

HOUSE BILL No. 1199

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-25; IC 9-30; IC 27-7-5.1-4; IC 31-25-4-33.5; IC 34-28-5-6.

Synopsis: Driving while suspended. Provides that the bureau of motor vehicles (bureau) shall stay a suspension of a person's driving privileges, and terminate that suspension, upon a showing of proof of future financial responsibility. Requires that the bureau terminate a suspension of a person's driving privileges if the bureau does not receive proof that financial responsibility is not in effect after 180 days. Provides that a suspension may be stayed and then terminated if a person fails to pay the judgment. Provides that a warrant may be issued for failing to appear in a traffic violation case if the charge is a misdemeanor or a felony. Provides that a person whose support obligation is enforced by the Title IV-D agency may have the obligor's driving privileges reinstated.

Effective: July 1, 2021.

**McNamara, Steuerwald, Pressel,
Negele**

January 7, 2021, read first time and referred to Committee on Courts and Criminal Code.



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. 1199

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 9-25-4-3, AS AMENDED BY P.L.59-2013,
2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 3. (a) Financial responsibility in one (1) of the
4 forms required under this chapter must be continuously maintained as
5 long as a motor vehicle is operated on a public highway in Indiana.
6 (b) The bureau may, at any time, verify that a person has financial
7 responsibility in effect as required under this article.
8 (c) The bureau shall suspend the driving privileges, ~~or~~ motor vehicle
9 registration, or both, of a person who fails to maintain financial
10 responsibility as required under this article.
11 (d) In order to comply with this section, the bureau may contract
12 with a third party to request proof of financial responsibility from a
13 person as required under this article. The third party must comply with
14 the requirements of this article and any rules adopted by the bureau.
15 (e) **The bureau shall stay a suspension for one hundred and**
16 **eighty (180) days upon a showing of proof of future financial**
17 **responsibility by the person who has had the person's driving**



1 **privileges, motor vehicle registration, or both, suspended. If the**
 2 **bureau does not receive proof that financial responsibility has**
 3 **lapsed after the period of one hundred and eighty (180) days, the**
 4 **bureau shall terminate the suspension.**

5 **(f) If the bureau receives notice that financial responsibility has**
 6 **lapsed during the period of one hundred and eighty (180) days**
 7 **under subsection (e), the bureau shall lift the stay of suspension**
 8 **and again suspend the person's driving privileges, motor vehicle**
 9 **registration, or both.**

10 SECTION 2. IC 9-25-5-1, AS AMENDED BY P.L.59-2013,
 11 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2021]: Sec. 1. (a) If a person is convicted of a traffic offense
 13 that requires a court appearance, the court shall require the person to
 14 show proof that financial responsibility was in force on the date of the
 15 violation in one (1) of the forms described in IC 9-25-4-4 or in the form
 16 of a certificate of self-insurance issued under IC 9-25-4-11.

17 (b) If a person fails to provide proof of financial responsibility as
 18 required by this section, the court shall ~~suspend~~ **recommend**
 19 **suspension of** the person's current driving privileges, ~~or~~ motor vehicle
 20 registration, or both, **until proof of financial responsibility is filed by**
 21 **the person with the bureau under subsection (d).** ~~If the court fails to~~
 22 ~~recommend a fixed term of suspension, or recommends a fixed term~~
 23 ~~that is less than the minimum term of suspension required under this~~
 24 ~~article, the bureau shall impose the applicable minimum term of~~
 25 ~~suspension required under this article.~~

26 (c) A suspension under this section is subject to the same provisions
 27 concerning procedure for suspension, duration of suspension, and
 28 reinstatement applicable to other suspensions under this article.

29 **(d) The bureau shall stay a suspension for one hundred and**
 30 **eighty (180) days upon a showing of proof of future financial**
 31 **responsibility by the person who has had the person's driving**
 32 **privileges, motor vehicle registration, or both, suspended. If the**
 33 **bureau does not receive proof that financial responsibility has**
 34 **lapsed after the period of one hundred and eighty (180) days, the**
 35 **bureau shall terminate the suspension.**

36 **(e) If the bureau receives notice that financial responsibility has**
 37 **lapsed during the period of one hundred and eighty (180) days**
 38 **under subsection (d), the bureau shall lift the stay of suspension**
 39 **and again suspend the person's driving privileges, motor vehicle**
 40 **registration, or both.**

