

HOUSE BILL No. 1305

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-21-8-52; IC 9-24; IC 9-25; IC 9-26-1; IC 9-28-2-9; IC 9-30; IC 35-52-9.

Synopsis: Various motor vehicle issues. 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. Increases the penalties for driving in violation of license restrictions in certain instances. 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 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
(Continued next page)

Effective: July 1, 2015.

McMillin

January 13, 2015, read first time and referred to Committee on Roads and Transportation.



Digest Continued

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. Creates the habitual vehicle substance offender enhancement. Establishes who is eligible for specialized driving privileges. Makes technical corrections.



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

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 9-21-8-52, AS AMENDED BY P.L.217-2014,
2 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 52. (a) A person who operates a vehicle and who
4 recklessly:
5 (1) drives at such an unreasonably high rate of speed or at such an
6 unreasonably low rate of speed under the circumstances as to:
7 (A) endanger the safety or the property of others; or
8 (B) block the proper flow of traffic;
9 (2) passes another vehicle from the rear while on a slope or on a
10 curve where vision is obstructed for a distance of less than five
11 hundred (500) feet ahead;
12 (3) drives in and out of a line of traffic, except as otherwise
13 permitted; or
14 (4) speeds up or refuses to give one-half (1/2) of the roadway to



1 a driver overtaking and desiring to pass;
 2 commits a Class ~~B~~ C misdemeanor. **However, the offense is a Class**
 3 **A misdemeanor if it causes bodily injury to a person.**

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

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

12 **(d) The court may recommend the suspension of the current driving**
 13 **license of the a person convicted of a violation of this section** for a
 14 fixed period of not more than one (1) year.

15 SECTION 2. IC 9-24-11-4, AS AMENDED BY P.L.217-2014,
 16 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2015]: Sec. 4. (a) An individual may not ~~have~~ **hold or possess**
 18 more than one (1) driver's license or **bureau issued** identification card
 19 issued **to the individual** under IC 9-24 at a time.

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

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

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

30 SECTION 3. IC 9-24-11-8, AS AMENDED BY P.L.217-2014,
 31 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2015]: Sec. 8. **(a) Except as provided in subsections (b) and**
 33 **(c), a person who violates this chapter commits a Class C**
 34 **infraction.**

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

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

39 (2) operates a motor vehicle in violation of the restriction;

40 commits a Class C infraction. **The license of a person who violates**
 41 **this subsection may be suspended in the manner consistent with the**
 42 **suspension or revocation of an operator's license.**



1 ~~(b)~~ (c) A person who causes serious bodily injury to or the death of
 2 another person when operating a motor vehicle after knowingly or
 3 intentionally failing to take prescribed medication, the taking of which
 4 was a condition of the issuance of the operator's restricted license under
 5 section 7 of this chapter, commits a Class A misdemeanor. However,
 6 the offense is a Level 6 felony if, within the five (5) years preceding the
 7 commission of the offense, the person had a prior unrelated conviction
 8 under this subsection.

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

12 SECTION 4. IC 9-24-18-7.5 IS ADDED TO THE INDIANA CODE
 13 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 14 1, 2015]. **Sec. 7.5. A person who knowingly or intentionally**
 15 **counterfeits or falsely reproduces a driver's license with intent to**
 16 **use the license or to permit another person to use the license**
 17 **commits a Class B misdemeanor.**

18 SECTION 5. IC 9-25-6-3, AS AMENDED BY P.L.59-2013,
 19 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2015]: Sec. 3. (a) If the bureau:

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

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

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

30 (b) If the bureau:

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

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

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

41 (c) If the bureau:

42 (1) does not receive a certificate of compliance for a person



1 presented with a request under IC 9-25-10 (before its repeal) not
 2 later than forty (40) days after the date on which the person was
 3 presented with the request; or

4 (2) receives a certificate that does not indicate that financial
 5 responsibility was in effect on the date requested;

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

7 (d) Under the conditions set forth in subsection (a), (b), or (c), the
 8 bureau shall immediately suspend the person's driving privileges or
 9 motor vehicle registration, or both, as determined by the bureau, for at
 10 least ninety (90) days and not more than one (1) year. **The suspension
 11 of a person's driving privileges or motor vehicle registration, or
 12 both, may be imposed only one (1) time under this subsection or
 13 IC 9-25-8-2 for the same incident.**

14 (e) Except as provided in subsection (f), if subsection (a), (b), or (c)
 15 applies to a person, the bureau shall suspend the driving privileges of
 16 the person irrespective of the following:

17 (1) The sale or other disposition of the motor vehicle by the
 18 owner.

