



Reprinted  
January 27, 2015

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## HOUSE BILL No. 1305

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DIGEST OF HB 1305 (Updated January 26, 2015 2:28 pm - DI 103)

**Citations Affected:** IC 9-21; IC 9-24; IC 9-25; IC 9-26; IC 9-28; IC 9-30; IC 35-52.

**Synopsis:** Various motor vehicle issues. Provides that, with certain exceptions, a person may not operate a motor vehicle in a passing lane if other vehicles are overtaking the vehicle in the passing lane. Raises the penalty for reckless driving resulting in bodily injury from a Class C misdemeanor to a Class A misdemeanor. Raises the penalty for reckless driving resulting in property damage from a Class C misdemeanor to a Class B misdemeanor. Provides that simultaneous possession of an out-of-state driver's license or identification card and an Indiana driver's license or identification card is a Class C infraction. Provides that counterfeit reproduction of a driver's license is a Class B misdemeanor. Provides that a driver's license or vehicle registration, or both may be suspended once for each failure to provide proof of financial responsibility. Requires motorists to contact a 911 telephone operator following a vehicular collision resulting in injury or death. Requires motorists to contact a law enforcement officer or law enforcement agency when a vehicular collision involves an unattended vehicle or other property. Provides that failure to render assistance to injured or entrapped victims of a vehicular collision is a Class C misdemeanor for certain persons. Provides that a driver's license suspension originating from another jurisdiction prohibits the receipt of specialized driving privileges. Repeals certain statutes that govern  
(Continued next page)

**Effective:** July 1, 2015.

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### McMillin, Pierce, Porter

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January 13, 2015, read first time and referred to Committee on Roads and Transportation.  
January 22, 2015, amended, reported — Do Pass.  
January 26, 2015, read second time, amended, ordered engrossed.

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HB 1305—LS 7272/DI 123



## Digest Continued

operating while intoxicated driver's license suspensions. Establishes that felonies codified in IC 9 are qualifying offenses for habitual traffic violator status. Provides that felony offenses requiring the operation of a vehicle as a material element of a crime are qualifying offenses for habitual traffic violator status. Precludes an individual from being adjudicated a habitual traffic violator more than once for the same underlying offenses. Allows individuals to declare habitual traffic violator status by petitioning a court. Prohibits a driver's license suspension or lifetime forfeiture for operating a vehicle while driving privileges are suspended or in violation of a license restriction. Provides that, at the request of a defendant, the court may find habitual traffic violator status by a preponderance of the evidence. Requires the prosecuting attorney of the county in which a petition for reinstatement of driving privileges is filed to represent the state. Allows holders of commercial driving licenses to seek specialized driving privileges. Creates the habitual vehicle substance offender enhancement. Establishes who is eligible for specialized driving privileges. Makes technical corrections.

**HB 1305—LS 7272/DI 123**



Reprinted  
January 27, 2015

First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1305

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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 9-21-5-7 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2015]: Sec. 7. A person may not drive a motor  
3 vehicle at a slow speed that impedes or blocks the normal and  
4 reasonable movement of traffic, except when reduced speed is  
5 necessary for safe operation or in compliance with the law. A person  
6 who is driving:  
7 (1) on a roadway that has not more than one (1) lane of traffic  
8 in each direction; and  
9 (2) at a slow speed so that three (3) or more other vehicles are  
10 blocked and cannot pass on the left around the vehicle;  
11 shall give right-of-way to the other vehicles by pulling off to the right  
12 of the right lane at the earliest reasonable opportunity and allowing the  
13 blocked vehicles to pass.  
14 SECTION 2. IC 9-21-5-9 IS AMENDED TO READ AS FOLLOWS

HB 1305—LS 7272/DI 123



1 [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) A vehicle that travels at a  
 2 speed less than the established maximum shall travel in the right lanes  
 3 to provide for better flow of traffic on the interstate highways.

4 **(b) This subsection applies to the operation of a vehicle:**

5 **(1) on a roadway that has two (2) or more lanes of traffic in**  
 6 **each direction; and**

7 **(2) in the left most lane, other than a lane designated for high**  
 8 **occupancy vehicles.**

9 **Except as provided in subsection (c), a person who knows, or**  
 10 **should reasonably know, that another vehicle is overtaking from**  
 11 **the rear the vehicle that the person is operating may not continue**  
 12 **to operate the vehicle in the left most lane.**

13 **(c) Subsection (b) does not apply:**

14 **(1) when traffic conditions or congestion make it necessary to**  
 15 **operate a vehicle in the left most lane;**

16 **(2) when inclement weather, obstructions, or hazards make it**  
 17 **necessary to operate a vehicle in the left most lane;**

18 **(3) when compliance with a law, a regulation, an ordinance,**  
 19 **or a traffic control device makes it necessary to operate a**  
 20 **vehicle in the left most lane;**

21 **(4) when exiting a roadway or turning to the left;**

22 **(5) when paying a toll or user fee at a toll collection facility;**

23 **(6) to an authorized emergency vehicle operated in the course**  
 24 **of duty; or**

25 **(7) to vehicles operated or used in the course of highway**  
 26 **maintenance or construction.**

27 SECTION 3. IC 9-21-8-52, AS AMENDED BY P.L.217-2014,  
 28 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2015]: Sec. 52. (a) A person who operates a vehicle and who  
 30 recklessly:

31 (1) drives at such an unreasonably high rate of speed or at such an  
 32 unreasonably low rate of speed under the circumstances as to:

33 (A) endanger the safety or the property of others; or

34 (B) block the proper flow of traffic;

35 (2) passes another vehicle from the rear while on a slope or on a  
 36 curve where vision is obstructed for a distance of less than five  
 37 hundred (500) feet ahead;

38 (3) drives in and out of a line of traffic, except as otherwise  
 39 permitted; or

40 (4) speeds up or refuses to give one-half (1/2) of the roadway to  
 41 a driver overtaking and desiring to pass;

42 commits a Class B C misdemeanor. **However, the offense is a Class**



1 **A misdemeanor if it causes bodily injury to a person.**

2 (b) A person who operates a vehicle and who recklessly passes a  
3 school bus stopped on a roadway when the arm signal device specified  
4 in IC 9-21-12-13 is in the device's extended position commits a Class  
5 B misdemeanor. However, the offense is a Class A misdemeanor if it  
6 causes bodily injury to a person.

7 (c) If an offense under subsection (a) or (b) results in damage to the  
8 property of another person ~~or bodily injury to another person~~, it is a  
9 ~~Class C~~ **Class B** misdemeanor. ~~and the~~

10 **(d) Except as provided in IC 9-30-16-1(c), the court may**  
11 **recommend the suspension of the current driving license of the a**  
12 **person convicted of a violation of this section for a fixed period of not**  
13 **more than one (1) year.**

14 SECTION 4. IC 9-24-11-4, AS AMENDED BY P.L.217-2014,  
15 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2015]: Sec. 4. (a) An individual may not ~~have~~ **hold or possess**  
17 **more than one (1) driver's license or bureau issued** identification card  
18 **issued to the individual** under IC 9-24 at a time.

19 (b) An individual may not hold a driver's license and an  
20 identification card issued under IC 9-24 at the same time.

21 **(c) A person may not hold or possess an Indiana driver's license**  
22 **or identification card issued under IC 9-24 and a driver's license**  
23 **or identification card that is issued by a government authority that**  
24 **issues driver's licenses and identification cards from another state,**  
25 **territory, or possession of the United States, the District of**  
26 **Columbia, or the Commonwealth of Puerto Rico.**

27 ~~(d)~~ **(d)** A person who violates subsection (a), ~~or~~ (b), ~~or~~ (c) commits  
28 a Class C infraction.

29 SECTION 5. IC 9-24-11-8, AS AMENDED BY P.L.217-2014,  
30 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
31 JULY 1, 2015]: Sec. 8. **(a) Except as provided in subsections (b) and**  
32 **(c), a person who violates this chapter commits a Class C**  
33 **infraction.**

34 ~~(a)~~ **(b)** A person who:

35 (1) has been issued a permit or license on which there is a printed  
36 or stamped restriction as provided under section 7 of this chapter;  
37 and

38 (2) operates a motor vehicle in violation of the restriction;  
39 commits a Class C infraction.

