

SENATE BILL No. 443

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-21; IC 9-30.

Synopsis: Disregard of a traffic control signal. Establishes that the following are Class B infractions: (1) Failure to stop at a traffic control signal resulting in bodily injury. (2) Failure to stop at an entrance to a through highway resulting in bodily injury. (3) Failure to stop at an intersection resulting in bodily injury. Provides that a court may impose a suspension of the driving privileges of a person who has committed the infraction.

Effective: July 1, 2020.

Garten

January 15, 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. 443

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 9-21-3-7, AS AMENDED BY P.L.149-2015,
- 2 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2020]: Sec. 7. (a) Whenever traffic is controlled by traffic
- 4 control signals exhibiting different colored lights or colored lighted
- 5 arrows successively, one (1) at a time or in combination, only the
- 6 colors green, red, or yellow may be used, except for special pedestrian
- 7 signals under IC 9-21-18.
- 8 (b) The lights indicate and apply to drivers of vehicles and
- 9 pedestrians as follows:
- 10 (1) Green indication means the following:
- 11 (A) Vehicular traffic facing a circular green signal may
- 12 proceed straight through or turn right or left, unless a sign at
- 13 the place prohibits either turn.
- 14 (B) Vehicular traffic, including vehicles turning right or left,
- 15 shall yield the right-of-way to other vehicles and to pedestrians
- 16 lawfully within the intersection or an adjacent sidewalk at the
- 17 time the signal is exhibited.



- 1 (C) Vehicular traffic facing a green arrow signal, shown alone
 2 or in combination with another indication, may cautiously
 3 enter the intersection only to make the movement indicated by
 4 the green arrow or other movement permitted by other
 5 indications shown at the same time.
- 6 (D) Vehicular traffic shall yield the right-of-way to pedestrians
 7 lawfully within an adjacent crosswalk and to other traffic
 8 lawfully using the intersection.
- 9 (E) Unless otherwise directed by a pedestrian control signal,
 10 pedestrians facing a green signal, except when the sole green
 11 signal is a turn arrow, may proceed across the roadway within
 12 a marked or unmarked crosswalk.
- 13 (2) Steady yellow indication means the following:
- 14 (A) Vehicular traffic facing a steady circular yellow or yellow
 15 arrow signal is warned that the related green movement is
 16 being terminated and that a red indication will be exhibited
 17 immediately thereafter.
- 18 (B) A pedestrian facing a steady circular yellow or yellow
 19 arrow signal, unless otherwise directed by a pedestrian control
 20 signal, is advised that there is insufficient time to cross the
 21 roadway before a red indication is shown, and a pedestrian
 22 may not start to cross the roadway at that time.
- 23 (3) Steady red indication means the following:
- 24 (A) Except as provided in clauses (B) and (D), vehicular
 25 traffic facing a steady circular red or red arrow signal shall
 26 stop at a clearly marked stop line. However, if there is no
 27 clearly marked stop line, vehicular traffic shall stop before
 28 entering the crosswalk on the near side of the intersection. If
 29 there is no crosswalk, vehicular traffic shall stop before
 30 entering the intersection and shall remain standing until an
 31 indication to proceed is shown.
- 32 (B) Except when a sign is in place prohibiting a turn described
 33 in this subdivision, vehicular traffic facing a steady red signal,
 34 after coming to a complete stop, may cautiously enter the
 35 intersection to do the following:
- 36 (i) Make a right turn.
- 37 (ii) Make a left turn if turning from the left lane of a
 38 one-way street into another one-way street with the flow of
 39 traffic.
- 40 Vehicular traffic making a turn described in this subdivision
 41 shall yield the right-of-way to pedestrians lawfully within an
 42 adjacent crosswalk and to other traffic using the intersection.



