



January 23, 2015

HOUSE BILL No. 1305

DIGEST OF HB 1305 (Updated January 21, 2015 2:33 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. 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 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
(Continued next page)

Effective: July 1, 2015.

McMillin, Pierce, Porter

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

HB 1305—LS 7272/DI 123



Digest Continued

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



January 23, 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

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

HB 1305—LS 7272/DI 123



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

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

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

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

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

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

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

37 (1) has been issued a permit or license on which there is a printed
 38 or stamped restriction as provided under section 7 of this chapter;
 39 and
 40 (2) operates a motor vehicle in violation of the restriction;
 41 commits a Class C infraction.

42 ~~(b)~~ **(c)** A person who causes serious bodily injury to or the death of



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

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

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

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

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

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

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

29 (b) If the bureau:

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

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

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

40 (c) If the bureau:

41 (1) does not receive a certificate of compliance for a person
 42 presented with a request under IC 9-25-10 (before its repeal) not



1 later than forty (40) days after the date on which the person was
2 presented with the request; or

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

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

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

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

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

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

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

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

30 (1) rented from a rental company; or

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

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

36 (1) operates; or

37 (2) permits the operation of;

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



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

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

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

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

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

25 ~~(1)~~ **(1) Either:**

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

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

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

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

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

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

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

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

42 **(A) provide reasonable assistance to each person injured in or**



1 entrapped by the accident, as directed by a law enforcement
 2 officer, medical personnel, or a 911 telephone operator; and
 3 (B) immediately give notice of the accident by the quickest
 4 means of communication to one (1) of the following:

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

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

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

10 ~~(3)~~ **(4)** If the accident involves a collision with an unattended
 11 vehicle or damage to property other than a vehicle, the operator
 12 shall, in addition to the requirements of ~~subdivision~~ **subdivisions**

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

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)~~ **1.1(a)(3)** of
 9 this 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)~~ **1.1(a)(3)** 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)~~ **1.1(a)(3)** 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, H, 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) (repealed~~
 32 ~~January 1, 2015), IC 9-26-1-1(2) (repealed January 1, 2015),~~
 33 ~~IC 9-26-1-2(1) (repealed January 1, 2015), IC 9-26-1-2(2)~~
 34 ~~(repealed January 1, 2015), IC 9-26-1-3 (repealed January 1,~~
 35 ~~2015), IC 9-26-1-4 (repealed January 1, 2015), or~~
 36 ~~IC 9-26-1-1.1.~~

37 ~~(11) (9) Resisting law enforcement under IC 35-44.1-3-1~~
 38 ~~IC 35-44.1-3-1(b)(1)(A), IC 35-44.1-3-1(b)(2),~~
 39 ~~IC 35-44.1-3-1(b)(3), or IC 35-44.1-3-1(b)(4).~~

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



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

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

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

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

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

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

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

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

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

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

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

42 (b) Thirty (30) days after the bureau has mailed a notice under this



1 section, the bureau shall suspend the person's driving privileges for:

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

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

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

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

- 26 (1) shall order:
 27 (A) that the person is a habitual traffic violator; and
 28 (B) the bureau to suspend the person's driving license; and
 29 (2) may order that the person is eligible for specialized driving
 30 privileges under IC 9-30-16.

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

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

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

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

42 SECTION 17. IC 9-30-10-14.1 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2015]: Sec. 14.1. (a) This section does not
 3 apply to any person who has the person's license suspended for life
 4 under:

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

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

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

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

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

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

19 (1) Be verified by the petitioner.

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

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

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

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

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

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

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

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

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



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

violation conviction occurred.

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

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

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

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

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

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

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

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

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

(2) in violation of restrictions imposed under this chapter or IC 9-12-2 (repealed July 1, 1991) and who knows of the existence of the restrictions; commits a Level 6 felony.

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

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

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



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

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

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

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

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

37 (1) it has been set aside; or

38 (2) it is a conviction for which the person has been pardoned.
39 person has accumulated two (2) prior unrelated vehicular substance
40 offense convictions if the person is convicted and sentenced for a
41 vehicular substance offense committed after sentencing for a prior
42 unrelated vehicular substance offense conviction. However, if the



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

8 (1) it has been set aside; or

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

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

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

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

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

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

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

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

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

40 (b) **This chapter applies to a person** ~~In addition to applying to a~~
 41 ~~person~~ who held an operator's, **a commercial driver's**, a public
 42 passenger chauffeur's, or a chauffeur's license at the time of the



1 criminal conviction for which the operation of a motor vehicle is an
2 element of the offense. ~~this chapter applies to an individual who:~~

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

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

7 (3) subsequently was issued an operator's license, chauffeur's
8 license, or public passenger chauffeur's license.

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

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

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

25 SECTION 22. IC 9-30-16-2, AS ADDED BY P.L.217-2014,
26 SECTION 154, IS AMENDED TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) If a person is convicted of an
28 offense that includes the element of causing serious bodily injury of
29 another person and the offense involved the operation of a motor
30 vehicle, the court shall order that the person's driving privileges are
31 suspended for a period of at least one (1) year and not more than the
32 maximum allowable period of incarceration of the criminal penalty for
33 the offense. A person whose driving privileges are suspended under
34 this section is eligible for specialized driving privileges under section
35 3 of this chapter. **The court shall order the license of a person**
36 **suspended for a period of at least one (1) year for a person**
37 **convicted of the following:**

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

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



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

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

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

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

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

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

27 (1) requiring the use of **certified** ignition interlock devices; and
 28 (2) restricting a person to being allowed to operate a motor
 29 vehicle:

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

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

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

36 (e) A person who has been granted specialized driving privileges
 37 shall:

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

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



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

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

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

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

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

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

20 (1) be verified by the petitioner;

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

22 (3) state the grounds for relief and the relief sought;

23 (4) be filed in the county in which the petitioner resides;

24 (5) be filed in a circuit or superior court; and

25 (6) be served on the bureau and the prosecuting attorney.

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

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

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

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



1 ordered **in addition to any additional suspension.**

2 SECTION 26. IC 9-30-16-6 IS ADDED TO THE INDIANA CODE
3 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2015]: **Sec. 6. (a) A person whose driving privileges are**
5 **suspended under IC 9-30-5-10 or section 1(c) of this chapter:**

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

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

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

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

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

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

