

SENATE BILL No. 502

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-30-13; IC 31-16-12-7; IC 31-25-4.

Synopsis: Child support and restricted driving. Provides that if a court finds that a person is delinquent as a result of an intentional violation of a child support order, the court may restrict the person's driving privileges to going to or returning from lawful employment, parenting time, and medical appointments or treatment, and other purposes permitted by the court. (Current law allows a court to suspend driving privileges.) Provides that if a Title IV-D agency finds that a person is delinquent in paying child support, the obligor's driving privileges shall be restricted to going to or returning from: (1) lawful employment; (2) parenting time; and (3) medical appointments or treatment. Makes conforming amendments.

Effective: July 1, 2019.

Merritt

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



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.

SENATE BILL No. 502

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 9-30-13-6, AS AMENDED BY P.L.217-2014,
2 SECTION 150, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) The bureau shall, upon
4 receiving an order of a court issued under IC 31-16-12-7 (or
5 IC31-14-12-4 before its repeal), ~~suspend~~ **restrict** the driving privileges
6 of the person who is the subject of the order **to driving for:**
7 (1) **lawful employment;**
8 (2) **parenting time (as defined in IC 31-9-2-88.5);**
9 (3) **medical appointments or treatment; and**
10 (4) **other purposes permitted in the order of the court.**
11 (b) The bureau may not reinstate driving privileges ~~suspended~~
12 **restricted** under this section until the bureau receives an order
13 allowing reinstatement from the court that issued the order for
14 ~~suspension:~~ **the restrictions.**
15 (c) Upon receiving an order for ~~suspension~~ **restrictions** under
16 subsection (a), the bureau shall promptly mail a notice to the last
17 known address of the person who is the subject of the order, stating the



1 following:

2 (1) That the person's driving privileges are ~~suspended~~, **restricted**
3 **to driving for:**

4 (A) **lawful employment;**

5 (B) **parenting time (as defined in IC 31-9-2-88.5);**

6 (C) **medical appointments or treatment; and**

7 (D) **the other purposes permitted in the order of the court;**

8 beginning eighteen (18) business days after the date the notice is
9 mailed, and that the ~~suspension restrictions~~ will terminate ten
10 (10) business days after the bureau receives an order allowing
11 reinstatement from the court that issued the ~~suspension~~
12 ~~restrictions~~ order.

13 (2) That the person has the right to petition for reinstatement of
14 driving privileges to the court that issued the order for ~~suspension~~:
15 **the restrictions.**

16 (d) A person who operates a motor vehicle in violation of this
17 section commits a Class A infraction. ~~unless:~~

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

20 (2) ~~the person has been granted specialized driving privileges~~
21 ~~under IC 9-30-16 as a result of the suspension under this section.~~

22 SECTION 2. IC 9-30-13-7, AS AMENDED BY P.L.150-2018,
23 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2019]: Sec. 7. (a) Upon receiving an order from the Title IV-D
25 agency under IC 31-25-4-32(b) or IC 31-25-4-33, the bureau shall
26 promptly mail a notice to the obligor (as defined in IC 31-25-4-4)
27 stating ~~the following~~:

28 (1) ~~that the obligor's driving privileges are suspended~~ **restricted**
29 **to driving for:**

30 (1) **lawful employment;**

31 (2) **parenting time (as defined in IC 31-9-2-88.5); and**

32 (3) **medical appointments or treatment;**

33 beginning eighteen (18) business days after the date the notice is
34 mailed, and that the ~~suspension restriction~~ will terminate after the
35 bureau receives a notice from the Title IV-D agency under
36 IC 31-25-4-32(m) that the obligor has addressed the delinquency.