40 ~~(b)~~ **(c)** A person who causes serious bodily injury to or the death of  
41 another person when operating a motor vehicle after knowingly or  
42 intentionally failing to take prescribed medication, the taking of which



1 was a condition of the issuance of the operator's restricted license under  
 2 section 7 of this chapter, commits a Class A misdemeanor. However,  
 3 the offense is a Level 6 felony if, within the five (5) years preceding the  
 4 commission of the offense, the person had a prior unrelated conviction  
 5 under this subsection.

6 ~~(c)~~ (d) A person who violates subsection ~~(b)~~ (c) commits a separate  
 7 offense for each person whose serious bodily injury or death is caused  
 8 by the violation of subsection ~~(b)~~ (c).

9 SECTION 6. IC 9-24-18-7.5 IS ADDED TO THE INDIANA CODE  
 10 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 11 1, 2015]. **Sec. 7.5. A person who knowingly or intentionally**  
 12 **counterfeits or falsely reproduces a driver's license with intent to**  
 13 **use the license or to permit another person to use the license**  
 14 **commits a Class B misdemeanor.**

15 SECTION 7. IC 9-25-6-3, AS AMENDED BY P.L.59-2013,  
 16 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2015]: Sec. 3. (a) If the bureau:

18 (1) does not receive a certificate of compliance for a person  
 19 identified under IC 9-25-5-2 within forty (40) days after the date  
 20 on which the bureau mailed the request for evidence of financial  
 21 responsibility to the person; or

22 (2) receives a certificate that does not indicate that financial  
 23 responsibility was in effect with respect to the motor vehicle  
 24 operated by the person or operation of the motor vehicle by the  
 25 person on the date of the accident referred to in IC 9-25-5-2;

26 the bureau shall take action under subsection (d).

27 (b) If the bureau:

28 (1) does not receive a certificate of compliance for a person  
 29 presented with a request for evidence of financial responsibility  
 30 under IC 9-25-9-1 within forty (40) days after the date on which  
 31 the person was presented with the request; or

32 (2) receives a certificate that does not indicate that financial  
 33 responsibility was in effect with respect to the motor vehicle or  
 34 operation of the motor vehicle that the person was operating when  
 35 the person committed the violation described in the judgment or  
 36 abstract received by the bureau under IC 9-25-9-1;

37 the bureau shall take action under subsection (d).

38 (c) If the bureau:

39 (1) does not receive a certificate of compliance for a person  
 40 presented with a request under IC 9-25-10 (before its repeal) not  
 41 later than forty (40) days after the date on which the person was  
 42 presented with the request; or



- 1 (2) receives a certificate that does not indicate that financial  
 2 responsibility was in effect on the date requested;  
 3 the bureau shall take action under subsection (d).  
 4 (d) Under the conditions set forth in subsection (a), (b), or (c), the  
 5 bureau shall immediately suspend the person's driving privileges or  
 6 motor vehicle registration, or both, as determined by the bureau, for at  
 7 least ninety (90) days and not more than one (1) year. **The suspension**  
 8 **of a person's driving privileges or motor vehicle registration, or**  
 9 **both, may be imposed only one (1) time under this subsection or**  
 10 **IC 9-25-8-2 for the same incident.**  
 11 (e) Except as provided in subsection (f), if subsection (a), (b), or (c)  
 12 applies to a person, the bureau shall suspend the driving privileges of  
 13 the person irrespective of the following:  
 14 (1) The sale or other disposition of the motor vehicle by the  
 15 owner.  
 16 (2) The cancellation or expiration of the registration of the motor  
 17 vehicle.  
 18 (3) An assertion by the person that the person did not own the  
 19 motor vehicle and therefore had no control over whether financial  
 20 responsibility was in effect with respect to the motor vehicle.  
 21 (f) The bureau shall not suspend the driving privileges of a person  
 22 to which subsection (a), (b), or (c) applies if the person, through a  
 23 certificate of compliance or another communication with the bureau,  
 24 establishes to the satisfaction of the bureau that the motor vehicle that  
 25 the person was operating when the accident referred to in subsection  
 26 (a) took place or when the violation referred to in subsection (b) or (c)  
 27 was committed was:  
 28 (1) rented from a rental company; or  
 29 (2) owned by the person's employer and operated by the person in  
 30 the normal course of the person's employment.  
 31 SECTION 8. IC 9-25-8-2, AS AMENDED BY P.L.10-2014,  
 32 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2015]: Sec. 2. (a) A person who knowingly:  
 34 (1) operates; or  
 35 (2) permits the operation of;  
 36 a motor vehicle on a public highway in Indiana without financial  
 37 responsibility in effect as set forth in IC 9-25-4-4 commits a Class A  
 38 infraction. However, the offense is a Class C misdemeanor if the  
 39 person knowingly or intentionally violates this section and has a prior  
 40 unrelated conviction or judgment under this section.  
 41 (b) Subsection (a)(2) applies to:  
 42 (1) the owner of a rental company under IC 9-25-6-3(f)(1); and



1 (2) an employer under IC 9-25-6-3(f)(2).

2 (c) In addition to any other penalty imposed on a person for  
3 violating this section, the court shall recommend the suspension of the  
4 person's driving privileges for at least ninety (90) days but not more  
5 than one (1) year. However, if, within the five (5) years preceding the  
6 conviction under this section, the person had a prior unrelated  
7 conviction under this section, the court shall recommend the  
8 suspension of the person's driving privileges and vehicle registration  
9 for one (1) year.

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

19 SECTION 9. IC 9-26-1-1.1, AS ADDED BY P.L.217-2014,  
20 SECTION 104, IS AMENDED TO READ AS FOLLOWS  
21 [EFFECTIVE JULY 1, 2015]: Sec. 1.1. (a) The operator of a motor  
22 vehicle involved in an accident shall do the following:

23 ~~(i)~~ **Either:**

24 ~~(A)~~ **(1) Immediately stop the operator's motor vehicle:**

25 ~~(i)~~ **(A)** at the scene of the accident; or

26 ~~(ii)~~ **(B)** as close to the accident as possible in a manner that  
27 does not obstruct traffic more than is necessary. ~~or~~

28 ~~(B)~~ **(2) Remain at the scene of the accident until the operator does  
29 the following:**

30 ~~(i)~~ **(A)** Gives the operator's name and address and the  
31 registration number of the motor vehicle the operator was  
32 driving to any person involved in the accident.

33 ~~(ii)~~ **(B)** Exhibits the operator's driver's license to any person  
34 involved in the accident or occupant of or any person attending  
35 to any vehicle involved in the accident.

36 **(C) Contacts a 911 telephone operator.**

37 ~~(2)~~ **(3) If the accident results in the injury or death of another  
38 person, the operator shall, in addition to the requirements of  
39 subdivision subdivisions (1) and (2):**

40 **(A)** provide reasonable assistance to each person injured in or  
41 entrapped by the accident, as directed by a law enforcement  
42 officer, medical personnel, or a 911 telephone operator; and





- 1 (B) immediately give notice of the accident by the quickest  
 2 means of communication to one (1) of the following:  
 3 (i) The local police department, if the accident occurs within  
 4 a municipality.  
 5 (ii) The office of the county sheriff or the nearest state police  
 6 post, if the accident occurs outside a municipality.  
 7 **(iii) A 911 telephone operator.**  
 8 (3) (4) If the accident involves a collision with an unattended  
 9 vehicle or damage to property other than a vehicle, the operator  
 10 shall, in addition to the requirements of ~~subdivision~~ **subdivisions**  
 11 **(1) and (2):**  
 12 (A) take reasonable steps to locate and notify the owner or  
 13 person in charge of the damaged vehicle or property of the  
 14 damage; and  
 15 (B) if after reasonable inquiry the operator cannot find the  
 16 owner or person in charge of the damaged vehicle or property,  
 17 ~~do the following~~ **the operator must contact a law**  
 18 **enforcement officer or agency and provide the information**  
 19 **required by this section.**  
 20 (i) Notify either the sheriff's department of the county in  
 21 which the damaged vehicle or property is located or a  
 22 member of the state police department.  
 23 (ii) Give the sheriff's department or the state police  
 24 department the information required by this section.  
 25 (b) An operator of a motor vehicle who knowingly or intentionally  
 26 fails to comply with subsection (a) commits leaving the scene of an  
 27 accident, a Class B misdemeanor. However, the offense is:  
 28 (1) a Class A misdemeanor if the accident results in bodily injury  
 29 to another person;  
 30 (2) a Level 6 felony if:  
 31 (A) the accident results in serious bodily injury to another  
 32 person; or  
 33 (B) within the five (5) years preceding the commission of the  
 34 offense, the operator had a previous conviction of any of the  
 35 offenses listed in IC 9-30-10-4(a);  
 36 (3) a Level 5 felony if the accident results in the death of another  
 37 person; and  
 38 (4) a Level 3 felony if the operator knowingly or intentionally  
 39 fails to stop or comply with subsection (a) during or after the  
 40 commission of the offense of operating while intoxicated causing  
 41 serious bodily injury (IC 9-30-5-4) or operating while intoxicated  
 42 causing death (IC 9-30-5-5).



