

HOUSE BILL No. 1182

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-30-16.

Synopsis: Special driving privileges. Provides that if a court issues a signed order to an individual granting specialized driving privileges, the bureau of motor vehicles shall not deny specialized driving privileges to that individual.

Effective: July 1, 2021.

Morrison

January 7, 2021, read first time and referred to Committee on Roads and Transportation.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1182

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 9-30-16-3, AS AMENDED BY P.L.29-2020,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 3. (a) This section does not apply to specialized
4 driving privileges granted in accordance with section 3.5 of this
5 chapter. If a court orders a suspension of driving privileges under this
6 chapter, or imposes a suspension of driving privileges under
7 IC 9-30-6-9(c), the court may stay the suspension and grant a
8 specialized driving privilege as set forth in this section.
9 (b) An individual who seeks specialized driving privileges must file
10 a petition for specialized driving privileges in each court that has
11 ordered or imposed a suspension of the individual's driving privileges.
12 Each petition must:
13 (1) be verified by the petitioner;
14 (2) state the petitioner's age, date of birth, and address;
15 (3) state the grounds for relief and the relief sought;
16 (4) be filed in the court case that resulted in the order of
17 suspension; and



1 (5) be served on the bureau and the prosecuting attorney.
 2 A prosecuting attorney shall appear on behalf of the bureau to respond
 3 to a petition filed under this subsection.

4 (c) Except as provided in subsection ~~(h)~~, (i), regardless of the
 5 underlying offense, specialized driving privileges granted under this
 6 section shall be granted for a period of time as determined by the court.
 7 A court, at its discretion, may set periodic review hearings to review an
 8 individual's specialized driving privileges.

9 (d) The terms of specialized driving privileges must be determined
 10 by a court.

11 **(e) Except as provided in subsection (f), if a court issues a signed**
 12 **order to an individual granting specialized driving privileges, the**
 13 **bureau shall not deny specialized driving privileges to that**
 14 **individual.**

15 ~~(e)~~ (f) A stay of a suspension and specialized driving privileges may
 16 not be granted to an individual who:

- 17 (1) has previously been granted specialized driving privileges;
- 18 and
- 19 (2) has more than one (1) conviction under section 5 of this
- 20 chapter.

21 ~~(f)~~ (g) An individual who has been granted specialized driving
 22 privileges shall:

- 23 (1) maintain proof of future financial responsibility insurance
- 24 during the period of specialized driving privileges;
- 25 (2) carry a copy of the order granting specialized driving
- 26 privileges or have the order in the vehicle being operated by the
- 27 individual;
- 28 (3) produce the copy of the order granting specialized driving
- 29 privileges upon the request of a police officer; and
- 30 (4) carry a validly issued state identification card or driver's
- 31 license.

32 ~~(g)~~ (h) An individual who holds a commercial driver's license and
 33 has been granted specialized driving privileges under this chapter may
 34 not, for the duration of the suspension for which the specialized driving
 35 privileges are sought, operate any vehicle that requires the individual
 36 to hold a commercial driver's license to operate the vehicle.

37 ~~(h)~~ (i) Whenever a suspension of an individual's driving privileges
 38 under this chapter is terminated because:

- 39 (1) the underlying conviction, judgment, or finding that forms the
- 40 basis of the suspension is reversed, vacated, or dismissed; or
- 41 (2) the individual is acquitted of, found not liable for, or otherwise
- 42 found not to have committed the underlying act or offense that



1 forms the basis of the suspension;
 2 the individual's specialized driving privileges expire at the time the
 3 suspension of the individual's driving privileges is terminated.

4 ~~(h)~~ **(j)** The court shall inform the bureau of a termination of a
 5 suspension and expiration of specialized driving privileges as described
 6 under subsection ~~(h)~~ **(i)** in a format designated by the bureau.

7 SECTION 2. IC 9-30-16-3.5, AS AMENDED BY P.L.29-2020,
 8 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2021]: Sec. 3.5. (a) If a court imposes a suspension of driving
 10 privileges under IC 9-21-5-11(f), the court may stay the suspension and
 11 grant a specialized driving privilege as set forth in this section.

