

HOUSE BILL No. 1304

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-25; IC 9-30-16-4.5.

Synopsis: Driver's license suspension. Exempts a person from certain statutes requiring the suspension of a driver's license following a motor vehicle accident in certain instances. Reduces the fees assessed for the reinstatement of a suspended license. Makes conforming amendments.

Effective: July 1, 2019.

Shackleford

January 14, 2019, read first time and referred to Committee on Roads and Transportation.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1304

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 9-25-5-2, AS AMENDED BY P.L.125-2012,
2 SECTION 249, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: Sec. 2. **Except as provided under**
4 **IC 9-25-6-3(a)**, not more than forty-five (45) days after the bureau
5 receives a copy of an accident report under IC 9-26, the bureau shall
6 send to each person identified in the report as an operator of a motor
7 vehicle involved in the accident a request for evidence of financial
8 responsibility under section 3 of this chapter, unless the evidence has
9 already been filed with the bureau. The request for evidence of
10 financial responsibility shall be sent to each person identified in the
11 report as an operator of a motor vehicle involved in the accident
12 regardless of fault.

13 SECTION 2. IC 9-25-6-3, AS AMENDED BY P.L.120-2017,
14 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2019]: Sec. 3. **(a) This section does not apply to a person**
16 **who:**

17 **(1) was not the owner of the vehicle being operated by the**



- 1 person at the time of a motor vehicle accident referred to in
 2 IC 9-25-5-2 or at the time of a violation referred to in
 3 IC 9-25-9-2;
 4 (2) had the permission of a vehicle's owner to operate the
 5 motor vehicle at the time of a motor vehicle accident referred
 6 to in IC 9-25-5-2 or at the time of a violation referred to in
 7 IC 9-25-9-2;
 8 (3) had no knowledge that financial responsibility was not in
 9 effect for the motor vehicle that was involved in a motor
 10 vehicle accident or used during a violation; and
 11 (4) affirms:
 12 (A) under penalties of perjury; and
 13 (B) in a form and manner prescribed by the bureau;
 14 that circumstances described in subdivisions (1) through (3)
 15 were true at the time of the motor vehicle accident referred to
 16 in IC 9-25-5-2 or at the time of the violation referred to in
 17 IC 9-25-9-2.
- 18 **The bureau may adopt rules under IC 4-22-2, including emergency**
 19 **rules in the manner provided under IC 4-22-2-37.1, to implement**
 20 **this subsection.**
- 21 (a) (b) If the bureau:
 22 (1) does not receive a certificate of compliance during the
 23 applicable compliance response period for a person identified
 24 under IC 9-25-5-2; or
 25 (2) receives a certificate that does not indicate that financial
 26 responsibility was in effect with respect to the motor vehicle
 27 operated by the person or operation of the motor vehicle by the
 28 person on the date of the accident referred to in IC 9-25-5-2;
 29 the bureau shall take action under subsection ~~(d)~~: (e).
- 30 ~~(b)~~ (c) If the bureau:
 31 (1) does not receive a certificate of compliance during the
 32 applicable compliance response period for a person presented
 33 with a request for evidence of financial responsibility under
 34 IC 9-25-9-1; or
 35 (2) receives a certificate that does not indicate that financial
 36 responsibility was in effect with respect to the motor vehicle or
 37 operation of the motor vehicle that the person was operating when
 38 the person committed the violation described in the judgment or
 39 abstract received by the bureau under IC 9-25-9-1;
 40 the bureau shall take action under subsection ~~(d)~~: (e).
- 41 ~~(c)~~ (d) If the bureau:
 42 (1) does not receive a certificate of compliance during the



1 applicable compliance response period for a person presented
 2 with a request under IC 9-25-10 (before its repeal); or
 3 (2) receives a certificate that does not indicate that financial
 4 responsibility was in effect on the date requested;
 5 the bureau shall take action under subsection ~~(d)~~: **(e)**.

6 ~~(d)~~ **(e)** Under the conditions set forth in subsection ~~(a)~~; ~~(b)~~; **(b)**, **(c)**,
 7 or ~~(c)~~; **(d)**, the bureau shall immediately suspend the person's driving
 8 privileges or motor vehicle registration, or both, as determined by the
 9 bureau, for at least ninety (90) days and not more than one (1) year.
 10 The suspension of a person's driving privileges or motor vehicle
 11 registration, or both, may be imposed only one (1) time under this
 12 subsection or IC 9-25-8-2 for the same incident.

