4).

34 (vi) Dealing in a counterfeit substance (IC 35-48-4-5).

35 (vii) Possession of cocaine or a narcotic drug (IC 35-48-4-6).

36 (viii) Possession of methamphetamine (IC 35-48-4-6.1).

37 (ix) Dealing in paraphernalia (IC 35-48-4-8.5).

38 (x) Dealing in marijuana, hash oil, hashish, *or salvia or a*
39 *synthetic cannabinoid* (IC 35-48-4-10).

40 (xi) *Dealing in a synthetic drug or synthetic drug lookalike*
41 *substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its*
42 *amendment in 2013).*



- 1 (B) Any stolen (IC 35-43-4-2) or converted property
 2 (IC 35-43-4-3) if the retail or repurchase value of that property
 3 is one hundred dollars (\$100) or more.
 4 (C) Any hazardous waste in violation of IC 13-30-10-1.5.
 5 (D) A bomb (as defined in IC 35-31.5-2-31) or weapon of
 6 mass destruction (as defined in IC 35-31.5-2-354) used to
 7 commit, used in an attempt to commit, or used in a conspiracy
 8 to commit an offense under IC 35-47 as part of or in
 9 furtherance of an act of terrorism (as defined by
 10 IC 35-31.5-2-329).
- 11 (2) All money, negotiable instruments, securities, weapons,
 12 communications devices, or any property used to commit, used in
 13 an attempt to commit, or used in a conspiracy to commit an
 14 offense under IC 35-47 as part of or in furtherance of an act of
 15 terrorism or commonly used as consideration for a violation of
 16 IC 35-48-4 (other than items subject to forfeiture under
 17 IC 16-42-20-5 or IC 16-6-8.5-5.1, before its repeal):
 18 (A) furnished or intended to be furnished by any person in
 19 exchange for an act that is in violation of a criminal statute;
 20 (B) used to facilitate any violation of a criminal statute; or
 21 (C) traceable as proceeds of the violation of a criminal statute.
- 22 (3) Any portion of real or personal property purchased with
 23 money that is traceable as a proceed of a violation of a criminal
 24 statute.
- 25 (4) A vehicle that is used by a person to:
 26 (A) commit, attempt to commit, or conspire to commit;
 27 (B) facilitate the commission of; or
 28 (C) escape from the commission of;
 29 murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal
 30 confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting
 31 (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense
 32 under IC 35-47 as part of or in furtherance of an act of terrorism.
- 33 (5) Real property owned by a person who uses it to commit any of
 34 the following as a *Class A felony*, a *Class B felony*, *Level 1*, *Level*
 35 *2*, *Level 3*, *Level 4*, or a ~~Class C~~ *Level 5* felony:
 36 (A) Dealing in or manufacturing cocaine or a narcotic drug
 37 (IC 35-48-4-1).
 38 (B) Dealing in methamphetamine (IC 35-48-4-1.1).
 39 (C) Dealing in a schedule I, II, or III controlled substance
 40 (IC 35-48-4-2).
 41 (D) Dealing in a schedule IV controlled substance
 42 (IC 35-48-4-3).



- 1 (E) Dealing in marijuana, hash oil, hashish, *or salvia ~~or a~~*
 2 *synthetic cannabinoid* (IC 35-48-4-10).
 3 (F) *Dealing in a synthetic drug or synthetic drug lookalike*
 4 *substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its*
 5 *amendment in 2013).*
 6 (6) Equipment and recordings used by a person to commit fraud
 7 under IC 35-43-5-4(10).
 8 (7) Recordings sold, rented, transported, or possessed by a person
 9 in violation of IC 24-4-10.
 10 (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as
 11 defined by IC 35-45-6-1) that is the object of a corrupt business
 12 influence violation (IC 35-45-6-2).
 13 (9) Unlawful telecommunications devices (as defined in
 14 IC 35-45-13-6) and plans, instructions, or publications used to
 15 commit an offense under IC 35-45-13.
 16 (10) Any equipment, including computer equipment and cellular
 17 telephones, used for or intended for use in preparing,
 18 photographing, recording, videotaping, digitizing, printing,
 19 copying, or disseminating matter in violation of IC 35-42-4.
 20 (11) Destructive devices used, possessed, transported, or sold in
 21 violation of IC 35-47.5.
 22 (12) Tobacco products that are sold in violation of IC 24-3-5,
 23 tobacco products that a person attempts to sell in violation of
 24 IC 24-3-5, and other personal property owned and used by a
 25 person to facilitate a violation of IC 24-3-5.
 26 (13) Property used by a person to commit counterfeiting or
 27 forgery in violation of IC 35-43-5-2.
 28 (14) After December 31, 2005, if a person is convicted of an
 29 offense specified in IC 25-26-14-26(b) or IC 35-43-10, the
 30 following real or personal property:
 31 (A) Property used or intended to be used to commit, facilitate,
 32 or promote the commission of the offense.
 33 (B) Property constituting, derived from, or traceable to the
 34 gross proceeds that the person obtained directly or indirectly
 35 as a result of the offense.
 36 (15) Except as provided in subsection (e), a vehicle used by a
 37 person who operates the vehicle:
 38 (A) while intoxicated, in violation of IC 9-30-5-1 through
 39 IC 9-30-5-5, if in the previous five (5) years the person has two
 40 (2) or more prior unrelated convictions:
 41 (i) for operating a motor vehicle while intoxicated in
 42 violation of IC 9-30-5-1 through IC 9-30-5-5; or