19 (2) The cancellation or expiration of the registration of the motor
 20 vehicle.

21 (3) An assertion by the person that the person did not own the
 22 motor vehicle and therefore had no control over whether financial
 23 responsibility was in effect with respect to the motor vehicle.

24 (f) The bureau shall not suspend the driving privileges of a person
 25 to which subsection (a), (b), or (c) applies if the person, through a
 26 certificate of compliance or another communication with the bureau,
 27 establishes to the satisfaction of the bureau that the motor vehicle that
 28 the person was operating when the accident referred to in subsection
 29 (a) took place or when the violation referred to in subsection (b) or (c)
 30 was committed was:

31 (1) rented from a rental company; or

32 (2) owned by the person's employer and operated by the person in
 33 the normal course of the person's employment.

34 SECTION 6. IC 9-25-8-2, AS AMENDED BY P.L.10-2014,
 35 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2015]: Sec. 2. (a) A person who knowingly:

37 (1) operates; or

38 (2) permits the operation of;

39 a motor vehicle on a public highway in Indiana without financial
 40 responsibility in effect as set forth in IC 9-25-4-4 commits a Class A
 41 infraction. However, the offense is a Class C misdemeanor if the
 42 person knowingly or intentionally violates this section and has a prior



1 unrelated conviction or judgment under this section.

2 (b) Subsection (a)(2) applies to:

- 3 (1) the owner of a rental company under IC 9-25-6-3(f)(1); and
 4 (2) an employer under IC 9-25-6-3(f)(2).

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

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

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

26 (1) Either:

27 (A) immediately stop the operator's motor vehicle:

- 28 (i) at the scene of the accident; or
 29 (ii) as close to the accident as possible in a manner that does
 30 not obstruct traffic more than is necessary; or

31 (B) remain at the scene of the accident until the operator does
 32 the following:

- 33 (i) Gives the operator's name and address and the
 34 registration number of the motor vehicle the operator was
 35 driving to any person involved in the accident.
 36 (ii) Exhibits the operator's driver's license to any person
 37 involved in the accident or occupant of or any person
 38 attending to any vehicle involved in the accident.

39 **(iii) Contacts a 911 telephone operator.**

40 (2) If the accident results in the injury or death of another person,
 41 the operator shall, in addition to the requirements of subdivision

42 (1):



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



- 1 serious bodily injury (IC 9-30-5-4) or operating while intoxicated
2 causing death (IC 9-30-5-5).
- 3 SECTION 8. IC 9-26-1-1.5, AS AMENDED BY P.L.217-2014,
4 SECTION 105, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2015]: Sec. 1.5. (a) If:
- 6 (1) the operator of a motor vehicle is physically incapable of
7 determining the need for or rendering assistance to any injured or
8 entrapped person as required under section 1.1(a)(2) of this
9 chapter;
- 10 (2) there is another occupant in the motor vehicle at the time of
11 the accident who is:
- 12 (A) at least:
- 13 (i) fifteen (15) years of age and holds a learner's permit
14 issued under IC 9-24-7-1 or a driver's license issued under
15 IC 9-24-11; or
- 16 (ii) eighteen (18) years of age; and
- 17 (B) capable of determining the need for and rendering
18 reasonable assistance to injured or entrapped persons as
19 provided in section 1.1(a)(2) of this chapter; and
- 20 (3) the other occupant in the motor vehicle knows that the
21 operator of the motor vehicle is physically incapable of
22 determining the need for or rendering assistance to any injured or
23 entrapped person;
- 24 the motor vehicle occupant referred to in subdivisions (2) and (3) shall
25 immediately determine the need for and render reasonable assistance
26 to each person injured or entrapped in the accident as provided in
27 section 1.1(a)(2) of this chapter.
- 28 (b) If there is more than one (1) motor vehicle occupant to whom
29 subsection (a) applies, it is a defense to a prosecution of one (1) motor
30 vehicle occupant under subsection (a) that the defendant reasonably
31 believed that another occupant of the motor vehicle determined the
32 need for and rendered reasonable assistance as required under
33 subsection (a).
- 34 **(c) A person who knowingly or intentionally violates this section**
35 **commits a Class C misdemeanor.**
- 36 SECTION 9. IC 9-28-2-9, AS AMENDED BY P.L.217-2014,
37 SECTION 116, IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) Upon written notification
39 from a jurisdiction that is a party to an agreement entered into under
40 this chapter, the bureau shall take appropriate action against a licensed
41 driver for failure to meet the conditions set out in the citation of the
42 jurisdiction in which the traffic offense occurred.