1 SECTION 10. IC 9-26-1-1.5, AS AMENDED BY P.L.217-2014,  
 2 SECTION 105, IS AMENDED TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 2015]: Sec. 1.5. (a) If:

4 (1) the operator of a motor vehicle is physically incapable of  
 5 determining the need for or rendering assistance to any injured or  
 6 entrapped person as required under section ~~1.1(a)(2)~~ **1.1(a)(3)** of  
 7 this chapter;

8 (2) there is another occupant in the motor vehicle at the time of  
 9 the accident who is:

10 (A) at least:

11 (i) fifteen (15) years of age and holds a learner's permit  
 12 issued under IC 9-24-7-1 or a driver's license issued under  
 13 IC 9-24-11; or

14 (ii) eighteen (18) years of age; and

15 (B) capable of determining the need for and rendering  
 16 reasonable assistance to injured or entrapped persons as  
 17 provided in section ~~1.1(a)(2)~~ **1.1(a)(3)** of this chapter; and

18 (3) the other occupant in the motor vehicle knows that the  
 19 operator of the motor vehicle is physically incapable of  
 20 determining the need for or rendering assistance to any injured or  
 21 entrapped person;

22 the motor vehicle occupant referred to in subdivisions (2) and (3) shall  
 23 immediately determine the need for and render reasonable assistance  
 24 to each person injured or entrapped in the accident as provided in  
 25 section ~~1.1(a)(2)~~ **1.1(a)(3)** of this chapter.

26 (b) If there is more than one (1) motor vehicle occupant to whom  
 27 subsection (a) applies, it is a defense to a prosecution of one (1) motor  
 28 vehicle occupant under subsection (a) that the defendant reasonably  
 29 believed that another occupant of the motor vehicle determined the  
 30 need for and rendered reasonable assistance as required under  
 31 subsection (a).

32 **(c) A person who knowingly or intentionally violates this section**  
 33 **commits a Class C misdemeanor.**

34 SECTION 11. IC 9-28-2-9, AS AMENDED BY P.L.217-2014,  
 35 SECTION 116, IS AMENDED TO READ AS FOLLOWS  
 36 [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) Upon written notification  
 37 from a jurisdiction that is a party to an agreement entered into under  
 38 this chapter, the bureau shall take appropriate action against a licensed  
 39 driver for failure to meet the conditions set out in the citation of the  
 40 jurisdiction in which the traffic offense occurred.

41 (b) The bureau shall notify the driver by first class mail of the  
 42 request by the respective jurisdiction to have the driver's driving



1 privileges suspended. For the purposes of this chapter, a written notice  
 2 sent to the driver's last registered address with the bureau meets the  
 3 conditions of due notice.

4 (c) The driver has fifteen (15) days from the date of notice to satisfy  
 5 the conditions of the citation issued by the jurisdiction or to request a  
 6 hearing before a bureau hearing officer to show evidence or present  
 7 information why the bureau should not suspend the driver's driving  
 8 privileges for failure to meet the terms of the citation.

9 (d) Upon holding the hearing, the bureau may suspend the driver's  
 10 driving privileges until the conditions of the citation are met or a  
 11 release from the citing jurisdiction is obtained.

12 (e) If the bureau does not receive information from the driver  
 13 concerning the notification, the bureau shall suspend the driver's  
 14 driving privileges until the conditions of the citation are met or a  
 15 release is obtained.

16 (f) ~~The bureau may not suspend driving privileges under this section  
 17 for a nonmoving traffic offense occurring in another jurisdiction. A  
 18 driver whose driving privileges have been suspended for failure to  
 19 meet the conditions of a citation in another jurisdiction is not  
 20 eligible for specialized driving privileges under IC 9-30-16.~~

21 (g) ~~The bureau may not suspend driving privileges under this  
 22 section for a nonmoving traffic offense occurring in another  
 23 jurisdiction.~~

24 SECTION 12. IC 9-30-5-10 IS REPEALED [EFFECTIVE JULY 1,  
 25 2015]. Sec. 10. (a) In addition to a criminal penalty imposed for an  
 26 offense under this chapter, IC 35-46-9, or IC 14-15-8 (before its  
 27 repeal), the court shall, after reviewing the person's bureau driving  
 28 record and other relevant evidence, recommend the suspension of the  
 29 person's driving privileges for the fixed period of time specified under  
 30 this section. The court may require that a period of suspension  
 31 recommended under this section be imposed, if applicable, before a  
 32 period of incarceration or after a period of incarceration, or both before  
 33 and after a period of incarceration, as long as the suspension otherwise  
 34 complies with the periods established in this section.

35 (b) If the person:

36 (1) does not have a previous conviction of operating a vehicle or  
 37 a motorboat while intoxicated; or

38 (2) has a previous conviction of operating a vehicle or a  
 39 motorboat while intoxicated that occurred at least ten (10) years  
 40 before the conviction under consideration by the court;

41 the court may recommend the suspension of the person's driving  
 42 privileges for not more than two (2) years.



1 (c) If the person has a previous conviction of operating a vehicle or  
 2 a motorboat while intoxicated and the previous conviction occurred  
 3 more than five (5) years but less than ten (10) years before the  
 4 conviction under consideration by the court, the court may recommend  
 5 the suspension of the person's driving privileges for not more than two  
 6 (2) years. The court may stay the execution of part of the suspension  
 7 and grant the person specialized driving privileges for a period of time  
 8 equal to the length of the stay.

9 (d) If the person has a previous conviction of operating a vehicle or  
 10 a motorboat while intoxicated and the previous conviction occurred  
 11 less than five (5) years before the conviction under consideration by the  
 12 court, the court may recommend the suspension of the person's driving  
 13 privileges for not more than two (2) years. The court may stay the  
 14 execution of part of the suspension and grant the person specialized  
 15 driving privileges for a period of time equal to the length of the stay. If  
 16 the court grants specialized driving privileges under this subsection, the  
 17 court shall order that the specialized driving privileges include the  
 18 requirement that the person may not operate a motor vehicle unless the  
 19 motor vehicle is equipped with a functioning certified ignition interlock  
 20 device under IC 9-30-8. However, the court may grant specialized  
 21 driving privileges under this subsection without requiring the  
 22 installation of an ignition interlock device if the person is successfully  
 23 participating in a court supervised alcohol treatment program in which  
 24 the person is taking disulfiram or a similar substance that the court  
 25 determines is effective in treating alcohol abuse. The person granted  
 26 specialized driving privileges under this subsection shall pay all costs  
 27 associated with the installation of an ignition interlock device unless  
 28 the sentencing court determines that the person is indigent.

29 (e) If the conviction under consideration by the court is for an  
 30 offense under:

- 31 (1) section 4 of this chapter;
- 32 (2) section 5 of this chapter;
- 33 (3) IC 14-15-8-8(b) (before its repeal);
- 34 (4) IC 14-15-8-8(c) (before its repeal);
- 35 (5) IC 35-46-9-6(b); or
- 36 (6) IC 35-46-9-6(c);

37 the court may recommend the suspension of the person's driving  
 38 privileges for not more than five (5) years.