13 ~~(e)~~ **(f)** Except as provided in subsection ~~(f)~~; **(g)**, if subsection ~~(a)~~;
 14 ~~(b)~~; **(b)**, **(c)**, or ~~(c)~~ **(d)** applies to a person, the bureau shall suspend the
 15 driving privileges of the person irrespective of the following:

16 (1) The sale or other disposition of the motor vehicle by the
 17 owner.

18 (2) The cancellation or expiration of the registration of the motor
 19 vehicle.

20 ~~(3) An assertion by the person that the person did not own the~~
 21 ~~motor vehicle and therefore had no control over whether financial~~
 22 ~~responsibility was in effect with respect to the motor vehicle.~~

23 ~~(f)~~ **(g)** The bureau shall not suspend the driving privileges of a
 24 person to which subsection ~~(a)~~; ~~(b)~~; **(b)**, **(c)**, or ~~(c)~~ **(d)** applies if the
 25 person, through a certificate of compliance or another communication
 26 with the bureau, establishes to the satisfaction of the bureau that the
 27 motor vehicle that the person was operating when the accident referred
 28 to in subsection ~~(a)~~ **(b)** took place or when the violation referred to in
 29 subsection ~~(b)~~ **(c)** or ~~(c)~~ **(d)** was committed was:

30 (1) rented from a rental company; or

31 (2) owned by the person's employer and operated by the person in
 32 the normal course of the person's employment.

33 SECTION 3. IC 9-25-6-15, AS AMENDED BY P.L.198-2016,
 34 SECTION 543, IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2019]: Sec. 15. (a) An individual:

36 (1) whose driving privileges are suspended under this article; and

37 (2) who seeks the reinstatement of the driving privileges;

38 must pay a reinstatement fee to the bureau as provided in subsection
 39 (b).

40 (b) The reinstatement fee under subsection (a) is as follows:

41 (1) For a first suspension, ~~two hundred fifty dollars (\$250)~~: **one**
 42 **hundred fifty dollars (\$150)**.



1 (2) For a second suspension, ~~five hundred dollars (\$500)~~: **two**
 2 **hundred twenty-five dollars (\$225)**.

3 (3) For a third or subsequent suspension, ~~one thousand dollars~~
 4 ~~(\$1,000)~~: **three hundred dollars (\$300)**.

5 (c) Each fee paid under this section shall be deposited in the
 6 financial responsibility compliance verification fund established by
 7 IC 9-25-9-7 as follows:

8 (1) One hundred twenty dollars (\$120) for a fee paid after a first
 9 suspension.

10 (2) One hundred ninety-five dollars (\$195) for a fee paid after a
 11 second suspension.

12 (3) Two hundred seventy dollars (\$270) for a fee paid after a third
 13 or subsequent suspension.

14 The remaining amount of each fee paid under this section must be
 15 deposited in the motor vehicle highway account.

16 (d) If:

17 (1) a person's driving privileges are suspended for registering or
 18 operating a vehicle in violation of IC 9-25-4-1;

19 (2) the person is required to pay a fee for the reinstatement of the
 20 person's license under this section; and

21 (3) the person later establishes that the person did not register or
 22 operate a vehicle in violation of IC 9-25-4-1;

23 the fee paid by the person under this section shall be refunded.

24 SECTION 4. IC 9-25-8-2, AS AMENDED BY P.L.198-2016,
 25 SECTION 547, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) A person that knowingly:

27 (1) operates; or

28 (2) permits the operation of;

29 a motor vehicle on a public highway in Indiana without financial
 30 responsibility in effect as set forth in IC 9-25-4-4 commits a Class A
 31 infraction. However, the offense is a Class C misdemeanor if the
 32 person knowingly or intentionally violates this section and has a prior
 33 unrelated conviction or judgment under this section.