- 1 (C) Unless otherwise directed by a pedestrian control signal
 2 pedestrians facing a steady circular red or red arrow signal
 3 may not enter the roadway.
- 4 (D) This clause does not apply to the operation of an
 5 autocycle. If the operator of a motorcycle, motor driven cycle,
 6 or bicycle approaches an intersection that is controlled by a
 7 traffic control signal, the operator may proceed through the
 8 intersection on a steady red signal only if the operator:
- 9 (i) comes to a complete stop at the intersection for at least
 10 one hundred twenty (120) seconds; and
- 11 (ii) exercises due caution as provided by law, otherwise
 12 treats the traffic control signal as a stop sign, and determines
 13 that it is safe to proceed.
- 14 (4) No indication or conflicting indications means the following:
- 15 (A) Except as provided in clause (C), vehicular traffic facing
 16 an intersection having a signal that displays no indication or
 17 conflicting indications, where no other control is present, shall
 18 stop before entering the intersection.
- 19 (B) After stopping, vehicular traffic may proceed with caution
 20 through the intersection and shall yield the right-of-way to
 21 traffic within the intersection or approaching so closely as to
 22 constitute an immediate hazard.
- 23 (C) Vehicular traffic entering an intersection or crosswalk
 24 facing a pedestrian hybrid beacon may proceed without
 25 stopping if no indication is displayed on the pedestrian hybrid
 26 beacon.
- 27 (5) This section applies to traffic control signals located at a place
 28 other than an intersection. A stop required under this subdivision
 29 must be made at the signal, except when the signal is
 30 supplemented by a sign or pavement marking indicating where
 31 the stop must be made.
- 32 **(c) A person who violates this section commits a Class C**
 33 **infraction. However, a failure to stop under subsection (b)(3) that**
 34 **results in bodily injury to a person is a Class B infraction.**
- 35 **(d) If judgment has been imposed for committing a Class B**
 36 **infraction under this section, the court may suspend the driving**
 37 **privileges of the person who committed the infraction for not more**
 38 **than six (6) months. If the court suspends a person's driving**
 39 **privileges under this subsection, the court shall issue an order to**
 40 **the bureau:**
- 41 **(1) stating that the judgment against the person has been**
 42 **entered for committing the infraction of failing to stop at a**



1 traffic control signal resulting in bodily injury to a person
2 under this section;

3 (2) stating the length of the suspension of the person's driving
4 privileges; and

5 (3) ordering the suspension of the person's driving privileges
6 by the bureau under IC 9-30-13-10.

7 **The suspension of a person's driving privileges under this section**
8 **is in addition to any other penalties imposed under this section and**
9 **any fee imposed under IC 33-37-5-14.**

10 SECTION 2. IC 9-21-3-8, AS AMENDED BY P.L.43-2011,
11 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2020]: Sec. 8. (a) This section does not apply at railroad grade
13 crossings.

14 (b) Whenever an illuminated flashing red or yellow light is used in
15 a traffic signal or with a traffic sign, vehicular traffic shall obey the
16 signal in the following manner:

17 (1) Flashing red (stop signal) means the following:

18 (A) When a red lens is illuminated by rapid intermittent
19 flashes, a person who drives a vehicle shall stop at a clearly
20 marked stop line before entering the crosswalk on the near
21 side of the intersection.

22 (B) If no line exists, the person shall stop at the point nearest
23 the intersecting roadway where the person has a view of
24 approaching traffic on the intersecting roadway before
25 entering the roadway.

26 (C) The right to proceed is subject to the rules applicable after
27 making a stop at a stop sign.

28 (2) Except as provided in subdivision (3), flashing yellow (caution
29 signal) means that when a yellow lens is illuminated with rapid
30 intermittent flashes, a person who drives a vehicle may proceed
31 through the intersection or past the signal only with caution.

32 (3) When a yellow lens with an arrow is illuminated with rapid
33 intermittent flashes, a person who operates a vehicle may turn
34 only after yielding to oncoming traffic.