- 1 (ii) for an offense that is substantially similar to IC 9-30-5-1
 2 through IC 9-30-5-5 in another jurisdiction; or
 3 (B) on a highway while the person's driving privileges are
 4 suspended in violation of IC 9-24-19-2 through ~~IC 9-24-19-4~~,
 5 **IC 9-24-19-3**, if in the previous five (5) years the person has
 6 two (2) or more prior unrelated convictions:
 7 (i) for operating a vehicle while intoxicated in violation of
 8 IC 9-30-5-1 through IC 9-30-5-5; or
 9 (ii) for an offense that is substantially similar to IC 9-30-5-1
 10 through IC 9-30-5-5 in another jurisdiction.
- 11 If a court orders the seizure of a vehicle under this subdivision,
 12 the court shall transmit an order to the bureau of motor vehicles
 13 recommending that the bureau not permit a vehicle to be
 14 registered in the name of the person whose vehicle was seized
 15 until the person possesses a current driving license (as defined in
 16 IC 9-13-2-41).
- 17 (16) The following real or personal property:
 18 (A) Property used or intended to be used to commit, facilitate,
 19 or promote the commission of an offense specified in
 20 IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or
 21 IC 30-2-13-38(f).
 22 (B) Property constituting, derived from, or traceable to the
 23 gross proceeds that a person obtains directly or indirectly as a
 24 result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b),
 25 IC 30-2-10-9(b), or IC 30-2-13-38(f).
- 26 *(17) An automated sales suppression device (as defined in*
 27 *IC 35-43-5-4.6(a)(1) or phantom-ware (as defined in*
 28 *IC 35-43-5-4.6(a)(3)).*
- 29 (b) A vehicle used by any person as a common or contract carrier in
 30 the transaction of business as a common or contract carrier is not
 31 subject to seizure under this section, unless it can be proven by a
 32 preponderance of the evidence that the owner of the vehicle knowingly
 33 permitted the vehicle to be used to engage in conduct that subjects it to
 34 seizure under subsection (a).
- 35 (c) Equipment under subsection (a)(10) may not be seized unless it
 36 can be proven by a preponderance of the evidence that the owner of the
 37 equipment knowingly permitted the equipment to be used to engage in
 38 conduct that subjects it to seizure under subsection (a)(10).
- 39 (d) Money, negotiable instruments, securities, weapons,
 40 communications devices, or any property commonly used as
 41 consideration for a violation of IC 35-48-4 found near or on a person
 42 who is committing, attempting to commit, or conspiring to commit any



1 of the following offenses shall be admitted into evidence in an action
 2 under this chapter as prima facie evidence that the money, negotiable
 3 instrument, security, or other thing of value is property that has been
 4 used or was to have been used to facilitate the violation of a criminal
 5 statute or is the proceeds of the violation of a criminal statute:

6 (1) IC 35-48-4-1 (dealing in or manufacturing cocaine or a
 7 narcotic drug).

8 (2) IC 35-48-4-1.1 (dealing in methamphetamine).

9 (3) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled
 10 substance).

11 (4) IC 35-48-4-3 (dealing in a schedule IV controlled substance).

12 (5) IC 35-48-4-4 (dealing in a schedule V controlled substance)
 13 as a *Class B Level 4* felony.

14 (6) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a
 15 *Class A felony, Class B Level 3, Level 4, felony, or Class C Level*
 16 *5* felony.

17 (7) IC 35-48-4-6.1 (possession of methamphetamine) as a *Class*
 18 *A felony, Class B felony, Level 3, Level 4, or Class C Level 5*
 19 *felony.*

20 (8) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, or
 21 salvia) *or a synthetic cannabinoid* as a *Class C Level 5* felony.

22 (9) IC 35-48-4-10.5 (dealing in a synthetic drug or synthetic drug
 23 lookalike substance) as a *Class C Level 5* felony or *Class D*
 24 *Level 6* felony (or as a *Class C* felony or *Class D* felony under
 25 *IC 35-48-4-10 before its amendment in 2013).*

26 (e) A vehicle operated by a person who is not:

27 (1) an owner of the vehicle; or

28 (2) the spouse of the person who owns the vehicle;

29 is not subject to seizure under subsection (a)(15) unless it can be
 30 proven by a preponderance of the evidence that the owner of the
 31 vehicle knowingly permitted the vehicle to be used to engage in
 32 conduct that subjects it to seizure under subsection (a)(15).

33 SECTION 188. IC 35-33-1-1, AS AMENDED BY P.L.171-2011,
 34 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JANUARY 1, 2015]: Sec. 1. (a) A law enforcement officer may arrest
 36 a person when the officer has:

37 (1) a warrant commanding that the person be arrested;

38 (2) probable cause to believe the person has committed or
 39 attempted to commit, or is committing or attempting to commit,
 40 a felony;

41 (3) probable cause to believe the person has violated the
 42 provisions of ~~IC 9-26-1-1(1)~~; ~~IC 9-26-1-1(2)~~; ~~IC 9-26-1-2(1)~~;



- 1 ~~IC 9-26-1-2(2)~~, ~~IC 9-26-1-3~~, ~~IC 9-26-1-4~~, **IC 9-26-1-1.1** or
 2 IC 9-30-5;
- 3 (4) probable cause to believe the person is committing or
 4 attempting to commit a misdemeanor in the officer's presence;
- 5 (5) probable cause to believe the person has committed a:
 6 (A) battery resulting in bodily injury under IC 35-42-2-1; or
 7 (B) domestic battery under IC 35-42-2-1.3.
- 8 The officer may use an affidavit executed by an individual alleged
 9 to have direct knowledge of the incident alleging the elements of
 10 the offense of battery to establish probable cause;
- 11 (6) probable cause to believe that the person violated
 12 IC 35-46-1-15.1 (invasion of privacy);
- 13 (7) probable cause to believe that the person violated
 14 IC 35-47-2-1 (carrying a handgun without a license) or
 15 IC 35-47-2-22 (counterfeit handgun license);
- 16 (8) probable cause to believe that the person is violating or has
 17 violated an order issued under IC 35-50-7;
- 18 (9) probable cause to believe that the person is violating or has
 19 violated IC 35-47-6-1.1 (undisclosed transport of a dangerous
 20 device);
- 21 (10) probable cause to believe that the person is:
 22 (A) violating or has violated IC 35-45-2-5 (interference with
 23 the reporting of a crime); and
 24 (B) interfering with or preventing the reporting of a crime
 25 involving domestic or family violence (as defined in
 26 IC 34-6-2-34.5);
- 27 (11) a removal order issued for the person by an immigration
 28 court;
- 29 (12) a detainer or notice of action for the person issued by the
 30 United States Department of Homeland Security; or
- 31 (13) probable cause to believe that the person has been indicted
 32 for or convicted of one (1) or more aggravated felonies (as
 33 defined in 8 U.S.C. 1101(a)(43)).
- 34 (b) A person who:
 35 (1) is employed full time as a federal enforcement officer;
 36 (2) is empowered to effect an arrest with or without warrant for a
 37 violation of the United States Code; and
 38 (3) is authorized to carry firearms in the performance of the
 39 person's duties;
- 40 may act as an officer for the arrest of offenders against the laws of this
 41 state where the person reasonably believes that a felony has been or is
 42 about to be committed or attempted in the person's presence.



1 SECTION 189. IC 35-33-8-3.3, AS ADDED BY P.L.173-2006,
 2 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JANUARY 1, 2015]: Sec. 3.3. (a) This section does not apply to a
 4 defendant charged in a city or town court.

