

First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

HOUSE ENROLLED ACT No. 1141

AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 9-33-4 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 4. Traffic Amnesty Program

Sec. 1. This chapter does not apply to the following:

- (1) A person with a child support arrearage, unless the person has been making the person's required child support payments for at least six (6) months preceding the date the person files the petition for traffic amnesty.
- (2) A person with an outstanding arrest warrant.
- (3) A person sentenced to pay restitution to the victim of a crime, if the person is not current with the person's required payments.

Sec. 2. This chapter applies to the following:

- (1) An unpaid judgment for an infraction described in this title that relates to the operation of a motor vehicle, if the infraction was committed before January 1, 2019.
- (2) A driving privileges reinstatement fee (as described in IC 9-25-6-15), which a person with a suspended driver's license is or would be required to pay to reinstate the person's driver's license, if the person's driver's license was suspended before January 1, 2019.
- (3) Any court costs, administrative fees, late fees, or other fees



imposed on a person in connection with an unpaid judgment or fee described in subdivision (1) or (2).

Sec. 3. The following definitions apply throughout this chapter:

(1) "Proof of financial responsibility" has the meaning set forth in IC 9-25-2-3.

(2) "Qualified person" means a person to whom this chapter applies who owes unpaid fees or is or would be required to pay a driving privileges reinstatement fee to obtain a valid driver's license.

(3) "Unpaid fees" means a judgment, fee, or cost described in section 2 of this chapter, whether already owed or required to be paid to obtain driving privileges.

Sec. 4. (a) A qualified person may seek a reduction in the person's unpaid fees by filing a verified petition for traffic amnesty in a circuit or superior court in the county in which the violation giving rise to the unpaid fees was committed. A petition filed under this section must be filed after December 31, 2019, and before January 1, 2021. The petition must include the following:

(1) The person's full name and all other legal names or aliases by which the person is or has been known.

(2) The person's date of birth.

(3) The case number or court cause number of the relevant violations.

(4) An affirmation that the person:

(A) does not owe a child support arrearage or, if the person owes a child support arrearage, has been making the person's required child support payments for at least the preceding six (6) months;

(B) does not have an outstanding arrest warrant; and

(C) was not sentenced to pay restitution to the victim of a crime or, if the person was sentenced to pay restitution, is current with the person's required payments.

(5) The person's:

(A) Social Security number; and

(B) driver's license number.

(6) The date of the violation.

(b) The person may include in a petition filed under this section any other information that the person believes may assist the court.

(c) A person who files a petition under this section shall file the petition under the court cause number of the infraction. The person is not required to pay the filing fee required in civil cases.

(d) The person shall serve a copy of the petition upon the



prosecuting attorney in accordance with the Indiana Rules of Trial Procedure.

(e) The prosecuting attorney may reply to the petition not later than thirty (30) days after receipt of the petition. If the prosecuting attorney fails to timely reply to the petition, the prosecuting attorney has waived any objection to the petition.

(f) If a person wishes to receive traffic amnesty for infractions committed in different counties, the person must file a separate petition in each county in which a violation was committed.

(g) A petition filed under this section is not an admission of guilt or liability.

Sec. 5. (a) If the prosecuting attorney does not object, or has waived objection to the petition under section 4 of this chapter, the court may grant the petition for traffic amnesty without a hearing.

(b) The court may summarily deny a petition if the petition does not meet the requirements of this chapter or if the statements contained in the petition demonstrate that the petitioner is not entitled to relief.

(c) If the prosecuting attorney objects to the petition, the prosecuting attorney shall file the reasons for objecting to the petition with the court and serve a copy of the objections on the petitioner at the time the prosecuting attorney objects to the petition. The court shall set the matter for hearing not earlier than sixty (60) days after service of the petition on the prosecuting attorney.

Sec. 6. (a) The court shall grant a petition for traffic amnesty if the petitioner proves by a preponderance of evidence that the:

- (1) person is a qualified person; and
- (2) violation giving rise to the unpaid fees was committed before January 1, 2019.

(b) If the court grants a petition for traffic amnesty, the court shall issue an order reducing the amount of unpaid fees owed by the person by fifty percent (50%). To the extent some or all of the unpaid fees consist of a driving privileges reinstatement fee, the court shall specify in its order that the petitioner is entitled to driving privileges reinstatement after:

- (1) paying fifty percent (50%) of the otherwise required driving privileges reinstatement fee to the bureau;
- (2) providing proof of financial responsibility to the court; and
- (3) the person is determined not to be otherwise ineligible to have the person's driving privileges reinstated.



(c) The court shall transmit a copy of its order to the bureau in a form and manner prescribed by the bureau. The court shall include in its order a statement that the order is not a conviction, finding of guilt, or finding of liability and that the order is being issued under IC 9-33-4.

(d) The grant or denial of a petition under this chapter is an appealable final order.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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