35 (c) **A person who violates this section commits a Class C**
36 **infraction. However, a failure to stop under subsection (b)(1) that**
37 **results in bodily injury to a person is a Class B infraction.**

38 (d) **If judgment has been imposed for committing a Class B**
39 **infraction under this section, the court may suspend the driving**
40 **privileges of the person who committed the infraction for not more**
41 **than six (6) months. If the court suspends a person's driving**
42 **privileges under this subsection, the court shall issue an order to**



1 **the bureau:**

2 **(1) stating that the judgment against the person has been**
 3 **entered for committing the infraction of failing to stop at a**
 4 **traffic control signal resulting in bodily injury to a person**
 5 **under this section;**

6 **(2) stating the length of the suspension of the person's driving**
 7 **privileges; and**

8 **(3) ordering the suspension of the person's driving privileges**
 9 **by the bureau under IC 9-30-13-10.**

10 **The suspension of a person's driving privileges under this section**
 11 **is in addition to any other penalties imposed under this section and**
 12 **any fee imposed under IC 33-37-5-14.**

13 SECTION 3. IC 9-21-3-11, AS AMENDED BY P.L.217-2014,
 14 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2020]: Sec. 11. A person who violates section 7, 8, or 9 of this
 16 chapter commits a Class C infraction.

17 SECTION 4. IC 9-21-8-31 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 31. (a) A person who
 19 drives a vehicle shall do the following:

20 (1) Stop as required under this article at the entrance to a through
 21 highway.

22 (2) Yield the right-of-way to other vehicles that have entered the
 23 intersection from the through highway or that are approaching so
 24 closely on the through highway as to constitute an immediate
 25 hazard.

26 (b) After yielding as described in subsection (a)(2), the person who
 27 drives a vehicle may proceed and persons who drive other vehicles
 28 approaching the intersection on the through highway shall yield the
 29 right-of-way to the vehicle proceeding into or across the through
 30 highway.

31 **(c) A person who violates this section commits a Class C**
 32 **infraction. However, a failure to stop under subsection (a)(1) that**
 33 **results in bodily injury to a person is a Class B infraction.**

34 **(d) If judgment has been imposed for committing a Class B**
 35 **infraction under this section, the court may suspend the driving**
 36 **privileges of the person who committed the infraction for not more**
 37 **than six (6) months. If the court suspends a person's driving**
 38 **privileges under this subsection, the court shall issue an order to**
 39 **the bureau:**

40 **(1) stating that the judgment against the person has been**
 41 **entered for committing the infraction of failing to stop at an**
 42 **entrance to a through highway resulting in bodily injury to a**



1 **person under this section;**

2 **(2) stating the length of the suspension of the person's driving**
3 **privileges; and**

4 **(3) ordering the suspension of the person's driving privileges**
5 **by the bureau under IC 9-30-13-10.**

6 **The suspension of a person's driving privileges under this section**
7 **is in addition to any other penalties imposed under this section and**
8 **any fee imposed under IC 33-37-5-14.**

9 SECTION 5. IC 9-21-8-32 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 32. (a) A person who
11 drives a vehicle shall stop at an intersection where a stop sign is erected
12 at one (1) or more entrances to a through highway that are not a part of
13 the through highway and proceed cautiously, yielding to vehicles that
14 are not required to stop.

15 **(b) A person who violates this section commits a Class C**
16 **infraction. However, a failure to stop under this section that results**
17 **in bodily injury to a person is a Class B infraction.**

18 **(c) If judgment has been imposed for committing a Class B**
19 **infraction under this section, the court may suspend the driving**
20 **privileges of the person who committed the infraction for not more**
21 **than six (6) months. If the court suspends a person's driving**
22 **privileges under this subsection, the court shall issue an order to**
23 **the bureau:**

24 **(1) stating that the judgment against the person has been**
25 **entered for committing the infraction of failing to stop at an**
26 **intersection resulting in bodily injury to a person under this**
27 **section;**