5 (b) If a defendant who has a prior unrelated conviction for any
 6 offense is charged with a new offense and placed under the supervision
 7 of a probation officer or pretrial services agency, the court may order
 8 the defendant to pay the pretrial services fee prescribed under
 9 subsection (e) if:

- 10 (1) the defendant has the financial ability to pay the fee; and
 11 (2) the court finds by clear and convincing evidence that
 12 supervision by a probation officer or pretrial services agency is
 13 necessary to ensure the:

14 (A) defendant's appearance in court; or

15 (B) physical safety of the community or of another person.

16 (c) If a clerk of a court collects a pretrial services fee, the clerk may
 17 retain not more than three percent (3%) of the fee to defray the
 18 administrative costs of collecting the fee. The clerk shall deposit
 19 amounts retained under this subsection in the clerk's record
 20 perpetuation fund established under IC 33-37-5-2.

21 (d) If a clerk of a court collects a pretrial services fee from a
 22 defendant, upon request of the county auditor, the clerk shall transfer
 23 not more than three percent (3%) of the fee to the county auditor for
 24 deposit in the county general fund.

25 (e) The court may order a defendant who is supervised by a
 26 probation officer or pretrial services agency and charged with an
 27 offense to pay:

28 (1) an initial pretrial services fee of at least twenty-five dollars
 29 (\$25) and not more than one hundred dollars (\$100);

30 (2) a monthly pretrial services fee of at least fifteen dollars (\$15)
 31 and not more than thirty dollars (\$30) for each month the
 32 defendant remains on bail and under the supervision of a
 33 probation officer or pretrial services agency; and

34 (3) an administrative fee of one hundred dollars (\$100);
 35 to the probation department, pretrial services agency, or clerk of the
 36 court if the defendant meets the conditions set forth in subsection (b).

37 (f) The probation department, pretrial services agency, or clerk of
 38 the court shall collect the administrative fee under subsection (e)(3)
 39 before collecting any other fee under subsection (e). Except for the
 40 money described in subsections (c) and (d), all money collected by the
 41 probation department, pretrial services agency, or clerk of the court
 42 under this section shall be transferred to the county treasurer, who shall



1 deposit fifty percent (50%) of the money into the county supplemental
 2 adult probation services fund and fifty percent (50%) of the money into
 3 the county supplemental public defender services fund (IC 33-40-3-1).
 4 The fiscal body of the county shall appropriate money from the county
 5 supplemental adult probation services fund:

6 (1) to the county, superior, or circuit court of the county that
 7 provides probation services or pretrial services to adults to
 8 supplement adult probation services or pretrial services; and

9 (2) to supplement the salary of:

10 (A) an employee of a pretrial services agency; or

11 (B) a probation officer in accordance with the schedule
 12 adopted by the county fiscal body under IC 36-2-16.5.

13 (g) The county supplemental adult probation services fund may be
 14 used only to supplement adult probation services or pretrial services
 15 and to supplement salaries for probation officers or employees of a
 16 pretrial services agency. A supplemental probation services fund may
 17 not be used to replace other probation services or pretrial services
 18 funding. Any money remaining in the fund at the end of a fiscal year
 19 does not revert to any other fund but continues in the county
 20 supplemental adult probation services fund.

21 (h) A defendant who is charged with more than one (1) offense and
 22 who is supervised by the probation department or pretrial services
 23 agency as a condition of bail may not be required to pay more than:

24 (1) one (1) initial pretrial services fee; and

25 (2) one (1) monthly pretrial services fee per month.

26 (i) A probation department or pretrial services agency may petition
 27 a court to:

28 (1) impose a pretrial services fee on a defendant; or

29 (2) increase a defendant's pretrial services fee;

30 if the financial ability of the defendant to pay a pretrial services fee
 31 changes while the defendant is on bail and supervised by a probation
 32 officer or pretrial services agency.

33 (j) An order to pay a pretrial services fee under this section:

34 (1) is a judgment lien that, upon the defendant's conviction:

35 (A) attaches to the property of the defendant;

36 (B) may be perfected;

37 (C) may be enforced to satisfy any payment that is delinquent
 38 under this section; and

39 (D) expires;

40 in the same manner as a judgment lien created in a civil
 41 proceeding;

42 (2) is not discharged by the disposition of charges against the



1 defendant or by the completion of a sentence, if any, imposed on
2 the defendant;

3 (3) is not discharged by the liquidation of a defendant's estate by
4 a receiver under IC 32-30-5; and

5 (4) is immediately terminated if a defendant is acquitted or if
6 charges against the defendant are dropped.

7 (k) If a court orders a defendant to pay a pretrial services fee, the
8 court may, upon the defendant's conviction, enforce the order by
9 garnishing the wages, salary, and other income earned by the
10 defendant.

11 ~~(f)~~ If a defendant is delinquent in paying the defendant's pretrial
12 services fee and has never been issued a driver's license or permit, upon
13 the defendant's conviction, the court may order the bureau of motor
14 vehicles to not issue a driver's license or permit to the defendant until
15 the defendant has paid the defendant's delinquent pretrial services fee.
16 If a defendant is delinquent in paying the defendant's pretrial services
17 fee and the defendant's driver's license or permit has been suspended
18 or revoked, the court may order the bureau of motor vehicles to not
19 reinstate the defendant's driver's license or permit until the defendant
20 has paid the defendant's delinquent pretrial services fee.

21 ~~(m)~~ (l) In addition to other methods of payment allowed by law, a
22 probation department or pretrial services agency may accept payment
23 of a pretrial services fee by credit card (as defined in IC 14-11-1-7(a)).
24 The liability for payment is not discharged until the probation
25 department or pretrial services agency receives payment or credit from
26 the institution responsible for making the payment or credit.

27 ~~(n)~~ (m) The probation department or pretrial services agency may
28 contract with a bank or credit card vendor for acceptance of a bank or
29 credit card. However, if there is a vendor transaction charge or discount
30 fee, whether billed to the probation department or pretrial services
31 agency, or charged directly to the account of the probation department
32 or pretrial services agency, the probation department or pretrial
33 services agency may collect a credit card service fee from the person
34 using the bank or credit card. The fee collected under this subsection
35 is a permitted additional charge to the fee or fees the defendant may be
36 required to pay under subsection (e).

37 ~~(o)~~ (n) The probation department or pretrial services agency shall
38 forward a credit card service fee collected under subsection ~~(n)~~ (m) to
39 the county treasurer in accordance with subsection (f). These funds
40 may be used without appropriation to pay the transaction charge or
41 discount fee charged by the bank or credit card vendor.