37 (2) ~~That the obligor may be granted specialized driving privileges~~
38 ~~under IC 9-30-16.~~

39 (b) If the bureau has not received notice from the Title IV-D agency
40 under IC 31-25-4-32(m) within eighteen (18) days after the date of the
41 notice in subsection (a), the bureau shall ~~suspend~~ **restrict** the obligor's
42 driving privileges **to driving for:**



- 1 **(1) lawful employment;**
 2 **(2) parenting time (as defined in IC 31-9-2-88.5); and**
 3 **(3) medical appointments or treatment.**

4 (c) The bureau may not reinstate driving privileges ~~suspended~~
 5 **restricted** under this section until the bureau receives a notice from the
 6 Title IV-D agency under IC 31-25-4-32(m) that the obligor has
 7 addressed the delinquency.

8 (d) An obligor who operates a motor vehicle in violation of this
 9 section commits a Class A infraction. ~~unless:~~

10 ~~(1) the obligor's driving privileges are suspended under this~~
 11 ~~section; and~~

12 ~~(2) the obligor has been granted specialized driving privileges~~
 13 ~~under IC 9-30-16 as a result of the suspension under this section.~~

14 SECTION 3. IC 31-16-12-7, AS AMENDED BY P.L.145-2006,
 15 SECTION 234, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2019]: Sec. 7. If a court finds that a person is
 17 delinquent (as defined in IC 31-25-4-2) as a result of an intentional
 18 violation of an order for support, the court shall issue an order to the
 19 bureau of motor vehicles:

20 (1) stating that the person is delinquent; and

21 (2) ordering the following:

22 (A) If the person who is the subject of the order holds a driving
 23 license or permit on the date of issuance of the order, that the
 24 driving privileges of the person be ~~suspended until further~~
 25 ~~order of the court. restricted to going to or returning from:~~

- 26 **(i) lawful employment;**
 27 **(ii) parenting time (as defined in IC 31-9-2-88.5);**
 28 **(iii) medical appointments or treatment; and**
 29 **(iv) any other purpose permitted by the court.**

30 (B) If the person who is the subject of the order does not hold
 31 a driving license or permit on the date of issuance of the order,
 32 that the bureau may not issue a driving license or permit to the
 33 person until the bureau receives a further order of the court.

34 SECTION 4. IC 31-25-4-32, AS AMENDED BY P.L.150-2018,
 35 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2019]: Sec. 32. (a) When the Title IV-D agency finds that an
 37 obligor is delinquent, the Title IV-D agency shall send, to a verified
 38 address, a notice to the obligor that does the following:

39 (1) Specifies that the obligor is delinquent.

40 (2) Describes the amount of child support that the obligor is in
 41 arrears.

42 (3) States that unless the obligor:



- 1 (A) pays the obligor's child support arrearage in full;
 2 (B) establishes a payment plan with the Title IV-D agency to
 3 pay the arrearage, which includes an income withholding
 4 order; or
 5 (C) requests a hearing under section 33 of this chapter;
 6 within twenty (20) days after the date the notice is mailed, the
 7 Title IV-D agency shall issue an order to the bureau of motor
 8 vehicles stating that the obligor is delinquent and that the
 9 obligor's driving privileges shall be ~~suspended~~ **restricted to**
 10 **driving to or returning from lawful employment, parenting**
 11 **time (as defined in IC 31-9-2-88.5), and medical appointments**
 12 **or treatment.**
 13 **(4) Explains the person's restricted driving privileges.**
 14 ~~(4)~~ **(5)** Explains that the obligor has twenty (20) days after the
 15 notice is mailed to do one (1) of the following:
 16 (A) Pay the obligor's child support arrearage in full.
 17 (B) Establish a payment plan with the Title IV-D agency to
 18 pay the arrearage, which includes an income withholding order
 19 under IC 31-16-15-2 or IC 31-16-15-2.5.
 20 (C) Request a hearing under section 33 of this chapter.
 21 ~~(5)~~ **(6)** Explains that if the obligor has not satisfied any of the
 22 requirements of subdivision ~~(4)~~ **(5)** not later than twenty (20) days
 23 after the notice is mailed, that the Title IV-D agency shall issue a
 24 notice to:
 25 (A) the board or department that regulates the obligor's
 26 profession or occupation, if any, that the obligor is delinquent
 27 and that the obligor may be subject to sanctions under
 28 IC 25-1-1.2, including suspension or revocation of the
 29 obligor's professional or occupational license;
 30 (B) the supreme court disciplinary commission if the obligor
 31 is licensed to practice law;
 32 (C) the department of education established by IC 20-19-3-1
 33 if the obligor is a licensed teacher;
 34 (D) the Indiana horse racing commission if the obligor holds
 35 or applies for a license issued under IC 4-31-6;
 36 (E) the Indiana gaming commission if the obligor holds or
 37 applies for a license issued under IC 4-33 and IC 4-35;
 38 (F) the commissioner of the department of insurance if the
 39 obligor holds or is an applicant for a license issued under
 40 IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3;
 41 (G) the director of the department of natural resources if the
 42 obligor holds or is an applicant for a license issued by the