34 (b) Subsection (a)(2) applies to:

35 (1) the owner of a rental company under ~~IC 9-25-6-3(f)(1)~~;
 36 **IC 9-25-6-3(g)(1)**; and

37 (2) an employer under ~~IC 9-25-6-3(f)(2)~~: **IC 9-25-6-3(g)(2)**.

38 (c) In addition to any other penalty imposed on a person for
 39 violating this section, the court shall recommend the suspension of the
 40 person's driving privileges for at least ninety (90) days but not more
 41 than one (1) year. However, if, within the five (5) years preceding the
 42 conviction under this section, the person had a prior unrelated



1 conviction under this section, the court shall recommend the
 2 suspension of the person's driving privileges and motor vehicle
 3 registration for one (1) year.

4 (d) Upon receiving the recommendation of the court under
 5 subsection (c), the bureau shall suspend the person's driving privileges
 6 and motor vehicle registration, as applicable, for the period
 7 recommended by the court. If no suspension is recommended by the
 8 court, or if the court recommends a fixed term that is less than the
 9 minimum term required by statute, the bureau shall impose the
 10 minimum period of suspension required under this article. The
 11 suspension of a person's driving privileges or motor vehicle
 12 registration, or both, may be imposed only one (1) time under this
 13 subsection or IC 9-25-6 for the same incident.

14 SECTION 5. IC 9-25-9-1, AS AMENDED BY P.L.149-2015,
 15 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2019]: Sec. 1. (a) After the bureau receives:

17 (1) a certified abstract under IC 9-30-13-0.5 of the record of
 18 conviction of a person for a violation of a law relating to motor
 19 vehicles;

20 (2) a judgment or an abstract under IC 9-30-3-11 of a case
 21 resulting in a conviction, judgment, or forfeiture of security
 22 deposit; or

23 (3) a judgment, abstract, or other court order indicating the
 24 conviction of a person for a violation of a law relating to motor
 25 vehicles;

26 the bureau shall determine whether the bureau is required under
 27 subsection (b) to send to the person named in the judgment, abstract,
 28 or other court order a request for evidence of financial responsibility.

29 (b) **Except as provided under IC 9-25-6-3(a)**, the bureau shall
 30 send a request for evidence of financial responsibility to a person
 31 referred to in subsection (a) if at least one (1) of the following applies
 32 to the person:

33 (1) The judgment, abstract, or other court order referred to in
 34 subsection (a) reports that the person committed a moving traffic
 35 violation for which points are assessed by the bureau under the
 36 point system, and, during a twelve (12) month period including
 37 the date of the violation referred to in the judgment, abstract, or
 38 other court order, the person committed at least two (2) additional
 39 moving traffic violations for which points are assessed by the
 40 bureau under the point system.

41 (2) The judgment, abstract, or other court order referred to in
 42 subsection (a) reports that the person was convicted of:



- 1 (A) a misdemeanor; or
 2 (B) a felony;
 3 involving a motor vehicle.
 4 (3) The judgment, abstract, or other court order referred to in
 5 subsection (a) reports that the person committed a moving traffic
 6 violation for which points are assessed by the bureau under the
 7 point system and the driving privileges of the person were
 8 previously suspended for violation of the financial responsibility
 9 requirements of IC 9-25.
 10 (c) The expungement or other removal from a person's record of an
 11 underlying judgment or conviction for which the bureau sends to the
 12 person a request for evidence of financial responsibility under this
 13 section does not alter or otherwise affect a penalty imposed by the
 14 bureau on the person for the person's failure to provide evidence of
 15 financial responsibility under this article.
 16 SECTION 6. IC 9-30-16-4.5, AS ADDED BY P.L.188-2015,
 17 SECTION 126, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2019]: Sec. 4.5. (a) This section applies to a
 19 person:
 20 (1) whose driving privileges were suspended under
 21 ~~IC 9-25-6-3(d)~~, **IC 9-25-6-3(e)**, IC 9-25-6-3.5, or IC 9-25-8-2;
 22 and
 23 (2) to whom a court grants specialized driving privileges under
 24 section 3 or 4 of this chapter with respect to the suspended driving
 25 privileges.
 26 (b) The court may, as a condition of the specialized driving
 27 privileges, lift the suspension of the person's motor vehicle registration
 28 that was imposed in conjunction with the suspension of the person's
 29 driving privileges.