42 SECTION 190. IC 35-38-1-32 IS ADDED TO THE INDIANA

EH 1279—LS 7045/DI 107



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JANUARY 1, 2015]: **Sec. 32. A sentencing court shall**
 3 **inform a person who is convicted of or pleads guilty to the**
 4 **following offenses that the offense could qualify them as a habitual**
 5 **violate under IC 9-30-10:**

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

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

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

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

15 (5) **Operation of a vehicle with an alcohol concentration**
 16 **equivalent to at least eight-hundredths (0.08) gram of alcohol**
 17 **per:**

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

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

20 **resulting in death.**

21 (6) **Operation of a vehicle while intoxicated.**

22 (7) **Operation of a vehicle with an alcohol concentration**
 23 **equivalent to at least eight-hundredths (0.08) gram of alcohol**
 24 **per:**

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

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

27 (8) **Reckless driving.**

28 (9) **Criminal recklessness as a felony involving the operation**
 29 **of a motor vehicle.**

30 (10) **Drag racing or engaging in a speed contest in violation of**
 31 **law.**

32 (11) **Violating IC 9-26-1-1.1**

33 (12) **Any felony under an Indiana motor vehicle statute.**

34 (13) **Operating a motor vehicle while the person's license to do**
 35 **so has been suspended or revoked as a result of the person's**
 36 **conviction of an offense under IC 9-1-4-52 (repealed July 1,**
 37 **1991), IC 9-24-18-5(b) (repealed July 1, 2000), IC 9-24-19-2,**
 38 **or IC 9-24-19-3.**

39 (14) **Operating a motor vehicle without ever having obtained**
 40 **a license to do so.**

41 SECTION 191. IC 35-38-2-1.7 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1.7. (a) A person



1 may pay a monthly probation user's fee under section 1 or 1.5 of this
 2 chapter before the date the payment is required to be made without
 3 obtaining the prior approval of a court or a probation department.
 4 However, if the person is discharged from probation before the date the
 5 person was scheduled to be released from probation, any monthly
 6 probation user's fee paid in advance by the person may not be refunded.

7 (b) A probation department may petition a court to:

- 8 (1) impose a probation user's fee on a person; or
- 9 (2) increase a person's probation user's fee;

10 under section 1 or 1.5 of this chapter if the financial ability of the
 11 person to pay a probation user's fee changes while the person is on
 12 probation.

13 (c) An order to pay a probation user's fee under section 1 or 1.5 of
 14 this chapter:

15 (1) is a judgment lien that:

- 16 (A) attaches to the property of the person subject to the order;
- 17 (B) may be perfected;
- 18 (C) may be enforced to satisfy any payment that is delinquent
 19 under section 1 or 1.5 of this chapter; and
- 20 (D) expires;

21 in the same manner as a judgment lien created in a civil
 22 proceeding;

23 (2) is not discharged by the completion of the person's
 24 probationary period or other sentence imposed on the person; and

25 (3) is not discharged by the liquidation of a person's estate by a
 26 receiver under IC 32-30-5.

27 (d) If a court orders a person to pay a probation user's fee under
 28 section 1 or 1.5 of this chapter, the court may garnish the wages, salary,
 29 and other income earned by the person to enforce the order.

30 (e) If:

31 ~~(1) a person is delinquent in paying the person's probation user's~~
 32 ~~fees required under section 1 or 1.5 of this chapter; and~~

33 ~~(2) the person's driver's license or permit has been suspended or~~
 34 ~~revoked or the person has never been issued a driver's license or~~
 35 ~~permit;~~

36 ~~the court may order the bureau of motor vehicles to not issue a driver's~~
 37 ~~license or permit to the person until the person has paid the person's~~
 38 ~~delinquent probation user's fees:~~

39 SECTION 192. IC 35-43-6.5 IS ADDED TO THE INDIANA
 40 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
 41 [EFFECTIVE JANUARY 1, 2015]:

42 **Chapter 6.5. Motor Vehicle and Watercraft Fraud**



1 **Sec. 1. (a) A person who sells or offers for sale a vehicle, a**
 2 **vehicle part, or a watercraft knowing that an identification number**
 3 **or certificate of title of the vehicle, vehicle part, or watercraft has**
 4 **been:**

- 5 **(1) destroyed;**
 6 **(2) removed;**
 7 **(3) altered;**
 8 **(4) covered; or**
 9 **(5) defaced;**

10 **commits a Class A misdemeanor.**

11 **(b) A person who counterfeits or falsely reproduces a certificate**
 12 **of title for a motor vehicle, semitrailer, or recreational vehicle with**
 13 **intent to:**

- 14 **(1) use the certificate of title; or**
 15 **(2) permit another person to use the certificate of title;**

16 **commits a Class B misdemeanor.**

17 **Sec. 2. (a) A person who, with the intent to defraud:**

- 18 **(1) advertises for sale;**
 19 **(2) sells;**
 20 **(3) uses; or**
 21 **(4) installs;**

22 **any device that causes an odometer to register mileage other than**
 23 **the mileage driven by the vehicle as registered by the odometer**
 24 **within the manufacturer's designed tolerance commits a Level 6**
 25 **felony.**

26 **(b) A person who, with the intent to defraud:**

- 27 **(1) disconnects, resets, or alters the odometer of any motor**
 28 **vehicle with intent to change the number of miles or**
 29 **kilometers indicated on the odometer; or**
 30 **(2) sells a motor vehicle that has a broken odometer or an**
 31 **odometer that is not displaying correct mileage of the vehicle;**

32 **commits a Level 6 felony.**

33 SECTION 193. IC 35-45-19-1, AS ADDED BY P.L.68-2008,
 34 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JANUARY 1, 2015]: Sec. 1. This chapter does not:

- 36 (1) apply to the driver of a vehicle involved in an accident that:
 37 (A) results in the death of a person; and
 38 (B) must be reported under ~~IC 9-26-1-1~~; **IC 9-26-1-1.1**; or
 39 (2) supersede any law governing the reporting of a death by a
 40 hospital, health care facility, or provider.

41 SECTION 194. IC 35-48-4-15, AS AMENDED BY P.L.125-2012,
 42 SECTION 415, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JANUARY 1, 2015]: Sec. 15. ~~(a)~~ If a person is convicted
 2 of an offense under section 1, **1.1**, 2, 3, 4, 5, 6, 7, **or 10** ~~or 11~~ of this
 3 chapter, ~~or conspiracy to commit an offense under section 1, 2, 3, 4, 5,~~
 4 ~~6, 7, 10, or 11 of this chapter~~, and the court finds that a motor vehicle
 5 was used in the commission of the offense, the court ~~shall~~, **may**, in
 6 addition to any other order the court enters, order that the person's

7 ~~(1) driver's license driving privileges be suspended~~

8 ~~(2) existing motor vehicle registrations be suspended; and~~

9 ~~(3) ability to register motor vehicles be suspended;~~

10 by the bureau of motor vehicles for a period specified by the court of
 11 at least six ~~(6)~~ months but not more than two (2) years.