41 SECTION 3. IC 9-25-6-3, AS AMENDED BY P.L.253-2019,
 42 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



- 1 JULY 1, 2021]: Sec. 3. (a) If the bureau:
 2 (1) does not receive a certificate of compliance during the
 3 applicable compliance response period for a person identified
 4 under IC 9-25-5-2; or
 5 (2) receives a certificate that does not indicate that financial
 6 responsibility was in effect with respect to the motor vehicle
 7 operated by the person or operation of the motor vehicle by the
 8 person on the date of the accident referred to in IC 9-25-5-2;
 9 the bureau shall take action under subsection (d).
 10 (b) If the bureau:
 11 (1) does not receive a certificate of compliance during the
 12 applicable compliance response period for a person presented
 13 with a request for evidence of financial responsibility under
 14 IC 9-25-9-1; or
 15 (2) receives a certificate that does not indicate that financial
 16 responsibility was in effect with respect to the motor vehicle or
 17 operation of the motor vehicle that the person was operating when
 18 the person committed the violation described in the judgment or
 19 abstract received by the bureau under IC 9-25-9-1;
 20 the bureau shall take action under subsection (d).
 21 (c) If the bureau:
 22 (1) does not receive a certificate of compliance during the
 23 applicable compliance response period for a person presented
 24 with a request under IC 9-25-10 (before its repeal); or
 25 (2) receives a certificate that does not indicate that financial
 26 responsibility was in effect on the date requested;
 27 the bureau shall take action under subsection (d).
 28 (d) Under the conditions set forth in subsection (a), (b), or (c), the
 29 bureau shall immediately suspend the person's driving privileges, or
 30 motor vehicle registration, or both, ~~as determined by the bureau, for at~~
 31 ~~least ninety (90) days and not more than one (1) year. The suspension~~
 32 ~~of a person's driving privileges or motor vehicle registration, or both,~~
 33 ~~may be imposed only one (1) time under this subsection or IC 9-25-8-2~~
 34 ~~for the same incident. **until proof of financial responsibility is filed**~~
 35 ~~by the person with the bureau under subsection (g).~~
 36 (e) Except as provided in subsection (f), if subsection (a), (b), or (c)
 37 applies to a person, the bureau shall suspend the driving privileges of
 38 the person irrespective of the following:
 39 (1) The sale or other disposition of the motor vehicle by the
 40 owner.
 41 (2) The cancellation or expiration of the registration of the motor
 42 vehicle.



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

4 (f) The bureau shall not suspend the driving privileges of a person
 5 to which subsection (a), (b), or (c) applies if the person, through a
 6 certificate of compliance or another communication with the bureau,
 7 establishes to the satisfaction of the bureau that the motor vehicle that
 8 the person was operating when the accident referred to in subsection
 9 (a) took place or when the violation referred to in subsection (b) or (c)
 10 was committed was:

- 11 (1) rented from a rental company;
 12 (2) shared through a peer to peer vehicle sharing program (as
 13 defined in IC 24-4-9.2-4); or
 14 (3) owned by the person's employer and operated by the person in
 15 the normal course of the person's employment.

16 **(g) The bureau shall stay a suspension for one hundred and**
 17 **eighty (180) days upon a showing of proof of future financial**
 18 **responsibility by the person who has had the person's driving**
 19 **privileges, motor vehicle registration, or both, suspended. If the**
 20 **bureau does not receive proof that financial responsibility has**
 21 **lapsed after the period of one hundred and eighty (180) days, the**
 22 **bureau shall terminate the suspension.**

23 **(h) If the bureau receives notice that financial responsibility has**
 24 **lapsed during the period of one hundred and eighty (180) days**
 25 **under subsection (g), the bureau shall lift the stay of suspension**
 26 **and again suspend the person's driving privileges, motor vehicle**
 27 **registration, or both.**

28 SECTION 4. IC 9-25-6-3.5 IS REPEALED [EFFECTIVE JULY 1,
 29 2021]. Sec. 3-5: If a person violates:

- 30 ~~(1) IC 9-25-4;~~
 31 ~~(2) IC 9-25-5;~~
 32 ~~(3) section 2 or 3 of this chapter; or~~
 33 ~~(4) IC 9-25-10 (before its repeal);~~

34 more than one ~~(1)~~ time within a three ~~(3)~~ year period; the person's
 35 driving privileges shall be suspended for one ~~(1)~~ year:

36 SECTION 5. IC 9-25-6-14, AS AMENDED BY P.L.59-2013,
 37 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2021]: Sec. 14. (a) The bureau shall reinstate the driving
 39 privileges, ~~or~~ motor vehicle registration, or both:

- 40 (1) ~~subject to section 15 of this chapter~~, after ~~the~~ expiration of the
 41 imposed period of suspension if the person has furnished the
 42 bureau with proof of future financial responsibility; or



1 (2) if financial responsibility was in effect with respect to a motor
 2 vehicle on the date requested but the bureau does not receive a
 3 certificate of compliance indicating this fact until after the
 4 person's driving privileges are suspended under this article, the
 5 person's driving privileges shall be reinstated when the bureau
 6 receives the certificate of compliance.

7 (b) Upon receipt of a certificate of compliance under this section,
 8 the bureau shall remove from the person's driving record the
 9 administrative suspension caused by the failure to notify the bureau
 10 that the person had financial responsibility in effect on the date of the
 11 violation.

12 SECTION 6. IC 9-25-8-2, AS AMENDED BY P.L.253-2019,
 13 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2021]: Sec. 2. (a) A person that knowingly:

15 (1) operates; or

16 (2) permits the operation of;

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

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

23 (1) the owner of a rental company under IC 9-25-6-3(f)(1);

24 (2) the owner of a peer to peer sharing program under
 25 IC 9-25-6-3(f)(2); and

26 (3) an employer under IC 9-25-6-3(f)(3).