- 1 department of natural resources under:
- 2 (i) IC 14-22-12 (fishing, hunting, and trapping licenses);
- 3 (ii) IC 14-22-14 (Lake Michigan commercial fishing
- 4 license);
- 5 (iii) IC 14-22-16 (bait dealer's license);
- 6 (iv) IC 14-22-17 (mussel license);
- 7 (v) IC 14-22-19 (fur buyer's license);
- 8 (vi) IC 14-24-7 (nursery dealer's license); or
- 9 (vii) IC 14-31-3 (ginseng dealer's license); or
- 10 (H) the alcohol and tobacco commission if the obligor holds or
- 11 applies for an employee's permit under IC 7.1-3-18-9(a)(3).
- 12 ~~(6)~~ (7) Explains that the only basis for contesting the issuance of
- 13 an order under subdivision (3) or ~~(5)~~ (6) is a mistake of fact.
- 14 ~~(7)~~ (8) Explains that an obligor may contest the Title IV-D
- 15 agency's determination to issue an order under subdivision (3) or
- 16 ~~(5)~~ (6) by making written application to the Title IV-D agency not
- 17 later than twenty (20) days after the date the notice is mailed.
- 18 ~~(8)~~ (9) Explains the procedures to:
- 19 (A) pay the obligor's child support arrearage in full; and
- 20 (B) establish a payment plan with the Title IV-D agency to pay
- 21 the arrearage, which must include an income withholding
- 22 order under IC 31-16-15-2 or IC 31-16-15-2.5.
- 23 (b) Whenever the Title IV-D agency finds that an obligor is
- 24 delinquent and has failed to:
- 25 (1) pay the obligor's child support arrearage in full;
- 26 (2) establish a payment plan with the Title IV-D agency to pay the
- 27 arrearage, which includes an income withholding order under
- 28 IC 31-16-15-2 or IC 31-16-15-2.5; or
- 29 (3) request a hearing under section 33 of this chapter not later
- 30 than twenty (20) days after the date the notice described in
- 31 subsection (a) is mailed;
- 32 the Title IV-D agency shall issue an order to the bureau of motor
- 33 vehicles stating that the obligor is delinquent.
- 34 (c) An order issued under subsection (b) must require the following:
- 35 (1) If the obligor who is the subject of the order holds a driving
- 36 license or permit on the date the order is issued, that the driving
- 37 privileges of the obligor be ~~suspended~~ **restricted to going to or**
- 38 **returning from:**
- 39 (A) **lawful employment;**
- 40 (B) **parenting time (as defined in IC 31-9-2-88.5); and**
- 41 (C) **medical appointments or treatment;**
- 42 until further order of the Title IV-D agency.