12 ~~(b) If a person is convicted of an offense described in subsection (a)~~
 13 ~~and the person does not hold a driver's license or a learner's permit, the~~
 14 ~~court shall order that the person may not receive a driver's license or a~~
 15 ~~learner's permit from the bureau of motor vehicles for a period of not~~
 16 ~~less than six (6) months.~~

17 SECTION 195. IC 35-51-9-1, AS AMENDED BY P.L.262-2013,
 18 SECTION 143, IS AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE JANUARY 1, 2015]: Sec. 1. The following statutes
 20 define crimes in IC 9:

21 IC 9-14-3.5-15 (Concerning bureau of motor vehicles).

22 IC 9-14-5-9 (Concerning parking placards for persons with
 23 physical disabilities).

24 IC 9-17-2-15 (Concerning certificates of title).

25 ~~IC 9-17-2-16 (Concerning certificates of title):~~

26 ~~IC 9-17-3-3.2 (Concerning certificates of title):~~

27 ~~IC 9-17-3-7 (Concerning certificates of title):~~

28 ~~IC 9-17-4-14 (Concerning special identification numbers):~~

29 ~~IC 9-17-4-15 (Concerning special identification numbers):~~

30 ~~IC 9-17-4-16 (Concerning special identification numbers):~~

31 ~~IC 9-17-4-17 (Concerning identification numbers):~~

32 ~~IC 9-17-4-18 (Concerning identification numbers):~~

33 ~~IC 9-18-2-42 (Concerning motor vehicle registration and license
 34 plates):~~

35 IC 9-18-2-44 (Concerning motor vehicle registration and license
 36 plates).

37 IC 9-18-2-45 (Concerning motor vehicle registration and license
 38 plates).

39 **IC 9-18-2.5-12 (Concerning off-road vehicles and
 40 snowmobiles).**

41 ~~IC 9-18-2.5-16 (Concerning off-road vehicles and snowmobiles):~~

42 ~~IC 9-18-4-8 (Concerning motor vehicle registration and license~~



- 1 plates);
 2 ~~IC 9-18-13-9~~ (Concerning motor vehicle registration and license
 3 plates);
 4 IC 9-18-22-6 (Concerning motor vehicle registration and license
 5 plates).
 6 ~~IC 9-19-9-5~~ (Concerning motor vehicle equipment);
 7 ~~IC 9-19-10.5-4~~ **IC 9-19-10.5-2** (Concerning motor vehicle
 8 equipment).
 9 ~~IC 9-19-10.5-5~~ **IC 9-19-10.5-3** (Concerning motor vehicle
 10 equipment).
 11 ~~IC 9-20-18-4~~ (Concerning motor vehicle size and weight
 12 regulation);
 13 IC 9-21-5-13 (Concerning traffic regulation).
 14 IC 9-21-6-3 (Concerning traffic regulation).
 15 IC 9-21-8-50 (Concerning traffic regulation).
 16 IC 9-21-8-52 (Concerning traffic regulation).
 17 IC 9-21-8-55 (Concerning traffic regulation).
 18 IC 9-21-8-56 (Concerning traffic regulation).
 19 IC 9-21-8-58 (Concerning traffic regulation).
 20 ~~IC 9-21-12-9~~ (Concerning traffic regulation);
 21 ~~IC 9-21-12-11~~ **IC 9-21-12-5** (Concerning traffic regulation).
 22 **IC 9-21-12-13 (Concerning traffic regulation).**
 23 **IC 9-21-12-14 (Concerning traffic regulation).**
 24 **IC 9-21-12-15 (Concerning traffic regulation).**
 25 **IC 9-21-12-16 (Concerning traffic regulation).**
 26 **IC 9-21-12-18 (Concerning traffic regulation).**
 27 IC 9-22-3-31 (Concerning abandoned, salvaged, and scrap
 28 vehicles).
 29 ~~IC 9-22-3-32~~ (Concerning abandoned, salvaged, and scrap
 30 vehicles);
 31 ~~IC 9-22-3-33~~ (Concerning abandoned, salvaged, and scrap
 32 vehicles);
 33 **IC 9-22-5-18 (Concerning scrapping and dismantling**
 34 **vehicles).**
 35 IC 9-22-5-18.2 (Concerning buying a motor vehicle without a
 36 certificate of title).
 37 IC 9-22-5-19 (Concerning scrapping and dismantling vehicles).
 38 ~~IC 9-22-6-3~~ (Concerning mechanic's liens for vehicles);
 39 ~~IC 9-24-1-8~~ **IC 9-24-1-6** (Concerning driver's licenses).
 40 ~~IC 9-24-6-16~~ (Concerning driver's licenses).
 41 IC 9-24-6-17 (Concerning driver's licenses).
 42 IC 9-24-11-8 (Concerning driver's licenses).



- 1 ~~IC 9-24-15-11~~ (Concerning driver's licenses).
 2 IC 9-24-16-12 (Concerning driver's licenses): **identification**
 3 **cards**.
 4 **IC 9-24-16-12.5 (Concerning identification cards)**.
 5 ~~IC 9-24-16-13~~ (Concerning driver's licenses).
 6 IC 9-24-18-1 (Concerning driver's licenses).
 7 IC 9-24-18-2 (Concerning driver's licenses).
 8 ~~IC 9-24-18-7~~ (Concerning driver's licenses).
 9 IC 9-24-19-2 (Concerning driver's licenses).
 10 IC 9-24-19-3 (Concerning driver's licenses).
 11 ~~IC 9-24-19-4~~ (Concerning driver's licenses).
 12 ~~IC 9-25-6-18~~ (Concerning financial responsibility).
 13 IC 9-25-8-2 (Concerning financial responsibility).
 14 ~~IC 9-26-1-8~~ **IC 9-26-1-1.1** (Concerning accidents and accident
 15 reports).
 16 ~~IC 9-26-1-9~~ (Concerning accidents and accident reports).
 17 ~~IC 9-26-6-4~~ **IC 9-26-6-2** (Concerning accidents and accident
 18 reports).
 19 ~~IC 9-30-4-7~~ (Concerning licenses and registrations).
 20 IC 9-30-4-8 (Concerning licenses and registrations).
 21 ~~IC 9-30-4-13~~ (Concerning licenses and registrations).
 22 IC 9-30-5-1 (Concerning operating a vehicle while intoxicated).
 23 IC 9-30-5-2 (Concerning operating a vehicle while intoxicated).
 24 IC 9-30-5-3 (Concerning operating a vehicle while intoxicated).
 25 IC 9-30-5-4 (Concerning operating a vehicle while intoxicated).
 26 IC 9-30-5-5 (Concerning operating a vehicle while intoxicated).
 27 IC 9-30-5-7 (Concerning operating a vehicle while intoxicated).
 28 IC 9-30-5-8 (Concerning operating a vehicle while intoxicated).
 29 IC 9-30-6-8.7 (Concerning implied consent).
 30 IC 9-30-9-7.5 (Concerning alcohol abuse deterrent programs).
 31 IC 9-30-10-16 (Concerning habitual violator of traffic laws).
 32 IC 9-30-10-17 (Concerning habitual violator of traffic laws).
 33 ~~IC 9-30-10-17.5~~ (Concerning habitual violator of traffic laws).
 34 **IC 9-30-16-5 (Concerning driving privileges)**.
 35 ~~IC 9-31-2-26~~ (Concerning watercraft titling and registration).
 36 ~~IC 9-31-2-27~~ (Concerning watercraft titling and registration).
 37 ~~IC 9-31-2-28~~ (Concerning watercraft titling and registration).
 38 **IC 9-32-4-1 (Concerning certificates of title)**.
 39 **IC 9-32-6-13 (Concerning interim license plates)**.
 40 ~~IC 9-32-17-2~~ (Concerning certificates of title).
 41 ~~IC 9-32-17-3~~ (Concerning dealer license plates).
 42 ~~IC 9-32-17-4~~ (Concerning licensing of vehicle salvaging).