1 (b) The bureau shall notify the driver by first class mail of the
 2 request by the respective jurisdiction to have the driver's driving
 3 privileges suspended. For the purposes of this chapter, a written notice
 4 sent to the driver's last registered address with the bureau meets the
 5 conditions of due notice.

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

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

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

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

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

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

37 (b) If the person:

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

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



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

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

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

31 (e) If the conviction under consideration by the court is for an
32 offense under:

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

39 the court may recommend the suspension of the person's driving
40 privileges for not more than five (5) years:

41 (f) If the conviction under consideration by the court is for an
42 offense involving the use of a controlled substance listed in schedule



1 I, II, III, IV, or V of IC 35-48-2, in which a vehicle was used in the
 2 offense, the court shall recommend the suspension or revocation of the
 3 person's driving privileges for at least six (6) months:

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

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

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

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

24 SECTION 12. IC 9-30-6-9, AS AMENDED BY P.L.85-2013,
 25 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2015]: Sec. 9. (a) This section does not apply if an ignition
 27 interlock device order is issued under section 8(d) of this chapter.

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

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

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

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



1 whichever occurs first.

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

3 privileges under this section, the bureau shall immediately do the

4 following:

5 (1) Mail notice to the person's address contained in the records of

6 the bureau stating that the person's driving privileges will be

7 suspended for a specified period, commencing:

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

9 (B) on the date the court enters an order recommending

10 suspension of the person's driving privileges under section 8(c)

11 of this chapter;

12 whichever occurs first.

13 (2) Notify the person of the right to a judicial review under

14 section 10 of this chapter.

15 (e) Notwithstanding IC 4-21.5, an action that the bureau is required

16 to take under this article is not subject to any administrative

17 adjudication under IC 4-21.5.

18 (f) ~~If a person is granted probationary driving privileges under~~

19 ~~IC 9-30-5 and the bureau has not received the probable cause affidavit~~

20 ~~described in section 8(b) of this chapter, the bureau shall suspend the~~

21 ~~person's driving privileges for a period of thirty (30) days. After the~~

22 ~~thirty (30) day period has elapsed, the bureau shall, upon receiving a~~

23 ~~reinstatement fee, if applicable, from the person who was granted~~

24 ~~probationary driving privileges, issue the person probationary driving~~

25 ~~privileges if the person otherwise qualifies.~~

26 (g) ~~If the bureau receives an order granting probationary driving~~

27 ~~privileges to a person who, according to the records of the bureau, has~~

28 ~~a prior conviction for operating while intoxicated, the bureau shall do~~

29 ~~the following:~~

30 (1) ~~Issue the person probationary driving privileges and notify the~~

31 ~~prosecuting attorney of the county from which the order was~~

32 ~~received that the person is not eligible for probationary driving~~

33 ~~privileges.~~

34 (2) ~~Send a certified copy of the person's driving record to the~~

35 ~~prosecuting attorney.~~

36 ~~The prosecuting attorney shall, in accordance with IC 35-38-1-15,~~

37 ~~petition the court to correct the court's order. If the bureau does not~~

38 ~~receive a corrected order within sixty (60) days, the bureau shall notify~~

39 ~~the attorney general, who shall, in accordance with IC 35-38-1-15,~~

40 ~~petition the court to correct the court's order.~~

41 SECTION 13. IC 9-30-8-1, AS AMENDED BY P.L.85-2013,

42 SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2015]: Sec. 1. (a) If a court orders the installation of a
 2 certified ignition interlock device on a motor vehicle that a person
 3 whose license is restricted owns or expects to operate, ~~except as~~
 4 ~~provided in subsection (b)~~; the court shall set the time that the
 5 installation must remain in effect. However, the term may not exceed
 6 the maximum term of imprisonment the court could have imposed. The
 7 person shall pay the cost of installation unless the sentencing court
 8 determines that the person is indigent.