1 (2) If the obligor who is the subject of the order does not hold a
 2 driving license or permit on the date the order is issued, that the
 3 bureau of motor vehicles may **not only** issue **to the obligor** a
 4 **restricted** driving license **only allowing the obligor to drive to**
 5 **or return from:**

6 (A) lawful employment;

7 (B) parenting time (as defined in IC 31-9-2-88.5); and

8 (C) medical appointments or treatment;

9 or permit to the obligor until the bureau of motor vehicles
 10 receives a further order from the Title IV-D agency.

11 (d) The Title IV-D agency shall provide the:

12 (1) full name;

13 (2) date of birth;

14 (3) verified address; and

15 (4) Social Security number or driving license number;

16 of the obligor to the bureau of motor vehicles.

17 (e) Whenever the Title IV-D agency finds that an obligor who is an
 18 applicant (as defined in IC 25-1-1.2-1) or a practitioner (as defined in
 19 IC 25-1-1.2-6) is delinquent and the applicant or practitioner has failed
 20 to:

21 (1) pay the obligor's child support arrearage in full;

22 (2) establish a payment plan with the Title IV-D agency to pay the
 23 arrearage, which includes an income withholding order under
 24 IC 31-16-15-2 or IC 31-16-15-2.5; or

25 (3) request a hearing under section 33 of this chapter;

26 the Title IV-D agency shall issue an order to the board regulating the
 27 practice of the obligor's profession or occupation stating that the
 28 obligor is delinquent.

29 (f) An order issued under subsection (e) must direct the board or
 30 department regulating the obligor's profession or occupation to impose
 31 the appropriate sanctions described under IC 25-1-1.2.

32 (g) Whenever the Title IV-D agency finds that an obligor who is an
 33 attorney or a licensed teacher is delinquent and the attorney or licensed
 34 teacher has failed to:

35 (1) pay the obligor's child support arrearage in full;

36 (2) establish a payment plan with the Title IV-D agency to pay the
 37 arrearage, which includes an income withholding order under
 38 IC 31-16-15-2 or IC 31-16-15-2.5; or

39 (3) request a hearing under section 33 of this chapter;

40 the Title IV-D agency shall notify the supreme court disciplinary
 41 commission if the obligor is an attorney, or the department of education
 42 if the obligor is a licensed teacher, that the obligor is delinquent.



1 (h) Whenever the Title IV-D agency finds that an obligor who holds
2 a license issued under IC 4-31-6, IC 4-33, or IC 4-35 has failed to:

3 (1) pay the obligor's child support arrearage in full;

4 (2) establish a payment plan with the Title IV-D agency to pay the
5 arrearage, which includes an income withholding order under
6 IC 31-16-15-2 or IC 31-16-15-2.5; or

7 (3) request a hearing under section 33 of this chapter;

8 the Title IV-D agency shall issue an order to the Indiana horse racing
9 commission if the obligor holds a license issued under IC 4-31-6, or to
10 the Indiana gaming commission if the obligor holds a license issued
11 under IC 4-33 or IC 4-35, stating that the obligor is delinquent and
12 directing the commission to impose the appropriate sanctions described
13 in IC 4-31-6-11, IC 4-33-8.5-3, or IC 4-35-6.7-2.

14 (i) Whenever the Title IV-D agency finds that an obligor who holds
15 a license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3 has
16 failed to:

17 (1) pay the obligor's child support arrearage in full;

18 (2) establish a payment plan with the Title IV-D agency to pay the
19 arrearage, which includes an income withholding order under
20 IC 31-16-15-2 or IC 31-16-15-2.5; or

21 (3) request a hearing under section 33 of this chapter;

22 the Title IV-D agency shall issue an order to the commissioner of the
23 department of insurance stating that the obligor is delinquent and
24 directing the commissioner to impose the appropriate sanctions
25 described in IC 27-1-15.6-29 or IC 27-10-3-20.