39 (f) If the conviction under consideration by the court is for an  
 40 offense involving the use of a controlled substance listed in schedule  
 41 I, II, III, IV, or V of IC 35-48-2, in which a vehicle was used in the  
 42 offense, the court shall recommend the suspension or revocation of the



1 person's driving privileges for at least six (6) months:

2 (g) ~~The bureau shall fix the period of suspension in accordance with~~  
 3 ~~the recommendation of the court under this section and in accordance~~  
 4 ~~with IC 9-30-6-9.~~

5 SECTION 13. IC 9-30-5-16, AS AMENDED BY P.L.113-2014,  
 6 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2015]: Sec. 16. (a) Except as provided in subsection (b), ~~and~~  
 8 ~~section 10 of this chapter~~, the court may, in granting specialized driving  
 9 privileges under this chapter, also order that the specialized driving  
 10 privileges include the requirement that a person may not operate a  
 11 motor vehicle unless the vehicle is equipped with a functioning  
 12 certified ignition interlock device under IC 9-30-8.

13 (b) A court may not order the installation of an ignition interlock  
 14 device on a vehicle operated by an employee to whom any of the  
 15 following apply:

- 16 (1) Has been convicted of violating section 1 or 2 of this chapter.  
 17 (2) Is employed as the operator of a vehicle owned, leased, or  
 18 provided by the employee's employer.  
 19 (3) Is subject to a labor agreement that prohibits an employee who  
 20 is convicted of an alcohol related offense from operating the  
 21 employer's vehicle.

22 SECTION 14. IC 9-30-6-9, AS AMENDED BY P.L.85-2013,  
 23 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2015]: Sec. 9. (a) This section does not apply if an ignition  
 25 interlock device order is issued under section 8(d) of this chapter.

26 (b) If the affidavit under section 8(b) of this chapter states that a  
 27 person refused to submit to a chemical test, the bureau shall suspend  
 28 the driving privileges of the person:

- 29 (1) for:  
 30 (A) one (1) year; or  
 31 (B) if the person has at least one (1) previous conviction for  
 32 operating while intoxicated, two (2) years; or  
 33 (2) until the suspension is ordered terminated under IC 9-30-5.

34 (c) If the affidavit under section 8(b) of this chapter states that a  
 35 chemical test resulted in prima facie evidence that a person was  
 36 intoxicated, the bureau shall suspend the driving privileges of the  
 37 person:

- 38 (1) for one hundred eighty (180) days; or  
 39 (2) until the bureau is notified by a court that the charges have  
 40 been disposed of;  
 41 whichever occurs first.

42 (d) Whenever the bureau is required to suspend a person's driving



1 privileges under this section, the bureau shall immediately do the  
2 following:

3 (1) Mail notice to the person's address contained in the records of  
4 the bureau stating that the person's driving privileges will be  
5 suspended for a specified period, commencing:

6 (A) seven (7) days after the date of the notice; or

7 (B) on the date the court enters an order recommending  
8 suspension of the person's driving privileges under section 8(c)  
9 of this chapter;

10 whichever occurs first.

11 (2) Notify the person of the right to a judicial review under  
12 section 10 of this chapter.

13 (e) Notwithstanding IC 4-21.5, an action that the bureau is required  
14 to take under this article is not subject to any administrative  
15 adjudication under IC 4-21.5.

16 (f) If a person is granted probationary driving privileges under  
17 IC 9-30-5 and the bureau has not received the probable cause affidavit  
18 described in section 8(b) of this chapter, the bureau shall suspend the  
19 person's driving privileges for a period of thirty (30) days. After the  
20 thirty (30) day period has elapsed, the bureau shall, upon receiving a  
21 reinstatement fee, if applicable, from the person who was granted  
22 probationary driving privileges, issue the person probationary driving  
23 privileges if the person otherwise qualifies.

24 (g) If the bureau receives an order granting probationary driving  
25 privileges to a person who, according to the records of the bureau, has  
26 a prior conviction for operating while intoxicated, the bureau shall do  
27 the following:

28 (1) Issue the person probationary driving privileges and notify the  
29 prosecuting attorney of the county from which the order was  
30 received that the person is not eligible for probationary driving  
31 privileges.

32 (2) Send a certified copy of the person's driving record to the  
33 prosecuting attorney.

34 The prosecuting attorney shall, in accordance with IC 35-38-1-15,  
35 petition the court to correct the court's order. If the bureau does not  
36 receive a corrected order within sixty (60) days, the bureau shall notify  
37 the attorney general, who shall, in accordance with IC 35-38-1-15,  
38 petition the court to correct the court's order.

39 SECTION 15. IC 9-30-8-1, AS AMENDED BY P.L.85-2013,  
40 SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2015]: Sec. 1. (a) If a court orders the installation of a  
42 certified ignition interlock device on a motor vehicle that a person



1 whose license is restricted owns or expects to operate, ~~except as~~  
 2 ~~provided in subsection (b)~~; the court shall set the time that the  
 3 installation must remain in effect. However, the term may not exceed  
 4 the maximum term of imprisonment the court could have imposed. The  
 5 person shall pay the cost of installation unless the sentencing court  
 6 determines that the person is indigent.

7 ~~(b) If the court orders installation of a certified ignition interlock~~  
 8 ~~device under IC 9-30-5-10(d), the installation must remain in effect for~~  
 9 ~~a period of six (6) months.~~

10 SECTION 16. IC 9-30-10-4, AS AMENDED BY THE  
 11 TECHNICAL CORRECTIONS BILL OF THE 2015 GENERAL  
 12 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2015]: Sec. 4. (a) A person who has accumulated at least two  
 14 (2) judgments within a ten (10) year period for any of the following  
 15 violations, singularly or in combination, and not arising out of the same  
 16 incident, is a habitual violator:

17 (1) Reckless homicide resulting from the operation of a motor  
 18 vehicle.

19 (2) Voluntary or involuntary manslaughter resulting from the  
 20 operation of a motor vehicle.

21 (3) Failure of the ~~driver~~ operator of a motor vehicle involved in  
 22 an accident resulting in death or injury to any person to stop at the  
 23 scene of the accident and give the required information and  
 24 assistance.

25 (4) Operation of a vehicle while intoxicated resulting in death.

26 (5) Before July 1, 1997, operation of a vehicle with at least  
 27 ten-hundredths percent (0.10%) alcohol in the blood resulting in  
 28 death.

29 (6) After June 30, 1997, and before July 1, 2001, operation of a  
 30 vehicle with an alcohol concentration equivalent to at least  
 31 ten-hundredths (0.10) gram of alcohol per:

32 (A) one hundred (100) milliliters of the blood; or

33 (B) two hundred ten (210) liters of the breath;

34 resulting in death.

35 (7) After June 30, 2001, operation of a vehicle with an alcohol  
 36 concentration equivalent to at least eight-hundredths (0.08) gram  
 37 of alcohol per:

38 (A) one hundred (100) milliliters of the blood; or

39 (B) two hundred ten (210) liters of the breath;

40 resulting in death.

41 (b) A person who has accumulated at least three (3) judgments  
 42 within a ten (10) year period for any of the following violations,



1 singularly or in combination, and not arising out of the same incident,  
 2 is a habitual violator:

3 (1) Operation of a vehicle while intoxicated.

4 (2) Before July 1, 1997, operation of a vehicle with at least  
 5 ten-hundredths percent (0.10%) alcohol in the blood.

6 (3) After June 30, 1997, and before July 1, 2001, operation of a  
 7 vehicle with an alcohol concentration equivalent to at least  
 8 ten-hundredths (0.10) gram of alcohol per:

9 (A) one hundred (100) milliliters of the blood; or

10 (B) two hundred ten (210) liters of the breath.

11 (4) After June 30, 2001, operation of a vehicle with an alcohol  
 12 concentration equivalent to at least eight-hundredths (0.08) gram  
 13 of alcohol per:

14 (A) one hundred (100) milliliters of the blood; or

15 (B) two hundred ten (210) liters of the breath.