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

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

19 (1) Reckless homicide resulting from the operation of a motor
 20 vehicle.

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

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

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

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

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

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

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

36 resulting in death.

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

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

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

42 resulting in death.



1 (b) A person who has accumulated at least three (3) judgments
 2 within a ten (10) year period for any of the following violations,
 3 singularly or in combination, and not arising out of the same incident,
 4 is a habitual violator:

5 (1) Operation of a vehicle while intoxicated.

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

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

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

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

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

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

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

18 ~~(5) Operating a motor vehicle while the person's license to do so~~
 19 ~~has been suspended or revoked as a result of the person's~~
 20 ~~conviction of an offense under IC 9-1-4-52 (repealed July 1,~~
 21 ~~1991); IC 9-24-18-5(b) (repealed July 1, 2000); IC 9-24-19-2; or~~
 22 ~~IC 9-24-19-3.~~

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

25 ~~(7) (5) Reckless driving.~~

26 ~~(8) (6) Criminal recklessness as a felony involving the operation~~
 27 ~~of a motor vehicle.~~

28 ~~(9) (7) Drag racing or engaging in a speed contest in violation of~~
 29 ~~law.~~

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

34 ~~(11) (9) Resisting law enforcement under IC 35-44.1-3-1~~
 35 ~~IC 35-44.1-3-1(b)(1)(A), IC 35-44.1-3-1(b)(2),~~
 36 ~~IC 35-44.1-3-1(b)(3), or IC 35-44.1-3-1(b)(4).~~

37 ~~(12) (10) Any felony under an Indiana motor vehicle statute this~~
 38 ~~title or any felony in which the commission operation of which a~~
 39 ~~motor vehicle is used: an element of the offense.~~

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

42 A judgment for a violation enumerated in subsection (a) shall be added



1 to the violations described in this subsection for the purposes of this
2 subsection.

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

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

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

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

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

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

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

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

28 SECTION 15. IC 9-30-10-5, AS AMENDED BY P.L.217-2014,
29 SECTION 134, IS AMENDED TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) If it appears from the records
31 maintained by the bureau that a person's driving record makes the
32 person a habitual violator under section 4 of this chapter **and a court**
33 **has not already found the person to be a habitual violator under**
34 **section 6.5 of this chapter based on the same underlying violations,**
35 the bureau shall mail a notice to the person's last known address that
36 informs the person that the person's driving privileges will be
37 suspended in thirty (30) days because the person is a habitual violator
38 according to the records of the bureau.

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

41 (1) except as provided in subdivision (2), ten (10) years if the
42 person is a habitual violator under section 4(a) of this chapter;



1 (2) life if the person is a habitual violator under section 4(a) of
 2 this chapter and has at least two (2) violations under section
 3 4(a)(4) through 4(a)(7) of this chapter;

4 (3) ten (10) years if the person is a habitual violator under section
 5 4(b) of this chapter; or

6 (4) five (5) years if the person is a habitual violator under section
 7 4(c) of this chapter.

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

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

16 SECTION 16. IC 9-30-10-6.5, AS ADDED BY P.L.217-2014,
 17 SECTION 135, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2015]: Sec. 6.5. **(a) If the defendant requests,**
 19 **a court may find by clear and convincing evidence that the**
 20 **person is a habitual traffic violator under IC 9-30-10-4. If the court**
 21 **finds a person to be a habitual traffic violator under this section,**
 22 **the court:**

23 (1) shall order:

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

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

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

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

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

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

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

39 SECTION 17. IC 9-30-10-14.1 IS ADDED TO THE INDIANA
 40 CODE AS A NEW SECTION TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2015]: **Sec. 14. (a) This section does not apply**
 42 **to any person who has the person's license suspended for life**



1 under:

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

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

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

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

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

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

16 (1) Be verified by the petitioner.

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

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

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

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

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

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

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

34 (6) Aver that the petitioner has never been convicted of an
35 offense under section 17 of this chapter.

36 (7) Aver that the petitioner has not been convicted of an
37 offense under section 16 of this chapter more than one (1)
38 time.