26 (j) Whenever the Title IV-D agency finds that an obligor who holds
27 a license issued by the department of natural resources under
28 IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19,
29 IC 14-24-7, or IC 14-31-3 has failed to:

30 (1) pay the obligor's child support arrearage in full;

31 (2) establish a payment plan with the Title IV-D agency to pay the
32 arrearage, which includes an income withholding order under
33 IC 31-16-15-2 or IC 31-16-15-2.5; or

34 (3) request a hearing under section 33 of this chapter;

35 the Title IV-D agency shall issue an order to the director of the
36 department of natural resources stating that the obligor is delinquent
37 and directing the director to suspend or revoke a license issued to the
38 obligor by the department of natural resources as provided in
39 IC 14-11-3.

40 (k) If the Title IV-D agency finds that an obligor who holds an
41 employee's permit issued under IC 7.1-3-18-9(a)(3) has failed to:

42 (1) pay the obligor's child support arrearage in full;



1 (2) establish a payment plan with the Title IV-D agency to pay the
 2 arrearage, which includes an income withholding order under
 3 IC 31-16-15-2 or IC 31-16-15-2.5; or

4 (3) request a hearing under section 33 of this chapter;
 5 the Title IV-D agency shall issue an order to the alcohol and tobacco
 6 commission stating that the obligor is delinquent and directing the
 7 alcohol and tobacco commission to impose the appropriate sanctions
 8 under IC 7.1-3-23-44.

9 (l) A person's most recent address on file with the bureau constitutes
 10 a verified address for purposes of this section.

11 (m) When an obligor who was the subject of an order issued by the
 12 Title IV-D agency under subsection (b), (e), (g), (h), (i), (j), or (k) has:

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

14 (2) established a payment plan with the Title IV-D agency to pay
 15 the arrearage, which includes an income withholding order under
 16 IC 31-16-15-2 or IC 31-16-15-2.5;

17 the Title IV-D agency shall provide notice to the appropriate entity
 18 under subsection (b), (e), (g), (h), (i), (j), or (k) that the obligor has
 19 addressed the delinquency.

20 SECTION 5. IC 31-25-4-33, AS AMENDED BY P.L.183-2017,
 21 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2019]: Sec. 33. (a) An obligor may contest the Title IV-D
 23 agency's determination to issue an order under section 32 of this
 24 chapter by making a written application to the Title IV-D agency within
 25 twenty (20) days after the date the notice is mailed to the obligor.

26 (b) The only basis for contesting an order issued under this section
 27 is a mistake of fact.

28 (c) The Title IV-D agency shall hold a hearing, within twenty-five
 29 (25) days after written application is made under subsection (a), to
 30 review its determination to issue an order under section 32 of this
 31 chapter. The Title IV-D agency shall make a determination in writing
 32 on the issuance of an order under section 32 of this chapter at the
 33 hearing.

34 (d) If the obligor requests a hearing but fails to appear or if the
 35 obligor appears and is found to be delinquent, the Title IV-D agency
 36 shall issue an order to the bureau of motor vehicles stating that the
 37 obligor is delinquent.

38 (e) An order issued under subsection (d) must require the following:

39 (1) If the obligor who is the subject of the order holds a driving
 40 license or permit on the date the order is issued, that the obligor's
 41 driving privileges be ~~suspended~~ **restricted to going to or**
 42 **returning from:**



1 **(A) lawful employment;**
2 **(B) parenting time (as defined in IC 31-9-2-88.5); and**
3 **(C) medical appointments or treatment;**
4 under further order of the Title IV-D agency.
5 (2) If the obligor who is the subject of the order does not hold a
6 driving license or permit on the date the order is issued, that the
7 bureau of motor vehicles may ~~not~~ issue **to the obligor a**
8 **restricted driving license or permit only allowing the obligor to**
9 **drive to or return from:**
10 **(A) lawful employment;**
11 **(B) parenting time (as defined in IC 31-9-2-88.5); and**
12 **(C) medical appointments or treatment;**
13 to the obligor until the bureau of motor vehicles receives a further
14 order from the Title IV-D agency.