28 **(2) stating the length of the suspension of the person's driving**
29 **privileges; and**

30 **(3) ordering the suspension of the person's driving privileges**
31 **by the bureau under IC 9-30-13-10.**

32 **The suspension of a person's driving privileges under this section**
33 **is in addition to any other penalties imposed under this section and**
34 **any fee imposed under IC 33-37-5-14.**

35 SECTION 6. IC 9-21-8-49, AS AMENDED BY P.L.188-2015,
36 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2020]: Sec. 49. Except as provided in sections 31, 32, 35, 50,
38 51, 52, 55, 56, and 58 of this chapter, a person who violates this
39 chapter commits a Class C infraction.

40 SECTION 7. IC 9-30-13-10 IS ADDED TO THE INDIANA CODE
41 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
42 1, 2020]: **Sec. 10. (a) Upon receiving an order issued by the court**



1 under IC 9-21-3-7, IC 9-21-3-8, IC 9-21-8-31, or IC 9-21-8-32
 2 concerning a person who committed the infraction of failing to stop
 3 resulting in bodily injury, the bureau shall do the following:

4 (1) Suspend under subsection (b) the driving privileges of the
 5 person who is the subject of the order, whether or not the
 6 person's current driver's license accompanies the order.

7 (2) Mail to the last known address of the person who is the
 8 subject of the order a notice:

9 (A) stating that the person's driving privileges are being
 10 suspended for failing to stop resulting in bodily injury;

11 (B) setting forth the date on which the suspension takes
 12 effect and the date on which the suspension terminates;
 13 and

14 (C) stating that the person may be granted specialized
 15 driving privileges under IC 9-30-16 if the person meets the
 16 conditions for obtaining specialized driving privileges.

17 (b) The suspension of the driving privileges of a person who is
 18 the subject of an order issued under IC 9-21-3-7, IC 9-21-3-8,
 19 IC 9-21-8-31, or IC 9-21-8-32:

20 (1) begins five (5) business days after the date on which the
 21 bureau mails the notice to the person under subsection (a)(2);
 22 and

23 (2) terminates at the end of the period of suspension stated by
 24 the court.

25 (c) A person who operates a motor vehicle during the suspension
 26 of the person's driving privileges under this section commits a
 27 Class A infraction unless the person's operation of the motor
 28 vehicle is authorized by specialized driving privileges granted to
 29 the person under IC 9-30-16.

30 (d) The bureau shall, upon receiving a record of conviction of a
 31 person upon a charge of driving a motor vehicle while the driving
 32 privileges, permit, or license of the person is suspended, fix the
 33 period of suspension in accordance with the order of the court.

34 SECTION 8. IC 9-30-16-1, AS AMENDED BY P.L.144-2019,
 35 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2020]: Sec. 1. (a) Except as provided in subsection (b), the
 37 following are ineligible for specialized driving privileges under this
 38 chapter:

39 (1) A person who has never been an Indiana resident.

40 (2) A person seeking specialized driving privileges with respect
 41 to a suspension based on the person's refusal to submit to a
 42 chemical test offered under IC 9-30-6 or IC 9-30-7.