- 1 ~~IC 9-32-17-5 (Concerning regulation of vehicle merchandising):~~
- 2 ~~IC 9-32-17-6 (Concerning unfair practices by dealers):~~



COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1279, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, delete lines 22 through 24, begin a new paragraph and insert:

"SECTION 5. IC 9-13-2-75, AS AMENDED BY P.L.262-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 75. "Identification number" for purposes of ~~IC 9-17-4-18~~, has the meaning set forth in ~~IC 9-17-4-18~~: **means a set of numbers, letters, or both numbers and letters that is assigned to a motor vehicle or motor vehicle part by:**

- (1) a manufacturer of motor vehicles or motor vehicle parts;**
- or**
- (2) a governmental entity to replace an original identification number that is destroyed, removed, altered, or defaced."**

Page 11, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 36. IC 9-19-9-7, AS AMENDED BY P.L.54-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. A person who

- ~~(1) violates this chapter; or~~
- ~~(2) violates 49 U.S.C. 32709 (as in effect January 1, 1995)~~

commits a deceptive act and is subject to a civil penalty of not more than one thousand five hundred dollars (\$1,500) for each violation in addition to other remedies available under this chapter and IC 24-5-0.5. The attorney general, acting in the name of the state, has the exclusive right to petition for recovery of such a penalty, and the penalty may be recovered only in an action brought under IC 24-5-0.5-4(c)."

Page 13, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 45. IC 9-21-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) The Indiana department of transportation shall place and, except as otherwise provided in this section **and IC 8-23-2-15**, maintain traffic control devices conforming to the state manual and specifications upon all state highways, including the state maintained routes through a city or town, as necessary to indicate and to carry out this article or to regulate, warn, or guide traffic.

(b) A local authority may not place or maintain a traffic control device upon a highway in the state highway system or the state maintained routes through a city or town until the authority has received written permission from the Indiana department of



transportation.

(c) If the department determines, upon the basis of an engineering and traffic investigation, that any traffic control signal is not necessary for the safe, convenient, economical, and orderly movement of traffic, the signal shall be removed by the Indiana department of transportation and be returned to the authority responsible for the signal's erection. If the Indiana department of transportation determines, based on an engineering and traffic investigation, that a traffic control signal now in place is necessary for the safe, convenient, economical, and orderly movement of traffic, the signal must remain in place, and the Indiana department of transportation shall affix a tag or seal to the signal showing that the signal has been approved by the Indiana department of transportation."

Page 14, line 25, reset in roman "misdemeanor."

Page 14, line 25, delete "infraction."

Page 17, line 30, after "department," insert "**including a volunteer fire department**,".

Page 25, reset in roman line 37.

Page 25, line 38, reset in roman "(2)".

Page 25, line 38, delete "(1)".

Page 25, line 40, reset in roman "(3)".

Page 25, line 40, delete "(2)".

Page 28, line 37, delete "issued under IC 9-24-16".

Page 28, line 37, after "issued" insert "**under IC 9-24**".

Page 28, delete lines 39 through 42.

Page 29, delete lines 1 through 2.

Page 29, between lines 6 and 7, begin a new paragraph and insert:
"SECTION 81. IC 9-24-8-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. **Sec. 6: In addition to any other penalty, the bureau:**

(1) shall revoke the motorcycle learner's permit of a person 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 after the date of the person's conviction."

Page 29, line 10, delete "IC 9-24-16" and insert "**IC 9-24**".

Page 29, line 13, delete "IC 9-24-16" and insert "**IC 9-24**".

Page 30, line 3, strike "at least ninety (90) days and".

Page 31, line 38, delete "license" and insert "**privileges**".

Page 43, delete lines 24 through 26, begin a new paragraph and insert:

"SECTION 117. IC 9-29-9-14 IS AMENDED TO READ AS

EH 1279—LS 7045/DI 107



FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. The fee for a **restricted specialized driving privilege** permit issued under IC 9-24-15 is ten dollars (\$10)."

Page 43, line 34, strike "reasonable" and insert "**probable**".

Page 43, delete lines 38 through 42, begin a new paragraph and insert:

"SECTION 119. IC 9-30-4-1, AS AMENDED BY P.L.85-2013, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. **(a)** Upon any reasonable ground appearing on the records of the bureau **and specified in rules adopted under subsection (b)**, 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.

(b) The bureau shall adopt rules under IC 4-22-2 to specify reasonable grounds for suspension or revocation permitted under subsection (a)."

Page 44, delete lines 1 through 2.

Page 44, line 36, reset in roman "(b) The bureau shall suspend or revoke".

Page 44, line 36, after "hearing" reset in roman "the".

Page 44, reset in roman lines 37 through 42.

Page 45, reset in roman lines 1 through 3.

Page 45, line 6, after "(4)" insert "**(3)**".

Page 45, line 6, reset in roman "Three (3) charges of criminal recklessness involving the use".

Page 45, reset in roman line 7.

Page 45, line 8, after "(5)" insert "**(4)**".

Page 45, line 8, reset in roman "Failure to stop and give information or assistance or failure to".

Page 45, reset in roman lines 9 through 11.

Page 45, line 17, reset in roman "(c)".

Page 45, line 17, delete "(b)".

Page 45, line 40, delete "(c)" and insert "**(d)**".

Page 46, line 1, strike "(d)" and insert "**(e)**".