16 ~~(5) Operating a motor vehicle while the person's license to do so~~  
 17 ~~has been suspended or revoked as a result of the person's~~  
 18 ~~conviction of an offense under IC 9-1-4-52 (repealed July 1,~~  
 19 ~~1991); IC 9-24-18-5(b) (repealed July 1, 2000); IC 9-24-19-2; or~~  
 20 ~~IC 9-24-19-3.~~

21 ~~(6) Operating a motor vehicle without ever having obtained a~~  
 22 ~~license to do so.~~

23 ~~(7) (5) Reckless driving.~~

24 ~~(8) (6) Criminal recklessness as a felony involving the operation~~  
 25 ~~of a motor vehicle.~~

26 ~~(9) (7) Drag racing or engaging in a speed contest in violation of~~  
 27 ~~law.~~

28 ~~(10) (8) Violating IC 9-4-1-40 (repealed July 1, 1991),~~  
 29 ~~IC 9-4-1-46 (repealed July 1, 1991), IC 9-26-1-1(1) (repealed~~  
 30 ~~January 1, 2015), IC 9-26-1-1(2) (repealed January 1, 2015),~~  
 31 ~~IC 9-26-1-2(1) (repealed January 1, 2015), IC 9-26-1-2(2)~~  
 32 ~~(repealed January 1, 2015), IC 9-26-1-3 (repealed January 1,~~  
 33 ~~2015), IC 9-26-1-4 (repealed January 1, 2015), or~~  
 34 ~~IC 9-26-1-1.1.~~

35 ~~(11) Resisting law enforcement under IC 35-44.1-3-1~~  
 36 ~~IC 35-44.1-3-1(b)(1)(A), IC 35-44.1-3-1(b)(2),~~  
 37 ~~IC 35-44.1-3-1(b)(3), or IC 35-44.1-3-1(b)(4).~~

38 ~~(12) (10) Any felony under an Indiana motor vehicle statute this~~  
 39 ~~title or any felony in which the commission operation of which a~~  
 40 ~~motor vehicle is used: an element of the offense.~~

41 ~~(13) Operating a Class B motor driven cycle in violation of~~  
 42 ~~IC 9-24-1-1(b).~~





1 A judgment for a violation enumerated in subsection (a) shall be added  
 2 to the violations described in this subsection for the purposes of this  
 3 subsection.

4 (c) A person who has accumulated at least ten (10) judgments  
 5 within a ten (10) year period for any traffic violation, except a parking  
 6 or an equipment violation, of the type required to be reported to the  
 7 bureau, singularly or in combination, and not arising out of the same  
 8 incident, is a habitual violator. However, at least one (1) of the  
 9 judgments must be for:

10 (1) a violation enumerated in subsection (a); ~~or~~

11 (2) a violation enumerated in subsection (b);

12 (3) operating a motor vehicle while the person's license to do so  
 13 has been suspended or revoked as a result of the person's  
 14 conviction of an offense under IC 9-1-4-52 (repealed July 1,  
 15 1991), IC 9-24-18-5(b) (repealed July 1, 2000), IC 9-24-19-2, or  
 16 IC 9-24-19-3; or

17 (4) operating a motor vehicle without ever having obtained a  
 18 license to do so.

19 A judgment for a violation enumerated in subsection (a) or (b) shall be  
 20 added to the judgments described in this subsection for the purposes of  
 21 this subsection.

22 (d) For purposes of this section, a judgment includes a judgment in  
 23 any other jurisdiction in which the elements of the offense for which  
 24 the conviction was entered are substantially similar to the elements of  
 25 the offenses described in subsections (a), (b), and (c).

26 (e) For purposes of this section, the offense date is used when  
 27 determining the number of judgments accumulated within a ten (10)  
 28 year period.

29 SECTION 17. IC 9-30-10-5, AS AMENDED BY P.L.217-2014,  
 30 SECTION 134, IS AMENDED TO READ AS FOLLOWS  
 31 [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) If it appears from the records  
 32 maintained by the bureau that a person's driving record makes the  
 33 person a habitual violator under section 4 of this chapter **and a court**  
 34 **has not already found the person to be a habitual violator under**  
 35 **section 6.5 of this chapter based on the same underlying violations,**  
 36 the bureau shall mail a notice to the person's last known address that  
 37 informs the person that the person's driving privileges will be  
 38 suspended in thirty (30) days because the person is a habitual violator  
 39 according to the records of the bureau.

40 (b) Thirty (30) days after the bureau has mailed a notice under this  
 41 section, the bureau shall suspend the person's driving privileges for:

42 (1) except as provided in subdivision (2), ten (10) years if the



1 person is a habitual violator under section 4(a) of this chapter;  
 2 (2) life if the person is a habitual violator under section 4(a) of  
 3 this chapter and has at least two (2) violations under section  
 4 4(a)(4) through 4(a)(7) of this chapter;  
 5 (3) ten (10) years if the person is a habitual violator under section  
 6 4(b) of this chapter; or  
 7 (4) five (5) years if the person is a habitual violator under section  
 8 4(c) of this chapter.

9 (c) The notice must inform the person that the person may be  
 10 entitled to relief under section 6 of this chapter or may seek judicial  
 11 review of the person's suspension under this chapter.

12 (d) Notwithstanding subsection (b), if the bureau does not discover  
 13 that a person's driving record makes the person a habitual violator  
 14 under section 4 of this chapter for more than two (2) years after the  
 15 bureau receives the person's final qualifying conviction, the bureau  
 16 shall not suspend the person's driving privileges for any period.

17 SECTION 18. IC 9-30-10-6.5, AS ADDED BY P.L.217-2014,  
 18 SECTION 135, IS AMENDED TO READ AS FOLLOWS  
 19 [EFFECTIVE JULY 1, 2015]: Sec. 6.5. **(a) If the defendant requests,**  
 20 **a court may find by clear and convincing a preponderance of**  
 21 **the evidence that the person is a habitual traffic violator under**  
 22 **IC 9-30-10-4. If the court finds a person to be a habitual traffic**  
 23 **violator under this section, the court:**

24 (1) shall order:

25 (A) that the person is a habitual traffic violator; and

26 (B) the bureau to suspend the person's driving license; and

27 (2) may order that the person is eligible for specialized driving  
 28 privileges under IC 9-30-16.

29 **(b) A defendant may file a petition in an independent proceeding**  
 30 **to be found a habitual traffic violator following the procedure in**  
 31 **subsection (a).**

32 **(c) A petition filed under this section must be filed in the court**  
 33 **that entered the latest moving violation judgment against the**  
 34 **person. The petition must use the same cause number as in the**  
 35 **action in which the moving violation judgment was entered.**

36 **(d) A prosecuting attorney shall appear on behalf of the bureau**  
 37 **to respond to a petition filed under this section.**

38 **(e) A filing fee shall not be imposed for a petition filed under this**  
 39 **section.**

40 SECTION 19. IC 9-30-10-14.1 IS ADDED TO THE INDIANA  
 41 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 42 [EFFECTIVE JULY 1, 2015]: Sec. 14.1. **(a) This section does not**



1 apply to any person who has the person's license suspended for life  
2 under:

3 (1) IC 9-30-10-5(b)(2); or

4 (2) IC 9-30-10-17(b) for an offense that occurred after  
5 December 31, 2014.

6 (b) Except as provided in subsection (f), a person whose driving  
7 privileges have been suspended for life may petition a court in a  
8 civil action for a rescission of the suspension order and  
9 reinstatement of driving privileges if the following conditions exist:

10 (1) Ten (10) years have elapsed since the date on which an  
11 order for the lifetime suspension of the person's driving  
12 privileges was issued.

13 (2) The person has never been convicted of a violation  
14 described in section 4(a) of this chapter.

15 (c) A petition for rescission and reinstatement under this section  
16 must meet the following conditions:

17 (1) Be verified by the petitioner.

18 (2) State the petitioner's age, date of birth, and place of  
19 residence.

20 (3) Describe the circumstances leading up to the lifetime  
21 suspension of the petitioner's driving privileges.

22 (4) Aver a substantial change in the petitioner's circumstances  
23 of the following:

24 (A) That indicates the petitioner would no longer pose a  
25 risk to the safety of others if the petitioner's driving  
26 privileges are reinstated.

27 (B) That makes the lifetime suspension of the petitioner's  
28 driving privileges unreasonable.

29 (C) Indicates it is in the best interests of society for the  
30 petitioner's driving privileges to be reinstated.

31 (5) Aver that the requisite amount of time has elapsed since  
32 the date on which the order for the lifetime suspension of the  
33 person's driving privileges was issued as required under  
34 subsections (a) and (e).

35 (6) Aver that the petitioner has never been convicted of a  
36 violation described in section 4(a) of this chapter.

37 (7) Be filed in a circuit or superior court having jurisdiction  
38 in the county where the petitioner resides. If the petitioner  
39 resides in a state other than Indiana, the petition must be filed  
40 in the county in which the most recent Indiana moving  
41 violation conviction occurred.

