

SENATE BILL No. 39

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-30-16-3.

Synopsis: Specialized driving privileges. Provides that in certain circumstances a court may stay a person's suspension of driving privileges and grant a specialized driving privilege for a period of time as determined by the court.

Effective: July 1, 2020.

Freeman

January 6, 2020, read first time and referred to Committee on Corrections and Criminal Law.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

SENATE BILL No. 39

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 9-30-16-3, AS AMENDED BY P.L.161-2018,
2 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2020]: Sec. 3. (a) This section does not apply to specialized
4 driving privileges granted in accordance with section 3.5 of this
5 chapter. If a court orders a suspension of driving privileges under this
6 chapter, or imposes a suspension of driving privileges under
7 IC 9-30-6-9(c), the court may stay the suspension and grant a
8 specialized driving privilege as set forth in this section.
9 (b) An individual who seeks specialized driving privileges must file
10 a petition for specialized driving privileges in each court that has
11 ordered or imposed a suspension of the individual's driving privileges.
12 Each petition must:
13 (1) be verified by the petitioner;
14 (2) state the petitioner's age, date of birth, and address;
15 (3) state the grounds for relief and the relief sought;
16 (4) be filed in the court case that resulted in the order of
17 suspension; and



1 (5) be served on the bureau and the prosecuting attorney.
2 A prosecuting attorney shall appear on behalf of the bureau to respond
3 to a petition filed under this subsection.

4 (c) Except as provided in subsection (h), regardless of the
5 underlying offense, specialized driving privileges granted under this
6 section shall be granted for **a period of time as determined by the**
7 **court.**

8 (~~1~~) at least one hundred eighty (180) days; and

9 (~~2~~) not more than two and one-half (2 1/2) years.

10 (d) The terms of specialized driving privileges must be determined
11 by a court.

12 (e) A stay of a suspension and specialized driving privileges may
13 not be granted to an individual who:

14 (1) has previously been granted specialized driving privileges;
15 and

16 (2) has more than one (1) conviction under section 5 of this
17 chapter.

18 (f) An individual who has been granted specialized driving
19 privileges shall:

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

22 (2) carry a copy of the order granting specialized driving
23 privileges or have the order in the vehicle being operated by the
24 individual;

25 (3) produce the copy of the order granting specialized driving
26 privileges upon the request of a police officer; and

27 (4) carry a validly issued state identification card or driver's
28 license.

29 (g) An individual who holds a commercial driver's license and has
30 been granted specialized driving privileges under this chapter may not,
31 for the duration of the suspension for which the specialized driving
32 privileges are sought, operate any vehicle that requires the individual
33 to hold a commercial driver's license to operate the vehicle.

34 (h) Whenever a suspension of an individual's driving privileges
35 under this chapter is terminated because:

36 (1) the underlying conviction, judgment, or finding that forms the
37 basis of the suspension is reversed, vacated, or dismissed; or

38 (2) the individual is acquitted of, found not liable for, or otherwise
39 found not to have committed the underlying act or offense that
40 forms the basis of the suspension;

41 the individual's specialized driving privileges expire at the time the
42 suspension of the individual's driving privileges is terminated.



1 (i) The court shall inform the bureau of a termination of a
2 suspension and expiration of specialized driving privileges as described
3 under subsection (h) in a format designated by the bureau.