Page 47, line 41, strike "(e)" and insert "**(f)**".

Page 48, line 2, strike "(f)" and insert "**(g)**".

Page 48, line 13, strike "(g)" and insert "**(h)**".

Page 48, line 21, strike "(h)" and insert "**(i)**".

Page 49, line 39, strike "probationary" and insert "**specialized**".

Page 50, line 5, strike "probationary" and insert "**specialized**".



Page 50, line 7, strike "probationary" and insert "**specialized**".

Page 50, line 8, strike "probationary" and insert "**specialized**".

Page 50, line 11, strike "probationary" and insert "**specialized**".

Page 50, line 17, strike "probationary" and insert "**specialized**".

Page 53, line 7, strike "probationary" and insert "**specialized**".

Page 53, line 8, strike "probationary" and insert "**specialized**".

Page 55, between lines 16 and 17, insert "**(9) Resisting law enforcement under IC 35-44.1-3-1.**".

Page 55, line 17, delete "(9)" and insert "**(10)**".

Page 67, line 24, reset in roman "operates a".

Page 67, reset in roman lines 25 through 26.

Page 67, line 27, reset in roman "or IC 9-12-3-1 (repealed July 1, 1991)".

Page 68, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 141. IC 9-30-13-1 IS REPEALED [EFFECTIVE JULY 1, 2014]. 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 142. IC 9-30-13-2 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 2: For a person who uses a motor vehicle to commit obstruction of traffic under IC 35-44.1-2-13, 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 143. IC 9-30-13-3 IS REPEALED [EFFECTIVE JULY 1, 2014]. 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 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 144. IC 9-30-13-4 IS REPEALED [EFFECTIVE JULY 1, 2014]. 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."

Page 68, strike line 26.

Page 68, line 27, strike "under".

Page 68, line 27, delete "IC 9-30-16".

Page 68, line 27, strike "if the person otherwise qualifies".

Page 68, strike lines 28 through 34.

Page 68, strike line 42.

Page 69, strike lines 1 through 2.

Page 69, line 3, strike "of suspension in accordance with the".

Page 69, line 3, delete "order".

Page 69, line 3, strike "of the".

Page 69, line 4, strike "court".

Page 71, line 7, delete "section," and insert "**chapter**".

Page 72, line 12, delete "The suspension of driving privileges under this" and insert "**Except as provided in subsection (b), the following are ineligible for a specialized driving permit under this chapter:**

(1) A person who has never had a valid Indiana driver's license.

(2) A person who holds a commercial driver's license.

(3) A person who has refused to submit to a chemical test offered under IC 9-30-6."

Page 72, delete line 13, begin a new paragraph and insert:

"(b) This chapter applies to an individual who:

(1) held a commercial driver's license at the time the individual committed an offense for which the operation of a motor vehicle was an element of the offense;

(2) no longer holds a commercial driver's license; and

(3) subsequently was issued an operator's license, chauffeur's license, or public passenger chauffeur's license."

Page 72, line 14, delete "(b)" and insert "(c)".

Page 72, line 19, delete "(c)" and insert "(d)".

Page 72, line 24, delete "(d)" and insert "(e)".



Page 73, between lines 3 and 4, begin a new paragraph and insert:
"(c) If a court fails to suspend a person's driving privileges for at least one (1) year under this section, the bureau shall suspend the person's driving privileges for one (1) year."

Page 73, line 23, delete "SR-16" and insert **"proof of future financial responsibility"**.

Page 73, line 29, delete "law enforcement officer." and insert **"police officer."**

Page 83, between lines 4 and 5, begin a new paragraph and insert:
"(d) A person required to be licensed under this chapter that fails to register in accordance with the schedule set forth in subsection (a) commits a Class A infraction."

Page 101, line 29, after "1." insert **"(a)"**.

Page 101, line 29, delete "motor".

Page 101, line 30, delete "motor".

Page 101, line 31, delete "motor vehicle, motor vehicle" and insert **"vehicle, vehicle"**.

Page 101, between lines 38 and 39, begin a new paragraph and insert:

"(b) A person who counterfeits or falsely reproduces a certificate of title for a motor vehicle, semitrailer, or recreational vehicle with intent to:

(1) use the certificate of title; or

(2) permit another person to use the certificate of title;

commits a Class B misdemeanor."

Page 102, line 29, strike "driver's license" and insert **"driving privileges"**.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1279 as introduced.)

SOLIDAY, Chair

Committee Vote: yeas 12, nays 0.



HOUSE MOTION

Mr. Speaker: I move that House Bill 1279 be amended to read as follows:

Page 31, line 5, strike "shall" and insert "**may**".

Page 47, line 15, strike "subdivisions" and insert "**subdivision**".

Page 47, line 15, after "(2)" insert ",".

Page 47, line 15, delete "and".

Page 47, line 15, strike "(3)".

Page 47, line 23, delete "," and insert "**or (c)(1), or (b)(4) or (c)(4) when the accident has resulted in death,**".

Page 50, line 41, strike "shall" and insert "**may**".

Page 51, line 4, strike "shall" and insert "**may**".

Page 51, line 14, strike "shall" and insert "**may**".

Page 51, line 42, strike "shall" and insert "**may**".

Page 56, line 33, delete "statute." and insert "statute".

Page 56, line 33, reset in roman "or".

Page 56, line 34, reset in roman "any felony in".

Page 56, line 34, after "in" insert "**which**".

Page 56, line 34, reset in roman "the".

Page 56, line 34, after "commission" insert "**operation**".

Page 56, line 34, reset in roman "of".

Page 56, line 34, reset in roman "a motor vehicle is".

Page 56, line 34, after "used." insert "**an element of the offense.**".

Page 74, line 31, delete "This" and insert "**In addition to applying to a person who held an operator's, a public passenger chauffeur's, or a chauffeur's license at the time of the criminal conviction for which the operation of a motor vehicle is an element of the offense, this**".

Page 75, line 7, delete "restricted" and insert "**specialized**".

Page 75, line 23, delete "one (1) year" and insert "**two (2) years**".

Page 75, delete lines 28 through 30.

Page 87, between lines 37 and 38, begin a new paragraph and insert:
"SECTION 178. IC 14-15-11-11, AS AMENDED BY P.L.114-2012, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) Except as provided in subsection (b), a person who operates a motorboat upon public waters while the person's Indiana driver's license is suspended or revoked commits a Class A infraction. However, if:

(1) a person knowingly or intentionally violates this subsection;
and

(2) less than ten (10) years have elapsed between the date a



judgment was entered against the person for a prior unrelated violation of this subsection, IC 9-1-4-52 (repealed July 1, 1991), IC 9-24-18-5 (repealed July 1, 2000), or IC 9-24-19 and the date the violation described in subdivision (1) was committed; the person commits a Class A misdemeanor.

