

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS
FISCAL IMPACT STATEMENT**

LS 6364
BILL NUMBER: HB 1114

NOTE PREPARED: Feb 10, 2025
BILL AMENDED: Feb 6, 2025

SUBJECT: Driving Without a License.

FIRST AUTHOR: Rep. Zimmerman
FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: X GENERAL
 X DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: *Operating without a License:* This bill adds the following criminal offenses for an individual who knowingly or intentionally operates a motor vehicle on a highway and has never received a valid driver's license: (1) A Class A misdemeanor if the operation of the motor vehicle results in bodily injury. (2) A Level 6 felony if the operation of the motor vehicle results in serious bodily injury. (3) A Level 5 felony if the operation of the motor vehicle results in the death or catastrophic injury of another person.

Motor Vehicle Fraud: The bill makes it a Class A misdemeanor to: (1) apply for a driver's license or permit with the intent to transfer the license or permit to an individual not entitled to the license or permit; or (2) register or apply for a certificate of title to a motor vehicle with the intent to permit an individual not entitled to a driver's license or permit to operate the vehicle. It increases the penalty to a Level 6 felony if the offense involves at least two individuals or motor vehicles, or if the person uses a business organization or nonprofit organization to commit the offense.

The bill also provides that if an unlicensed driver is at fault for a vehicle accident, the driver or the registered owner of the vehicle used by the individual shall pay the insurance deductibles for any person not at fault. It provides that if an individual operates a motor vehicle without financial responsibility, a valid certificate of registration, and valid driving privileges their motor vehicle shall be impounded unless another person with valid driving privileges occupies the motor vehicle.

Effective Date: July 1, 2025.

Explanation of State Expenditures: *Summary* - This bill enhances the penalty for operating a motor vehicle without a driver's license from a Class C misdemeanor to a Class A misdemeanor, Level 6 felony, or Level 5 felony, for offenses that involve bodily injury, serious bodily injury, or death. The bill also adds three new offenses concerning motor vehicle fraud for illegally transferring (1) BMV credentials, (2) vehicle registrations, and (3) certificates of title, that are punishable as a Class A misdemeanor or a Level 6 felony, depending on mitigating and aggravating circumstances. Increases in criminal convictions for the offenses included in the bill are indeterminable, but any impact on state incarceration costs would ultimately depend on the offenses prosecuted.

OFMA found no cases in the Abstracts of Judgment where serious or catastrophic bodily injury occurred and operating a motor vehicle without a driver's license was the most serious charge. OFMA cannot estimate how much this bill's enhancement would add to the Department of Correction (DOC) offender population.

While there is currently no penalty enhancement for causing either a serious or catastrophic bodily injury while driving without a license, leaving the scene of an accident resulting in serious bodily injury (IC 9-26-1-1.1), is a Level 6 felony. OFMA found six cases between FY 2017 and 2024 where a person was convicted of driving without a license and leaving the scene of an accident that resulted in serious bodily injury.

The bill adds three new offenses that are punishable as a Class A misdemeanor. These offenses are enhanced to a Level 6 felony, depending on mitigating and aggravating circumstances. Increases in criminal convictions for the offenses included in the bill are indeterminable.

Additional Information -

Motor Vehicle Fraud: Current law includes criminal penalties for motor vehicle fraud pertaining to (1) counterfeiting and falsely reproducing certificates of title and (2) fake credentials. No such penalties currently exist pertaining to BMV-issued credentials that are legally obtained and then transferred to someone else with criminal intent.

Operating without a License: The bill adds criminal enhancements for operation of a motor vehicle without a valid driver's license. Most vehicle offenses that involve an element of bodily injury, serious bodily injury, catastrophic bodily injury, or death currently are currently punishable as either a Class A infraction, Class A misdemeanor, or a Level 6, Level 5, Level 4, or Level 3 felony, depending on the nature of the crime committed. The table at the end of this note shows current statutory provisions governing motor vehicle violations associated with bodily injury, serious bodily injury, catastrophic bodily injury, and death. By enhancing the Class C misdemeanor penalty for operating a motor vehicle having never received a valid license to a potential Level 6 felony or Level 5 felony, the bill could increase incarceration costs to the extent offenders are convicted of the enhanced offenses in the bill.

The following table shows the sentencing ranges for these misdemeanors and felonies.

	Offense:	Minimum	Advisory	Maximum
Current Law:	Class C or Class A misdemeanor (priors)	0 days	-	60 - 365 days
Proposed:	Class A misdemeanor - bodily injury	0 days	-	1 year
	Level 6 - serious bodily injury	6 months	1 year	2.5 years
	Level 5 - catastrophic injury or death	1 year	3 years	6 years

The sentence depends on mitigating and aggravating circumstances. Assuming offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$4,719 annually, or \$12.93 daily, per prisoner. However, any additional expenditures are likely to be small.

[*Serious bodily injury* is defined as bodily injury that creates a substantial risk of death or that causes: (1) serious permanent disfigurement; (2) unconsciousness; (3) extreme pain; (4) permanent or protracted loss

or impairment of the function of a bodily member or organ; or (5) loss of a fetus. (IC 35-31.5-2-292)]

Explanation of State Revenues: Summary - The bill could increase the number of Class A misdemeanor convictions in the state to the extent an individual causes bodily injury, serious bodily injury, catastrophic bodily injury, or death but the offender does not commit another related criminal offense. [The related offenses are listed at the end of the note.]