42 (8) If the petition is being filed under subsection (f), aver the



1           existence of the conditions listed in subsection (f)(1) through  
2           (f)(3).

3           (d) The petitioner shall serve the prosecuting attorney of the  
4           county in which the petition is filed and the bureau with a copy of  
5           the petition described in subsection (b). A responsive pleading is  
6           not required.

7           (e) The prosecuting attorney of the county in which the petition  
8           is filed shall represent the state in the matter.

9           (f) A person whose driving privileges have been suspended for  
10          life may petition a court in a civil action for a rescission of the  
11          suspension order and reinstatement of driving privileges if all of  
12          the following conditions exist:

13          (1) Three (3) years have elapsed since the date on which the  
14          order for lifetime suspension of the petitioner's driving  
15          privileges was issued.

16          (2) The petitioner's lifetime suspension was the result of  
17          driving on a suspended license that was suspended for  
18          commission of infractions only or for driving on a suspended  
19          license.

20          (3) The petitioner has never been convicted of a violation  
21          described in section 4(a) or 4(b) of this chapter, with the  
22          exception of a judgment or conviction under section 4(b)(5) of  
23          this chapter.

24          SECTION 20. IC 9-30-10-16, AS AMENDED BY P.L.158-2013,  
25          SECTION 162, IS AMENDED TO READ AS FOLLOWS  
26          [EFFECTIVE JULY 1, 2015]: Sec. 16. (a) A person who operates a  
27          motor vehicle:

28          (1) while the person's driving privileges are validly suspended  
29          under this chapter or IC 9-12-2 (repealed July 1, 1991) and the  
30          person knows that the person's driving privileges are suspended;  
31          or

32          (2) in violation of restrictions imposed under this chapter or  
33          IC 9-12-2 (repealed July 1, 1991) and who knows of the existence  
34          of the restrictions;

35          commits a Level 6 felony.

36          (b) Service by the bureau of notice of the suspension or restriction  
37          of a person's driving privileges under subsection (a)(1) or (a)(2):

38          (1) in compliance with section 5 of this chapter; and

39          (2) by first class mail to the person at the last address shown for  
40          the person in the bureau's records;

41          establishes a rebuttable presumption that the person knows that the  
42          person's driving privileges are suspended or restricted.



1 (c) In addition to any criminal penalty, a person who is convicted of  
 2 a felony under subsection (a) forfeits the privilege of operating a motor  
 3 vehicle for life. However, if judgment for conviction of a Class A  
 4 misdemeanor is entered for an offense under subsection (a), the court  
 5 may order a period of suspension of the convicted person's driving  
 6 privileges that is in addition to any suspension of driving privileges  
 7 already imposed upon the person.

8 SECTION 21. IC 9-30-15.5-1, AS ADDED BY P.L.217-2014,  
 9 SECTION 153, IS AMENDED TO READ AS FOLLOWS  
 10 [EFFECTIVE JULY 1, 2015]: Sec. 1. As used in this chapter,  
 11 "vehicular substance offense" means any misdemeanor or felony in  
 12 which operation of a motor vehicle while intoxicated, operation of a  
 13 motor vehicle in excess of the statutory limit for alcohol, or operation  
 14 of a motor vehicle with a controlled substance or its metabolite in the  
 15 person's body, is a material element. The term includes an offense  
 16 under IC 9-30-5, IC 9-24-6-15, and an offense under IC 9-11-2 (before  
 17 its repeal).

18 SECTION 22. IC 9-30-15.5-2, AS ADDED BY P.L.217-2014,  
 19 SECTION 153, IS AMENDED TO READ AS FOLLOWS  
 20 [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) The state may seek to have a  
 21 person sentenced as a habitual vehicular substance offender for any  
 22 vehicular substance offense by alleging, on a page separate from the  
 23 rest of the charging instrument, that the person has accumulated two  
 24 (2) or three (3) prior unrelated vehicular substance offense  
 25 convictions. **If the state alleges only two (2) prior unrelated**  
 26 **vehicular substance offense convictions, the allegation must include**  
 27 **that at least one (1) of the prior unrelated vehicular substance**  
 28 **offense convictions occurred within the ten (10) years before the**  
 29 **date of the current offense.**

30 (b) For purposes of subsection (a), a **prior vehicular substance**  
 31 **offense is unrelated if the person has been convicted and sentenced**  
 32 **for a vehicular substance offense after that person has been**  
 33 **sentenced for a prior vehicular substance offense. However, a**  
 34 **conviction does not count for purposes of subsection (a) if:**

35 **(1) it has been set aside; or**

36 **(2) it is a conviction for which the person has been pardoned.**  
 37 person has accumulated two (2) prior unrelated vehicular substance  
 38 offense convictions if the person is convicted and sentenced for a  
 39 vehicular substance offense committed after sentencing for a prior  
 40 unrelated vehicular substance offense conviction. However, if the  
 41 person has only two (2) prior unrelated vehicular substance offense  
 42 convictions, the earlier prior unrelated offense cannot have occurred



1 more than ten (10) years before the date of the more recent prior  
 2 unrelated offense. If the person has at least three (3) prior unrelated  
 3 convictions, the person has accumulated the convictions regardless of  
 4 when the offenses occurred. However, a conviction does not count for  
 5 purposes of subsection (a) and this subsection if:

6 (1) it has been set aside; or

7 (2) it is a conviction for which the person has been pardoned.

8 (c) If the person is convicted of a vehicular substance offense in a  
 9 jury trial, the jury shall reconvene for the sentencing hearing. If the trial  
 10 is to the court, or the judgment is entered on a guilty plea, the court  
 11 alone shall conduct the sentencing hearing, under IC 35-38-1-3.

12 ~~(d)~~ (c) A person is a habitual vehicular substance offender if the jury  
 13 (if the hearing is by jury) or the court (if the hearing is to the court  
 14 alone) finds that the state has proved beyond a reasonable doubt that  
 15 the person has accumulated four (4) **three (3) or more prior** unrelated  
 16 vehicular substance offense convictions **at any time, or three (3) two**  
 17 **(2) prior** unrelated vehicular substance offense ~~convictions~~.  
 18 **convictions, with at least one (1) of the prior unrelated vehicular**  
 19 **substance offense convictions occurring** within a ten (10) year  
 20 period: **years of the date of the occurrence of the current offense.**

21 (e) (d) The court shall sentence a person found to be a habitual  
 22 vehicular substance offender to an additional fixed term of at least one  
 23 (1) year but not more than eight (8) years of imprisonment, to be added  
 24 to the term of imprisonment imposed under IC 35-50-2 or IC 35-50-3.

25 (e) **Charges filed under this section must be filed in a circuit**  
 26 **court or superior court.**

27 SECTION 23. IC 9-30-16-1, AS ADDED BY P.L.217-2014,  
 28 SECTION 154, IS AMENDED TO READ AS FOLLOWS  
 29 [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) Except as provided in  
 30 subsection (b), the following are ineligible for a specialized driving  
 31 permit under this chapter:

32 (1) A person who has never had a valid Indiana driver's license.

33 (2) ~~A person who holds a commercial driver's license.~~

34 (3) **(2) A person who has refused whose suspension for which**  
 35 **the person is seeking specialized driving privileges is based on**  
 36 **refusal to submit to a chemical test offered under IC 9-30-6 or**  
 37 **IC 9-30-7.**

38 (b) **This chapter applies to a person** ~~In addition to applying to a~~  
 39 ~~person who held an operator's, a commercial driver's, a public~~  
 40 ~~passenger chauffeur's, or a chauffeur's license at the time of the~~  
 41 ~~criminal conviction for which the operation of a motor vehicle is an~~  
 42 ~~element of the offense. this chapter applies to an individual who:~~



1 (1) held a commercial driver's license at the time the individual  
 2 committed an offense for which the operation of a motor vehicle  
 3 was an element of the offense;

4 (2) no longer holds a commercial driver's license; and

5 (3) subsequently was issued an operator's license, chauffeur's  
 6 license; or public passenger chauffeur's license.

7 (c) Except as specifically provided in this chapter, for any criminal  
 8 conviction in which the operation of a motor vehicle is an element of  
 9 the offense, **or any criminal conviction for an offense under**  
 10 **IC 9-30-5**, a court may suspend the person's driving privileges for a  
 11 period up to the maximum allowable period of incarceration under the  
 12 penalty for the offense.

