



January 10, 2020

SENATE BILL No. 39

DIGEST OF SB 39 (Updated January 7, 2020 1:34 pm - DI 106)

Citations Affected: IC 9-30.

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

Effective: July 1, 2020.

Freeman, Young M

January 6, 2020, read first time and referred to Committee on Corrections and Criminal Law.
January 9, 2020, amended, reported favorably — Do Pass.

SB 39—LS 6031/DI 131



January 10, 2020

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

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

(c) Except as provided in subsection (h), regardless of the underlying offense, specialized driving privileges granted under this section shall be granted for **a period of time as determined by the court. A court, at its discretion, may set periodic review hearings to review an individual's specialized driving privileges.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the individual's specialized driving privileges expire at the time the



suspension of the individual's driving privileges is terminated.

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

SECTION 2. IC 9-30-16-3.5, AS AMENDED BY P.L.46-2018, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.5. (a) If a court imposes a suspension of driving privileges under IC 9-21-5-11(f), the court may stay the suspension and grant a specialized driving privilege as set forth in this section.

(b) Except as provided in subsection (g), specialized driving privileges granted under this section shall be granted for ~~sixty (60) days; or the remainder of the sixty (60) day period of suspension as set forth in IC 9-30-13-9(b)(2)~~ if a petition for specialized driving privileges is filed in the manner set forth under subsection (f): **a period of time as determined by the court. A court, at its discretion, may set periodic review hearings to review an individual's specialized driving privileges.**

(c) Specialized driving privileges granted under this section:

- (1) must be determined by a court; and
- (2) are limited to restricting the individual to being allowed to operate a motor vehicle between the place of employment of the individual and the individual's residence.

(d) An individual who has been granted specialized driving privileges under this section shall:

- (1) maintain proof of future financial responsibility insurance during the period of specialized driving privileges;
- (2) carry a copy of the order granting specialized driving privileges or have the order in the vehicle being operated by the individual;
- (3) produce the copy of the order granting specialized driving privileges upon the request of a police officer; and
- (4) carry a validly issued driver's license.

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

(f) An individual who seeks specialized driving privileges must file a petition for specialized driving privileges in each court that has ordered or imposed a suspension of the individual's driving privileges. Each petition must:



- (1) be verified by the petitioner;
- (2) state the petitioner's age, date of birth, and address;
- (3) state the grounds for relief and the relief sought;
- (4) be filed in the court that ordered or imposed the suspension;
- and
- (5) be served on the bureau and the prosecuting attorney.

A prosecuting attorney shall appear on behalf of the bureau to respond to a petition filed under this subsection.

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

- (1) the underlying conviction, judgment, or finding that forms the basis of the suspension is reversed, vacated, or dismissed; or
- (2) the individual is acquitted of, found not liable for, or otherwise found not to have committed the underlying act or offense that forms the basis of the suspension;

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

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



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 39, 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:

Page 2, line 7, after "court." insert "**A court, at its discretion, may set periodic review hearings to review an individual's specialized driving privileges.**".

Page 3, after line 3, begin a new paragraph and insert:

"SECTION 2. IC 9-30-16-3.5, AS AMENDED BY P.L.46-2018, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.5. (a) If a court imposes a suspension of driving privileges under IC 9-21-5-11(f), the court may stay the suspension and grant a specialized driving privilege as set forth in this section.

(b) Except as provided in subsection (g), specialized driving privileges granted under this section shall be granted for ~~sixty (60) days, or the remainder of the sixty (60) day period of suspension as set forth in IC 9-30-13-9(b)(2)~~ if a petition for specialized driving privileges is filed in the manner set forth under subsection (f): **a period of time as determined by the court. A court, at its discretion, may set periodic review hearings to review an individual's specialized driving privileges.**

(c) Specialized driving privileges granted under this section:

- (1) must be determined by a court; and
- (2) are limited to restricting the individual to being allowed to operate a motor vehicle between the place of employment of the individual and the individual's residence.

(d) An individual who has been granted specialized driving privileges under this section shall:

- (1) maintain proof of future financial responsibility insurance during the period of specialized driving privileges;
- (2) carry a copy of the order granting specialized driving privileges or have the order in the vehicle being operated by the individual;
- (3) produce the copy of the order granting specialized driving privileges upon the request of a police officer; and
- (4) carry a validly issued driver's license.

(e) An individual who holds a commercial driver's license and has been granted specialized driving privileges under this chapter may not, for the duration of the suspension for which the specialized driving



privileges are sought, operate a motor vehicle that requires the individual to hold a commercial driver's license to operate the motor vehicle.

(f) An individual who seeks specialized driving privileges must file a petition for specialized driving privileges in each court that has ordered or imposed a suspension of the individual's driving privileges. Each petition must:

- (1) be verified by the petitioner;
- (2) state the petitioner's age, date of birth, and address;
- (3) state the grounds for relief and the relief sought;
- (4) be filed in the court that ordered or imposed the suspension; and
- (5) be served on the bureau and the prosecuting attorney.

A prosecuting attorney shall appear on behalf of the bureau to respond to a petition filed under this subsection.

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

- (1) the underlying conviction, judgment, or finding that forms the basis of the suspension is reversed, vacated, or dismissed; or
- (2) the individual is acquitted of, found not liable for, or otherwise found not to have committed the underlying act or offense that forms the basis of the suspension;

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

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

and when so amended that said bill do pass.

(Reference is to SB 39 as introduced.)

YOUNG M, Chairperson

Committee Vote: Yeas 9, Nays 0.