(b) If:

- (1) a person operates a motorboat upon public waters while the person's Indiana driver's license is suspended or revoked; and
- (2) the person's suspension or revocation was a result of the person's conviction of an offense (as defined in IC 35-31.5-2-215);

the person commits a Class A misdemeanor. However, notwithstanding IC 35-50-3-2, a person who violates this subsection shall be imprisoned for a fixed term of not less than sixty (60) days and not more than one (1) year. Notwithstanding IC 35-50-3-1, the court may not suspend any part of the sentence except that part of the sentence exceeding sixty (60) days.

(c) In addition to any other penalty imposed for a conviction under this section, the court ~~shall~~ **may** recommend that the person's privileges to operate a motorboat upon public waters be suspended for a fixed period of not ~~less than ninety (90) days and not~~ more than two (2) years.

(d) The bureau, upon receiving a record of conviction of a person on a charge of operating a motorboat while the person's driver's license was suspended, shall 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.

(e) In a prosecution under this section, the burden is on the defendant to prove by a preponderance of the evidence that, at the time of the alleged offense, the defendant held a valid Indiana driver's license."

Page 105, line 10, strike "shall," and insert "**may**,".

Renumber all SECTIONS consecutively.

(Reference is to HB 1279 as printed January 27, 2014.)

MCMILLIN



HOUSE MOTION

Mr. Speaker: I move that House Bill 1279 be amended to read as follows:

Page 55, between lines 10 and 11, begin a new paragraph and insert:
 "SECTION 130. IC 9-30-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) **The ~~bureau~~ director of the state department of toxicology, based on the recommendation of the governor's council on impaired and dangerous driving**, shall adopt rules under IC 4-22-2 to establish standards and specifications for ~~an~~ **a certified** ignition interlock device, ~~the installation of which the courts may mandate under IC 9-30-5-16.~~ The standards and specifications must require at a minimum that the device meets the following requirements:

- (1) Is accurate.
- (2) Does not impede the safe operation of a vehicle.
- (3) Provides a minimum opportunity to be bypassed.
- (4) Shows evidence of tampering if tampering is attempted.
- (5) Has a label affixed warning ~~that~~ a person **that** tampering with or misusing the device is **a crime and may subject that person to a criminal and civil penalty. penalties.**
- (6) **Provides the ability to accurately identify the user.**

(b) **After July 1, 2015, all ignition interlock devices used in Indiana must be certified under rules adopted by the state department of toxicology.**

(c) **A vendor or provider may submit an application for approval of an ignition interlock device in a form prescribed by the director of the state department of toxicology.**

(d) **The director of the state department of toxicology shall:**

- (1) **have tests conducted concerning the ignition interlock device with standards set forth by the state department of toxicology; and**
- (2) **have the results of the tests evaluated by a person or entity designated by the state department of toxicology.**

(e) **The tests required under this section must be performed by an independent laboratory designated by the state department of toxicology. The vendor shall pay any testing expenses under this section.**

(f) **If the director of the state department of toxicology finds that the ignition interlock device complies with the standards of the state department of toxicology, the director may approve the ignition interlock device as a certified ignition interlock device.**

(g) **The director of the state department of toxicology shall**

EH 1279—LS 7045/DI 107



provide periodic reports to the governor's council on impaired and dangerous driving, including, but not limited to:

- (1) the number of ignition interlock devices certified by the state department of toxicology;
- (2) the number of ignition interlock devices currently installed in Indiana; and
- (3) the number of ignition interlock devices rejected by the state department of toxicology.

(h) The state department of toxicology shall consider all recommendations made by the governor's council on impaired and dangerous driving.

(i) The governor's council on impaired and dangerous driving shall meet once a year to:

- (1) evaluate reports submitted by the state department of toxicology;
- (2) evaluate and study ignition interlock issues;
- (3) make recommendations to the state department of toxicology; and
- (4) make recommendations to the general assembly in an electronic format under IC 5-14-6.

SECTION 131. IC 9-30-8-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) A vendor or provider whose ignition interlock device is certified under section 3 of this chapter shall provide a report to the court that ordered the device or the court's designee within two (2) weeks if any of the following occur:

- (1) Any attempt to start the vehicle with a breath alcohol concentration of four hundredths (.04) grams or higher if the person does not register a test result indicating a breath alcohol concentration of four hundredths (.04) grams or lower within ten (10) minutes of the initial test.
- (2) Absent a documented failure of the ignition interlock device, failure to take or pass any required test.
- (3) Failure of the person ordered to use an ignition interlock device to appear at the ignition interlock vendor or provider for maintenance, repair, calibration, monitoring, inspection, or replacement of the ignition interlock device.
- (4) Any violations or restrictions imposed by the court.

(b) Any person who is required to have an ignition interlock device installed as part of probation, a specialized driving permit, or any other order of a court is required to pay for the installation, leasing, maintenance, and removal of the ignition interlock device,



as well as any additional expenses ordered by the court or the court's designee.

(c) An ignition interlock vendor or provider shall provide any reports or data requested by the state department of toxicology."

Renumber all SECTIONS consecutively.

(Reference is to HB 1279 as printed January 27, 2014.)

MCMILLIN

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred House Bill No. 1279, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Replace the effective dates in SECTIONS 4 through 14 with "[EFFECTIVE JANUARY 1, 2015]".

Replace the effective dates in SECTIONS 16 through 69 with "[EFFECTIVE JANUARY 1, 2015]".

Replace the effective dates in SECTIONS 71 through 185 with "[EFFECTIVE JANUARY 1, 2015]".

Replace the effective dates in SECTIONS 187 through 194 with "[EFFECTIVE JANUARY 1, 2015]".

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 1-1-5.5-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 22. (a) A SECTION of HEA 1279-2014 does not affect:**

- (1) penalties incurred;**
- (2) crimes committed; or**
- (3) proceedings begun;**

before the effective date of that SECTION of HEA 1279-2014. Those penalties, crimes, and proceedings continue and shall be imposed and enforced under prior law as if that SECTION of HEA 1279-2014 had not been enacted.

(b) The general assembly does not intend the doctrine of amelioration (see *Vicory v. State*, 400 N.E.2d 1380 (Ind. 1980)) to apply to any SECTION of HEA 1279-2014."

Page 77, line 10, delete "A suspension of".

EH 1279—LS 7045/DI 107



Page 77, delete line 11.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to HB 1279 as reprinted January 31, 2014.)

YOUNG R MICHAEL, Chairperson

Committee Vote: Yeas 10, Nays 0.