39 (8) Aver that the petitioner has never been convicted of a
40 violation described in section 4(a) of this chapter.

41 (9) Be filed in a circuit or superior court having jurisdiction
42 in the county where the petitioner resides. If the petitioner



1 resides in a state other than Indiana, the petition must be filed
 2 in the county in which the most recent Indiana moving
 3 violation conviction occurred.

4 (10) If the petition is being filed under subsection (f), aver the
 5 existence of the conditions listed in subsection (f)(1) through
 6 (f)(3).

7 (d) The petitioner shall serve the prosecuting attorney of the
 8 county where the petitioner resides and the bureau with a copy of
 9 the petition described in subsection (b). A responsive pleading is
 10 not required.

11 (e) The prosecuting attorney of the county where the petitioner
 12 resides shall represent the state in the matter.

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

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

20 (2) The petitioner's lifetime suspension was the result of
 21 driving on a suspended license that was suspended for
 22 commission of infractions only or for driving on a suspended
 23 license.

24 (3) The petitioner has never been convicted of a violation
 25 described in section 4(a) or 4(b) of this chapter, with the
 26 exception of a judgment or conviction under section 4(b)(5) of
 27 this chapter.

28 (4) The petitioner has never been convicted of an offense
 29 under section 17 of this chapter.

30 (5) The petitioner has not been convicted of an offense under
 31 section 16 of this chapter more than one (1) time.

32 SECTION 18. IC 9-30-10-16, AS AMENDED BY P.L.158-2013,
 33 SECTION 162, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2015]: Sec. 16. (a) A person who operates a
 35 motor vehicle:

36 (1) while the person's driving privileges are validly suspended
 37 under this chapter or IC 9-12-2 (repealed July 1, 1991) and the
 38 person knows that the person's driving privileges are suspended;
 39 or

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



1 commits a Level 6 felony.

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

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

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

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

9 (c) ~~In addition to any criminal penalty, a person who is convicted of
10 a felony under subsection (a) forfeits the privilege of operating a motor
11 vehicle for life. However, if judgment for conviction of a Class A
12 misdemeanor is entered for an offense under subsection (a), the court
13 may order a period of suspension of the convicted person's driving
14 privileges that is in addition to any suspension of driving privileges
15 already imposed upon the person.~~

16 SECTION 19. IC 9-30-15.5-1, AS ADDED BY P.L.217-2014,
17 SECTION 153, IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2015]: Sec. 1. As used in this chapter,
19 "vehicular substance offense" means any misdemeanor or felony in
20 which operation of a ~~motor~~ vehicle while intoxicated, operation of a
21 ~~motor~~ vehicle in excess of the statutory limit for alcohol, or operation
22 of a ~~motor~~ vehicle with a controlled substance or its metabolite in the
23 person's body, is a material element. The term includes an offense
24 under IC 9-30-5, IC 9-24-6-15, and an offense under IC 9-11-2 (before
25 its repeal).

26 SECTION 20. IC 9-30-15.5-2, AS ADDED BY P.L.217-2014,
27 SECTION 153, IS AMENDED TO READ AS FOLLOWS
28 [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) The state may seek to have a
29 person sentenced as a habitual vehicular substance offender for any
30 vehicular substance offense by alleging, on a page separate from the
31 rest of the charging instrument, that the person has accumulated two
32 (2) prior unrelated vehicular substance offense convictions.

33 (b) For purposes of subsection (a), a person has accumulated two (2)
34 prior unrelated vehicular substance offense convictions if the person is
35 convicted and sentenced for a vehicular substance offense committed
36 after sentencing for a prior unrelated vehicular substance offense
37 conviction. However, if the person has only two (2) prior unrelated
38 vehicular substance offense convictions, ~~the earlier one (1) of the prior~~
39 ~~unrelated offense cannot have occurred more than convictions must~~
40 **have occurred within ten (10) years before the date of the more recent**
41 **prior unrelated current** offense. If the person has at least three (3) prior
42 unrelated convictions, the person has accumulated the convictions



1 regardless of when the offenses occurred. However, a conviction does
2 not count for purposes of subsection (a) and this subsection if:

3 (1) it has been set aside; or

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

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

9 ~~(d)~~ **(c)** A person is a habitual vehicular substance offender if the jury
10 (if the hearing is by jury) or the court (if the hearing is to the court
11 alone) finds that the state has proved beyond a reasonable doubt that
12 the person has accumulated ~~four (4)~~ **three (3) or more prior** unrelated
13 vehicular substance offense convictions or ~~three (3)~~ **two (2) prior**
14 unrelated vehicular substance offense convictions. **The two (2)**
15 **convictions must be** within a ten (10) year period: **years of the date**
16 **of the occurrence of the current offense.**

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

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

23 SECTION 21. IC 9-30-16-1, AS ADDED BY P.L.217-2014,
24 SECTION 154, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) Except as provided in
26 subsection (b), the following are ineligible for a specialized driving
27 permit under this chapter:

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

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

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

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

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

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



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

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

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

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

19 SECTION 22. IC 9-30-16-2, AS ADDED BY P.L.217-2014,
20 SECTION 154, IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) If a person is convicted of an
22 offense that includes the element of causing serious bodily injury of
23 another person and the offense involved the operation of a motor
24 vehicle, the court shall order that the person's driving privileges are
25 suspended for a period of at least one (1) year and not more than the
26 maximum allowable period of incarceration of the criminal penalty for
27 the offense. A person whose driving privileges are suspended under
28 this section is eligible for specialized driving privileges under section
29 3 of this chapter. **The court shall order the license of a person**
30 **suspended for a period of at least one (1) year for a person**
31 **convicted of the following:**

32 (1) An offense that includes the element of causing or
33 resulting in serious bodily injury while operating a motor
34 vehicle.

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

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

39 (b) A person whose driving privileges are suspended under
40 subsection (a) is eligible for specialized driving privileges under
41 section 3 of this chapter.

42 ~~(b)~~ (c) If a person is convicted of an offense that includes the



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

9 SECTION 23. IC 9-30-16-3, AS ADDED BY P.L.217-2014,
 10 SECTION 154, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) **If a court imposing orders** a
 12 suspension of driving privileges under this chapter, **or imposes a**
 13 **suspension of driving privileges under IC 9-30-6-9(c), the court** may
 14 stay the suspension and grant a specialized driving privilege as set forth
 15 in this section.

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

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

- 21 (1) requiring the use of **certified** ignition interlock devices; and
- 22 (2) restricting a person to being allowed to operate a motor
 23 vehicle:

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

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

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

30 (e) A person who has been granted specialized driving privileges
 31 shall:

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

34 (2) carry a copy of the order granting specialized driving
 35 privileges or have the order in the vehicle being operated by the
 36 person; **and**

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

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

40 (f) **A person who holds a commercial driver's license and has**
 41 **been granted specialized driving privileges under this chapter may**
 42 **not, for the duration of the suspension for which the specialized**



1 **driving privileges are sought, operate any vehicle that requires the**
 2 **person to hold a commercial driver's license to operate the vehicle.**

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

6 SECTION 24. IC 9-30-16-4, AS ADDED BY P.L.217-2014,
 7 SECTION 154, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) A person whose driving
 9 privileges have been suspended by the bureau **by an administrative**
 10 **action and not by a court order** may petition a court for specialized
 11 driving privileges **as described in section 3(b) through 3(e) of this**
 12 **chapter.**

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

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

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

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

28 SECTION 25. IC 9-30-16-5, AS ADDED BY P.L.217-2014,
 29 SECTION 154, IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) A person who knowingly or
 31 intentionally violates a condition imposed by a court under section ~~2~~ **3**
 32 **or 4** of this chapter commits a Class C misdemeanor.

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

38 SECTION 26. IC 9-30-16-6 IS ADDED TO THE INDIANA CODE
 39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 40 1, 2015]: **Sec. 6. (a) A person whose driving privileges are**
 41 **suspended under IC 9-30-5-10 or section 1(c) of this chapter:**

- 42 **(1) is entitled to credit for any days during which the license**



1 was suspended under IC 9-30-6-9(c); and
2 (2) may not receive any credit for days during which the
3 person's driving privileges were suspended under
4 IC 9-30-6-9(b).

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

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

17 SECTION 27. IC 35-52-9-37.5 IS ADDED TO THE INDIANA
18 CODE AS A NEW SECTION TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2015]: **Sec. 37.5. IC 9-24-18-7.5 defines a**
20 **crime concerning driver's licenses.**

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