- 1 (3) A person whose driving privileges have been suspended or
 2 revoked under IC 9-24-10-7(b)(2)(A).
 3 (4) A person whose driving privileges have been suspended under
 4 IC 9-21-8-52(e) or IC 9-21-12-1(b).
 5 (b) This chapter applies to the following:
 6 (1) A person who held an operator's, a commercial driver's, a
 7 public passenger chauffeur's, or a chauffeur's license at the time
 8 of:
 9 (A) the criminal conviction for which the operation of a motor
 10 vehicle is an element of the offense;
 11 (B) any criminal conviction for an offense under IC 9-30-5,
 12 IC 35-46-9, or IC 14-15-8 (before its repeal); ~~or~~
 13 (C) committing the infraction of exceeding a worksite speed
 14 limit for the second time in one (1) year under IC 9-21-5-11(f);
 15 **or**
 16 **(D) committing the infraction of failing to stop under**
 17 **IC 9-21-3-7, IC 9-21-3-8, IC 9-21-8-31, or IC 9-21-8-32.**
 18 (2) A person who:
 19 (A) has never held a valid Indiana driver's license or does not
 20 currently hold a valid Indiana learner's permit; and
 21 (B) was an Indiana resident when the driving privileges for
 22 which the person is seeking specialized driving privileges
 23 were suspended.
 24 (c) Except as specifically provided in this chapter, a court may
 25 suspend the driving privileges of a person convicted of any of the
 26 following offenses for a period up to the maximum allowable period of
 27 incarceration under the penalty for the offense:
 28 (1) Any criminal conviction in which the operation of a motor
 29 vehicle is an element of the offense.
 30 (2) Any criminal conviction for an offense under IC 9-30-5,
 31 IC 35-46-9, or IC 14-15-8 (before its repeal).
 32 (3) Any offense under IC 35-42-1, IC 35-42-2, or IC 35-44.1-3-1
 33 that involves the use of a vehicle.
 34 (d) Except as provided in section 3.5 **or** 3.6 of this chapter, a
 35 suspension of driving privileges under this chapter may begin before
 36 the conviction. Multiple suspensions of driving privileges ordered by
 37 a court that are part of the same episode of criminal conduct shall be
 38 served concurrently. A court may grant credit time for any suspension
 39 that began before the conviction, except as prohibited by section
 40 6(a)(2) of this chapter.
 41 (e) If a person has had an ignition interlock device installed as a
 42 condition of specialized driving privileges or under IC 9-30-6-8(d), the



1 period of the installation shall be credited as part of the suspension of
2 driving privileges.

3 (f) This subsection applies to a person described in subsection
4 (b)(2). A court shall, as a condition of granting specialized driving
5 privileges to the person, require the person to apply for and obtain an
6 Indiana driver's license.

7 (g) If a person indicates to the court at an initial hearing (as
8 described in IC 35-33-7) that the person intends to file a petition for a
9 specialized driving privileges hearing with that court under section 3
10 or 4 of this chapter, the following apply:

11 (1) The court shall:

12 (A) stay the suspension of the person's driving privileges at the
13 initial hearing and shall not submit the probable cause
14 affidavit related to the person's offense to the bureau; and

15 (B) set the matter for a specialized driving privileges hearing
16 not later than thirty (30) days after the initial hearing.

17 (2) If the person does not file a petition for a specialized driving
18 privileges hearing not later than ten (10) days after the date of the
19 initial hearing, the court shall lift the stay of the suspension of the
20 person's driving privileges and shall submit the probable cause
21 affidavit related to the person's offense to the bureau for
22 automatic suspension.

23 (3) If the person files a petition for a specialized driving privileges
24 hearing not later than ten (10) days after the initial hearing, the
25 stay of the suspension of the person's driving privileges continues
26 until the matter is heard and a determination is made by the court
27 at the specialized driving privileges hearing.

28 (4) If the specialized driving privileges hearing is continued due
29 to:

30 (A) a congestion of the court calendar;

31 (B) the prosecuting attorney's motion for a continuance; or

32 (C) the person's motion for a continuance with no objection by
33 the prosecuting attorney;

34 the stay of the suspension of the person's driving privileges
35 continues until addressed at the next hearing.

36 (5) If the person moves for a continuance of the specialized
37 driving privileges hearing and the court grants the continuance
38 over the prosecuting attorney's objection, the court shall lift the
39 stay of the suspension of the person's driving privileges and shall
40 submit the probable cause affidavit related to the person's offense
41 to the bureau for automatic suspension.