12 (b) Except as provided in subsection ~~(g)~~ **(h)**, specialized driving
 13 privileges granted under this section shall be granted for a period of
 14 time as determined by the court. A court, at its discretion, may set
 15 periodic review hearings to review an individual's specialized driving
 16 privileges.

17 (c) Specialized driving privileges granted under this section:

18 (1) must be determined by a court; and

19 (2) are limited to restricting the individual to being allowed to
 20 operate a motor vehicle between the place of employment of the
 21 individual and the individual's residence.

22 **(d) If a court issues a signed order to an individual granting**
 23 **specialized driving privileges, the bureau shall not deny specialized**
 24 **driving privileges to that individual.**

25 ~~(d)~~ **(e)** An individual who has been granted specialized driving
 26 privileges under this section shall:

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

29 (2) carry a copy of the order granting specialized driving
 30 privileges or have the order in the vehicle being operated by the
 31 individual;

32 (3) produce the copy of the order granting specialized driving
 33 privileges upon the request of a police officer; and

34 (4) carry a validly issued driver's license.

35 ~~(e)~~ **(f)** An individual who holds a commercial driver's license and
 36 has been granted specialized driving privileges under this chapter may
 37 not, for the duration of the suspension for which the specialized driving
 38 privileges are sought, operate a motor vehicle that requires the
 39 individual to hold a commercial driver's license to operate the motor
 40 vehicle.

41 ~~(f)~~ **(g)** An individual who seeks specialized driving privileges must
 42 file a petition for specialized driving privileges in each court that has



1 ordered or imposed a suspension of the individual's driving privileges.

2 Each petition must:

- 3 (1) be verified by the petitioner;
 4 (2) state the petitioner's age, date of birth, and address;
 5 (3) state the grounds for relief and the relief sought;
 6 (4) be filed in the court that ordered or imposed the suspension;
 7 and
 8 (5) be served on the bureau and the prosecuting attorney.

9 A prosecuting attorney shall appear on behalf of the bureau to respond
 10 to a petition filed under this subsection.

11 ~~(g)~~ **(h)** Whenever a suspension of an individual's driving privileges
 12 under this chapter is terminated because:

- 13 (1) the underlying conviction, judgment, or finding that forms the
 14 basis of the suspension is reversed, vacated, or dismissed; or
 15 (2) the individual is acquitted of, found not liable for, or otherwise
 16 found not to have committed the underlying act or offense that
 17 forms the basis of the suspension;

18 the individual's specialized driving privileges expire at the time the
 19 suspension of the individual's driving privileges is terminated.

20 ~~(h)~~ **(i)** The court shall inform the bureau of a termination of a
 21 suspension of driving privileges and expiration of specialized driving
 22 privileges as described under subsection ~~(g)~~ **(h)** in a format designated
 23 by the bureau.

24 SECTION 3. IC 9-30-16-4, AS AMENDED BY P.L.198-2016,
 25 SECTION 609, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) An individual whose driving
 27 privileges have been suspended by the bureau by an administrative
 28 action and not by a court order may petition a court for specialized
 29 driving privileges as described in section 3(b) through 3(d) of this
 30 chapter.

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

- 32 (1) be verified by the petitioner;
 33 (2) state the petitioner's age, date of birth, and address;
 34 (3) state the grounds for relief and the relief sought;
 35 (4) be filed in the appropriate county, as determined under
 36 subsection (d);
 37 (5) be filed in a circuit or superior court; and
 38 (6) be served on the bureau and the prosecuting attorney.

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

41 (d) An individual whose driving privileges are suspended in Indiana
 42 must file a petition for specialized driving privileges as follows:



- 1 (1) If the individual is an Indiana resident, in the county in which
- 2 the individual resides.
- 3 (2) If the individual was an Indiana resident at the time the
- 4 individual's driving privileges were suspended but is currently a
- 5 nonresident, in the county in which the individual's most recent
- 6 Indiana moving violation judgment was entered against the
- 7 individual.
- 8 **(e) If a court issues a signed order to an individual granting**
- 9 **specialized driving privileges, the bureau shall not deny specialized**
- 10 **driving privileges to that individual.**