13 (d) ~~A suspension of driving privileges under this chapter may begin~~  
 14 ~~before the conviction. Multiple suspensions of driving privileges~~  
 15 ~~ordered by a court that are part of the same episode of criminal conduct~~  
 16 ~~shall be served concurrently. A court may grant credit time for any~~  
 17 ~~suspension that began before the conviction, except as prohibited~~  
 18 ~~by section 6(a)(2) of this chapter.~~

19 (e) If a person has had an ignition interlock device installed as a  
 20 condition of specialized driving privileges **or under IC 9-30-6-8(d)**,  
 21 the period of the installation shall be credited as part of the suspension  
 22 of driving privileges.

23 SECTION 24. IC 9-30-16-2, AS ADDED BY P.L.217-2014,  
 24 SECTION 154, IS AMENDED TO READ AS FOLLOWS  
 25 [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) If a person is convicted of an  
 26 offense that includes the element of causing serious bodily injury of  
 27 another person and the offense involved the operation of a motor  
 28 vehicle; the court shall order that the person's driving privileges are  
 29 suspended for a period of at least one (1) year and not more than the  
 30 maximum allowable period of incarceration of the criminal penalty for  
 31 the offense. A person whose driving privileges are suspended under  
 32 this section is eligible for specialized driving privileges under section  
 33 3 of this chapter. **The court shall order the license of a person**  
 34 **suspended for a period of at least one (1) year for a person**  
 35 **convicted of the following:**

36 (1) **An offense that includes the element of causing or**  
 37 **resulting in serious bodily injury while operating a motor**  
 38 **vehicle.**

39 (2) **An offense under IC 9-30-5 that includes the element of**  
 40 **causing or resulting in serious bodily injury.**

41 (3) **An offense under IC 9-30-5 when the person has a prior**  
 42 **conviction for an offense under IC 9-30-5.**



1           **(b) A person whose driving privileges are suspended under**  
 2 **subsection (a) is eligible for specialized driving privileges under**  
 3 **section 3 of this chapter.**

4           ~~(b)~~ **(c)** If a person is convicted of an offense that includes the  
 5 element of causing the death of another person and the offense  
 6 involved the operation of a motor vehicle **or was an offense under**  
 7 **IC 9-30-5**, the court shall order that the person's driving privileges are  
 8 suspended for a period of at least two (2) years and not more than the  
 9 maximum allowable period of incarceration of the criminal penalty for  
 10 the offense. A person whose driving privileges are suspended under  
 11 this section is not eligible for specialized driving privileges under  
 12 section 3 of this chapter.

13           SECTION 25. IC 9-30-16-3, AS ADDED BY P.L.217-2014,  
 14 SECTION 154, IS AMENDED TO READ AS FOLLOWS  
 15 [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) **If a court imposing orders** a  
 16 suspension of driving privileges under this chapter, **or imposes a**  
 17 **suspension of driving privileges under IC 9-30-6-9(c), the court** may  
 18 stay the suspension and grant a specialized driving privilege as set forth  
 19 in this section.

20           (b) Regardless of the underlying offense, specialized driving  
 21 privileges granted under this section shall be granted for at least one  
 22 hundred eighty (180) days.

23           (c) Specialized driving privileges must be determined by a court and  
 24 may include, but are not limited to:

25           (1) requiring the use of **certified** ignition interlock devices; and

26           (2) restricting a person to being allowed to operate a motor  
 27 vehicle:

28           (A) during certain hours of the day; or

29           (B) between specific locations and the person's residence.

30           (d) A stay of a ~~conviction~~ **suspension** and specialized driving  
 31 privileges may not be granted to a person who has previously been  
 32 granted specialized driving privileges and the person has more than one  
 33 (1) conviction under section 5 of this chapter.

34           (e) A person who has been granted specialized driving privileges  
 35 shall:

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

38           (2) carry a copy of the order granting specialized driving  
 39 privileges or have the order in the vehicle being operated by the  
 40 person; ~~and~~

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





1           **(4) carry a validly issued state identification card.**

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

7           **(g) A person may independently file a petition for specialized**  
 8 **driving privileges in the court from which the ordered suspension**  
 9 **originated.**

10          SECTION 26. IC 9-30-16-4, AS ADDED BY P.L.217-2014,  
 11 SECTION 154, IS AMENDED TO READ AS FOLLOWS  
 12 [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) A person whose driving  
 13 privileges have been suspended by the bureau **by an administrative**  
 14 **action and not by a court order** may petition a court for specialized  
 15 driving privileges **as described in section 3(b) through 3(e) of this**  
 16 **chapter.**

17          (b) A petition filed under this section must:

- 18           (1) be verified by the petitioner;
- 19           (2) state the petitioner's age, date of birth, and address;
- 20           (3) state the grounds for relief and the relief sought;
- 21           (4) be filed in the county in which the petitioner resides;
- 22           (5) be filed in a circuit or superior court; and
- 23           (6) be served on the bureau and the prosecuting attorney.

24          (c) A prosecuting attorney **may shall** appear on behalf of the bureau  
 25 to respond to a petition filed under this section.

26          **(d) A person who was an Indiana resident and whose driving**  
 27 **privileges are suspended in Indiana, but the person is currently a**  
 28 **resident of a state other than Indiana, may petition the court for**  
 29 **specialized driving privileges in the county in which the person's**  
 30 **most recent Indiana moving violation judgment was entered**  
 31 **against the person.**

32          SECTION 27. IC 9-30-16-5, AS ADDED BY P.L.217-2014,  
 33 SECTION 154, IS AMENDED TO READ AS FOLLOWS  
 34 [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) A person who knowingly or  
 35 intentionally violates a condition imposed by a court under section **2 3**  
 36 **or 4** of this chapter commits a Class C misdemeanor.

37          (b) For a person convicted of an offense under subsection (a), the  
 38 court may modify or revoke specialized driving privileges. The court  
 39 may order the bureau to lift the stay of a suspension of driving  
 40 privileges and suspend the person's driving license as originally  
 41 ordered **in addition to any additional suspension.**

42          SECTION 28. IC 9-30-16-6 IS ADDED TO THE INDIANA CODE



1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
2 1, 2015]: **Sec. 6. (a)** A person whose driving privileges are  
3 suspended under IC 9-30-5-10 or section 1(c) of this chapter:

4 (1) is entitled to credit for any days during which the license  
5 was suspended under IC 9-30-6-9(c); and

6 (2) may not receive any credit for days during which the  
7 person's driving privileges were suspended under  
8 IC 9-30-6-9(b).

9 (b) A period of suspension of driving privileges imposed under  
10 IC 9-30-5-10 or section 1(c) of this chapter must be consecutive to  
11 any period of suspension imposed under IC 9-30-6-9(b). However,  
12 if the court finds in the sentencing order that it is in the best  
13 interest of society, the court may terminate all or any part of the  
14 remaining suspension under IC 9-30-6-9(b).

15 (c) The bureau shall designate a period of suspension of driving  
16 privileges imposed under IC 9-30-5-10 or section 1(c) of this  
17 chapter as consecutive to any period of suspension imposed under  
18 IC 9-30-6-9(b) unless the sentencing order of the court, under  
19 subsection (b) terminates all or part of the remaining suspension  
20 under IC 9-30-6-9(b).

21 SECTION 29. IC 35-52-9-37.5 IS ADDED TO THE INDIANA  
22 CODE AS A NEW SECTION TO READ AS FOLLOWS  
23 [EFFECTIVE JULY 1, 2015]: **Sec. 37.5. IC 9-24-18-7.5 defines a**  
24 **crime concerning driver's licenses.**

25 SECTION 30. IC 35-52-9-41.5 IS ADDED TO THE INDIANA  
26 CODE AS A NEW SECTION TO READ AS FOLLOWS  
27 [EFFECTIVE JULY 1, 2015]: **Sec. 41.5. IC 9-26-1-1.5 defines a**  
28 **crime concerning motor vehicle accidents.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1305, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 12, delete "The" and insert "**Except as provided in IC 9-30-16-1(c), the**".

Page 2, line 40, delete "The license of a person who violates".