42 SECTION 9. IC 9-30-16-3, AS AMENDED BY P.L.161-2018,



1 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 JULY 1, 2020]: Sec. 3. (a) This section does not apply to specialized
 3 driving privileges granted in accordance with section 3.5 or 3.6 of this
 4 chapter. If a court orders a suspension of driving privileges under this
 5 chapter, or imposes a suspension of driving privileges under
 6 IC 9-30-6-9(c), the court may stay the suspension and grant a
 7 specialized driving privilege as set forth in this section.

8 (b) An individual who seeks specialized driving privileges must file
 9 a petition for specialized driving privileges in each court that has
 10 ordered or imposed a suspension of the individual's driving privileges.
 11 Each petition 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 court case that resulted in the order of
 16 suspension; and
- 17 (5) be served on the bureau and the prosecuting attorney.

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

20 (c) Except as provided in subsection (h), regardless of the
 21 underlying offense, specialized driving privileges granted under this
 22 section shall be granted for:

- 23 (1) at least one hundred eighty (180) days; and
- 24 (2) not more than two and one-half (2 1/2) years.

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

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

- 29 (1) has previously been granted specialized driving privileges;
 30 and
- 31 (2) has more than one (1) conviction under section 5 of this
 32 chapter.

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

- 35 (1) maintain proof of future financial responsibility insurance
 36 during the period of specialized driving privileges;
- 37 (2) carry a copy of the order granting specialized driving
 38 privileges or have the order in the vehicle being operated by the
 39 individual;
- 40 (3) produce the copy of the order granting specialized driving
 41 privileges upon the request of a police officer; and
- 42 (4) carry a validly issued state identification card or driver's



1 license.

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

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

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

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

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

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

19 SECTION 10. IC 9-30-16-3.6 IS ADDED TO THE INDIANA
20 CODE AS A NEW SECTION TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2020]: **Sec. 3.6. (a) If a court imposes a
22 suspension of driving privileges under IC 9-21-3-7, IC 9-21-3-8,
23 IC 9-21-8-31, or IC 9-21-8-32, the court may stay the suspension
24 and grant a specialized driving privilege as set forth in this section.**

25 **(b) Except as provided in subsection (g), specialized driving
26 privileges granted under this section shall be granted for the period
27 equal to the suspension imposed by the court, or the remainder of
28 the period of suspension as stated in IC 9-30-13-10(a)(2) if a
29 petition for specialized driving privileges is filed in the manner set
30 forth under subsection (f).**

31 **(c) Specialized driving privileges granted under this section:**

32 **(1) must be determined by a court; and**

33 **(2) are limited to restricting the individual to being allowed to
34 operate a motor vehicle between the place of employment of
35 the individual and the individual's residence.**

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

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

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



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

3 **(4) carry a validly issued driver's license.**

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

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

14 **(1) be verified by the petitioner;**

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

16 **(3) state the grounds for relief and the relief sought;**

17 **(4) be filed in the court that ordered or imposed the**
 18 **suspension; and**

19 **(5) be served on the bureau and the prosecuting attorney.**

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

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

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

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

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

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

36 SECTION 11. IC 9-30-16-5, AS AMENDED BY P.L.10-2019,
 37 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2020]: Sec. 5. (a) A person who knowingly or intentionally
 39 violates a condition imposed by a court under section 3, 3.5, **3.6**, or 4
 40 of this chapter, or imposed under IC 9-30-10-14.2, commits a Class C
 41 misdemeanor. The prosecuting attorney may notify the court that issued
 42 the specialized driving privileges order of the alleged violation. If the



1 specialized driving privileges order is from a different county, the
2 prosecuting attorney may also notify the prosecuting attorney in that
3 county of the violation.
4 (b) For a person convicted of an offense under subsection (a), the
5 court that issued the specialized driving privileges order that was
6 violated may modify or revoke specialized driving privileges. The court
7 that issued the specialized driving privileges order that was violated
8 may order the bureau to lift the stay of a suspension of driving
9 privileges and suspend the person's driving license as originally
10 ordered in addition to any additional suspension.