The bill could also increase the number of Class A misdemeanor and Level 6 felony convictions for motor vehicle fraud. If additional court cases occur and fines are collected, revenue to both the Common School Fund (from fines) and the state General Fund (from court fees) would increase.

The impact on criminal convictions for operating without a license is subject to the decision of the local prosecuting attorney and which charges to try. It is expected there would be no change in state revenue for offenses that are currently punishable as felonies, however state revenue from criminal convictions would change to the extent a prosecuting attorney pursues a Class A misdemeanor conviction instead of a Class A infraction conviction. Any change in revenue is likely to be small.

Additional Information - The maximum fine for a (1) Class A infraction is \$10,000, (2) Class A misdemeanor is \$5,000, and (3) Level 6 and Level 5 felony is \$10,000. Infractions are deposited in the General Fund while criminal penalties are deposited in the Common School Fund.

Court fee revenue (1) for infraction cases currently ranges between \$85.50 and \$103, whereas (2) misdemeanor and felony cases would range between \$113 and \$138. The amount of court fees deposited will vary depending on whether the case is filed in a court of record or a municipal court. The following linked document describes the fees and distribution of the revenue: [Court fees imposed in criminal, juvenile, and civil violation cases.](#)

Explanation of Local Expenditures: Summary - The bill could increase local incarceration costs to the extent the bill increases the number of Class A misdemeanor convictions or if more defendants are detained in county jails prior to their court hearings. However, any additional expenditures would likely be small.

A person who is convicted and sentenced for a misdemeanor is more likely to be confined for less time or their sentence is suspended and placed on community supervision (either probation, community corrections, or both) at sentencing. However, if an offender is sentenced to state prison rather than to a county jail, the costs to the county may be reduced.

Additional Information - OFMA found 2,697 convictions between FY 2020 and 2024 in the Odyssey Case Management System for operating a motor vehicle without a driver's license as either a Class A or Class C misdemeanor. It is unknown how many of these convictions involved at least an element of bodily injury or serious bodily injury.

The following table shows the number of people convicted, average sentences in days, and the percentage of people confined and/or supervised between FY 2020 and FY 2024 for driving without a driver's license (IC 9-24-18-1).

	Average Convictions Per Year	Average Sentence in Days	Percentage of People Confined and/or Supervised*
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Misdemeanor A	437	174	20.1%
Misdemeanor C	2,260	53	12.6%
*A person can be confined in county jail or supervised on probation, community corrections, or both.			

A person convicted of operating a motor vehicle without a driver's license as either a Class A or C misdemeanor were more likely to have their sentences suspended and supervised in the community. Between FY 2020 and 2024, OFMA found on average about 20% of people convicted for driving without a license as a Class A misdemeanor were more likely to be confined in county jail and/or supervised in the community.

[A Class A misdemeanor is punishable by up to one year in a county jail while a Class C misdemeanor is punishable by up to 60 days in a county jail. The average cost per day to incarcerate a prisoner is \$64.53 based on the per diem payments reported by U.S. Marshals to house federal prisoners in 11 county jails across Indiana during CY 2021.]

Explanation of Local Revenues: Summary - Local governments could receive additional revenues from any court fees that are collected for cases that were prosecuted as infractions that are now prosecuted as misdemeanors. In instances where an additional misdemeanor or felony charge created by the bill is added to an offense that is currently prosecuted as a felony or misdemeanor, it is expected local units of government will not receive any additional court fee revenue.

Additional Information - If a felony or misdemeanor case is filed in a court of record, the county general fund will receive \$47.40 and qualifying municipalities will receive a share of \$3.60. If the case is filed in a municipal court, the county receives \$30, and the municipality will receive \$46. The following linked document describes the fees and distribution of the revenue: [Court fees imposed in criminal, juvenile, and civil violation cases.](#)

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Supreme Court, Indiana Trial Court Fee Manual, BMV Citation Data FY 2018 - 2023; Odyssey Data FY 2020-FY2024.

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Existing Motor Vehicle Criminal Penalties for Bodily Injury, and/or Death

Statute	Offense	Criminal Penalty
IC 9-21-3-7	Traffic signal violation resulting in bodily injury	Class A infraction
IC 9-21-3-8	Flashing red or yellow traffic signal violation resulting in bodily injury	Class A infraction
IC 9-21-3-8.5	Bicycle traffic control signal violation resulting in bodily injury	Class A infraction
IC 9-21-3-9	Individual lane use control signal violation resulting in bodily injury	Class A infraction
IC 9-21-8-52(a)	Reckless driving, causing bodily injury	Class A misdemeanor
IC 9-21-8-52(b)	Passing a school bus with a stop arm extended resulting in bodily injury	Level 6 felony
IC 9-21-8-52(b)	Passing a school bus with a stop arm extended resulting in bodily injury resulting in death	Level 5 felony
IC 9-26-1-1.1(b)(1)	Leaving the scene of an accident involving bodily injury	Class A misdemeanor
IC 9-26-1-1.1(b)(2)	Leaving the scene of an accident involving serious bodily injury	Level 6 felony
IC 9-26-1-1.1(b)(3)	Leaving the scene of an accident involving death or catastrophic injury	Level 4 felony
IC 9-26-1-1.1(b)(4)	Leaving the scene of an accident involving serious bodily injury while the operator was operating while intoxicated	Level 3 felony
IC 9-30-5-4	Operating while intoxicated causing serious bodily injury	Level 5 felony
IC 9-30-10-17	Operating with forfeited privileges or as a habitual traffic violator causing bodily injury, catastrophic injury, or death	Level 5 felony