Page 2, delete lines 41 through 42.

Page 5, delete lines 22 through 42, begin a new paragraph and insert:

"SECTION 7. IC 9-26-1-1.1, AS ADDED BY P.L.217-2014, SECTION 104, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1.1. (a) The operator of a motor vehicle involved in an accident shall do the following:

(1) ~~Either:~~

(A) (1) Immediately stop the operator's motor vehicle:

(i) (A) at the scene of the accident; or

(ii) (B) as close to the accident as possible in a manner that does not obstruct traffic more than is necessary. ~~or~~

(B) (2) Remain at the scene of the accident until the operator does the following:

(i) (A) Gives the operator's name and address and the registration number of the motor vehicle the operator was driving to any person involved in the accident.

(ii) (B) Exhibits the operator's driver's license to any person involved in the accident or occupant of or any person attending to any vehicle involved in the accident.

(C) **Contacts a 911 telephone operator.**

(2) (3) If the accident results in the injury or death of another person, the operator shall, in addition to the requirements of ~~subdivision~~ **subdivisions (1) and (2):**

(A) provide reasonable assistance to each person injured in or entrapped by the accident, as directed by a law enforcement officer, medical personnel, or a 911 telephone operator; and

(B) immediately give notice of the accident by the quickest means of communication to one (1) of the following:

(i) The local police department, if the accident occurs within a municipality.

(ii) The office of the county sheriff or the nearest state police post, if the accident occurs outside a municipality.



**(iii) A 911 telephone operator.**

~~(3)~~ **(4)** If the accident involves a collision with an unattended vehicle or damage to property other than a vehicle, the operator shall, in addition to the requirements of ~~subdivision~~ **subdivisions**

**(1) and (2):**

(A) take reasonable steps to locate and notify the owner or person in charge of the damaged vehicle or property of the damage; and

(B) if after reasonable inquiry the operator cannot find the owner or person in charge of the damaged vehicle or property, ~~do the following~~ **the operator must contact a law enforcement officer or agency and provide the information required by this section.**

(i) Notify either the sheriff's department of the county in which the damaged vehicle or property is located or a member of the state police department.

(ii) Give the sheriff's department or the state police department the information required by this section.

(b) An operator of a motor vehicle who knowingly or intentionally fails to comply with subsection (a) commits leaving the scene of an accident, a Class B misdemeanor. However, the offense is:

(1) a Class A misdemeanor if the accident results in bodily injury to another person;

(2) a Level 6 felony if:

(A) the accident results in serious bodily injury to another person; or

(B) within the five (5) years preceding the commission of the offense, the operator had a previous conviction of any of the offenses listed in IC 9-30-10-4(a);

(3) a Level 5 felony if the accident results in the death of another person; and

(4) a Level 3 felony if the operator knowingly or intentionally fails to stop or comply with subsection (a) during or after the commission of the offense of operating while intoxicated causing serious bodily injury (IC 9-30-5-4) or operating while intoxicated causing death (IC 9-30-5-5)."

Delete page 6.

Page 7, delete lines 1 through 2.

Page 7, line 8, strike "1.1(a)(2)" and insert "**1.1(a)(3)**".

Page 7, line 19, strike "1.1(a)(2)" and insert "**1.1(a)(3)**".

Page 7, line 27, strike "1.1(a)(2)" and insert "**1.1(a)(3)**".

Page 13, line 31, delete "IC 9-26-1-1(1)," and insert "IC 9-26-1-1(1)



**(repealed January 1, 2015),"**

Page 13, line 32, delete "IC 9-26-1-1(2), IC 9-26-1-2(1), IC 9-26-1-2(2), IC 9-26-1-3," and insert "IC 9-26-1-1(2) **(repealed January 1, 2015)**, IC 9-26-1-2(1) **(repealed January 1, 2015)**, IC 9-26-1-2(2) **(repealed January 1, 2015)**, IC 9-26-1-3 **(repealed January 1, 2015),"**

Page 13, line 32, strike "or".

Page 13, line 33, delete "IC 9-26-1-4." and insert "IC 9-26-1-4 **(repealed January 1, 2015), or"**.

Page 15, line 19, strike "clear and convincing" and insert "**a preponderance of the"**.

Page 15, line 41, delete "14." and insert "**14.1."**

Page 16, line 5, delete "(e)," and insert "**(f),"**

Page 16, delete lines 34 through 38.

Page 16, line 39, delete "(8)" and insert "**(6)"**.

Page 16, line 41, delete "(9)" and insert "**(7)"**.

Page 17, line 4, delete "(10)" and insert "**(8)"**.

Page 17, line 8, delete "where the petitioner resides" and insert "**in which the petition is filed"**.

Page 17, line 11, delete "where the petitioner" and insert "**in which the petition is filed"**.

Page 17, line 12, delete "resides".

Page 17, delete lines 28 through 31.

Page 18, line 32, after "(2)" insert "**or three (3)"**.

Page 18, line 32, after "convictions." insert "**If the state alleges only two (2) prior unrelated vehicular substance offense convictions, the allegation must include that at least one (1) of the prior unrelated vehicular substance offense convictions occurred within the ten (10) years before the date of the current offense."**

Page 18, line 33, after "(a), a" insert "**prior vehicular substance offense is unrelated if the person has been convicted and sentenced for a vehicular substance offense after that person has been sentenced for a prior vehicular substance offense. However, a conviction does not count for purposes of subsection (a) if:**

**(1) it has been set aside; or**

**(2) it is a conviction for which the person has been pardoned."**

Page 18, line 33, strike "person has accumulated two (2)".

Page 18, strike lines 34 through 37.

Page 18, line 38, strike "vehicular substance offense convictions,".

Page 18, line 38, delete "one (1) of the".

Page 18, line 38, strike "prior".

Page 18, line 39, strike "unrelated".



- Page 18, line 39, delete "convictions must".
- Page 18, line 40, delete "have occurred within".
- Page 18, line 40, strike "ten (10) years before the date of the".
- Page 18, line 41, delete "current".
- Page 18, line 41, strike "offense. If the person has at least three (3) prior".
- Page 18, strike line 42.
- Page 19, strike lines 1 through 4.
- Page 19, line 13, after "convictions" insert "**at any time,**".
- Page 19, line 14, strike "convictions." and insert "**convictions, with at least one (1) of the prior unrelated vehicular substance offense convictions occurring**".
- Page 19, line 14, delete "The two (2)".
- Page 19, line 15, delete "convictions must be".
- Page 19, line 35, after "operator's," insert "**a commercial driver's,**".
- Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1305 as introduced.)

SOLIDAY

Committee Vote: yeas 12, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1305 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-21-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. A person may not drive a motor vehicle at a slow speed that impedes or blocks the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with the law. A person who is driving:

**(1) on a roadway that has not more than one (1) lane of traffic in each direction; and**

**(2) at a slow speed so that three (3) or more other vehicles are blocked and cannot pass on the left around the vehicle;**

shall give right-of-way to the other vehicles by pulling off to the right of the right lane at the earliest reasonable opportunity and allowing the

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blocked vehicles to pass.

SECTION 2. IC 9-21-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. **(a)** A vehicle that travels at a speed less than the established maximum shall travel in the right lanes to provide for better flow of traffic on the interstate highways.

**(b) This subsection applies to the operation of a vehicle:**

- (1) on a roadway that has two (2) or more lanes of traffic in each direction; and**
- (2) in the left most lane, other than a lane designated for high occupancy vehicles.**

**Except as provided in subsection (c), a person who knows, or should reasonably know, that another vehicle is overtaking from the rear the vehicle that the person is operating may not continue to operate the vehicle in the left most lane.**

**(c) Subsection (b) does not apply:**

- (1) when traffic conditions or congestion make it necessary to operate a vehicle in the left most lane;**
- (2) when inclement weather, obstructions, or hazards make it necessary to operate a vehicle in the left most lane;**
- (3) when compliance with a law, a regulation, an ordinance, or a traffic control device makes it necessary to operate a vehicle in the left most lane;**
- (4) when exiting a roadway or turning to the left;**
- (5) when paying a toll or user fee at a toll collection facility;**
- (6) to an authorized emergency vehicle operated in the course of duty; or**
- (7) to vehicles operated or used in the course of highway maintenance or construction."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1305 as printed January 23, 2015.)

OBER