27 (c) In addition to any other penalty imposed on a person for
 28 violating this section, the court shall recommend the suspension of the
 29 person's driving privileges for at least ninety (90) days but not more
 30 than one (1) year. However, if, within the five (5) years preceding the
 31 conviction under this section, the person had a prior unrelated
 32 conviction under this section, the court shall recommend the
 33 suspension of the person's driving privileges and motor vehicle
 34 registration for one (1) year.

35 (d) Upon receiving the recommendation of the court under
 36 subsection (c), the bureau shall suspend the person's driving privileges
 37 and motor vehicle registration, as applicable, for the period
 38 recommended by the court. If no suspension is recommended by the
 39 court, or if the court recommends a fixed term that is less than the
 40 minimum term required by statute, the bureau shall impose the
 41 minimum period of suspension required under this article. The
 42 suspension of a person's driving privileges or motor vehicle



1 registration; or both; may be imposed only one (1) time under this
 2 subsection or IC 9-25-6 for the same incident.

3 SECTION 7. IC 9-25-8-6 IS REPEALED [EFFECTIVE JULY 1,
 4 2021]. Sec. 6: (a) This section applies to a person:

5 (1) who is convicted of;

6 (2) against whom a judgment is entered for;

7 (3) against whom the bureau has taken administrative action for;

8 or

9 (4) who the bureau otherwise determines was;

10 operating a motor vehicle without financial responsibility in violation
 11 of this article.

12 (b) A person described in subsection (a) must provide proof of
 13 future financial responsibility:

14 (1) for a first or second offense, for a period of three (3) years; or

15 (2) for a third or subsequent offense, for a period of five (5) years;
 16 beginning on the date on which the suspension of the person's driving
 17 privileges terminates.

18 SECTION 8. IC 9-30-3-8, AS AMENDED BY P.L.161-2018,
 19 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2021]: Sec. 8. (a) The court may issue a warrant for the arrest
 21 of a defendant who is an Indiana resident ~~and~~ who:

22 (1) fails to appear or answer a traffic information and summons
 23 for a misdemeanor or felony; or

24 (2) fails to appear or answer a complaint and summons for a
 25 misdemeanor or felony served upon the defendant.

26 If the warrant is not executed within thirty (30) days after issue, the
 27 court shall promptly forward the court copy of the traffic information
 28 and summons or complaint and summons to the bureau indicating that
 29 the defendant failed to appear in court as ordered. The court shall then
 30 mark the case as failure to appear on the court's records.

31 (b) If a defendant who is not an Indiana resident fails to appear or
 32 answer a traffic summons served upon the defendant and upon which
 33 the information or complaint has been filed thirty (30) days after the
 34 return date of the information and summons or complaint and
 35 summons, the court shall promptly forward the court copy of the traffic
 36 information and summons or complaint and summons to the bureau.
 37 The bureau shall notify the motor vehicle commission of the state of
 38 the nonresident defendant of the defendant's failure to appear and also
 39 of any action taken by the bureau relative to the Indiana driving
 40 privileges of the defendant. If the defendant fails to appear or otherwise
 41 answer within thirty (30) days, the court shall mark the case as failure
 42 to appear on the court's records.



1 (c) The court may suspend the driving privileges of a defendant who
 2 fails to satisfy a judgment entered against the defendant for:

3 (1) ~~violation of a traffic ordinance; commission of a moving~~
 4 **traffic offense as defined by IC 9-13-2-110; or**

5 (2) commission of a traffic infraction **listed in 140 IAC 1-4.5-10;**
 6 **by a for a period of three (3) years from the** date set by the court
 7 under IC 34-28-5-6. The court shall forward notice to the bureau
 8 indicating that the defendant failed to pay as ordered.

9 (d) If the bureau receives a copy of the traffic information and
 10 summons or complaint ~~and summons for failure to appear in court~~
 11 under subsection (a) ~~or (b)~~ or a notice of failure to pay under
 12 subsection (c), either on a form prescribed by the bureau or in an
 13 electronic format prescribed by the office of judicial administration, the
 14 bureau shall suspend the driving privileges of the defendant until:

15 (1) the defendant appears in court; ~~and~~

16 (2) the case has been disposed of; ~~or until the date~~

17 (3) payment is received by the court; ~~or~~

18 (4) **three (3) years from a date set by the court under**
 19 **subsection (c).**

20 The order of suspension may be served upon the defendant by mailing
 21 the order by first class mail to the defendant at the last address shown
 22 for the defendant in the records of the bureau. **A suspension under this**
 23 **section begins thirty (30) days after the date the notice of**
 24 **suspension is mailed by the bureau to the defendant.**

25 (e) For nonresidents of Indiana, the order of suspension shall be
 26 mailed to the defendant at the address given to the arresting officer or
 27 the clerk of court by the defendant as shown by the traffic information
 28 or complaint. A copy of the order shall also be sent to the motor vehicle
 29 bureau of the state of the nonresident defendant. If:

30 (1) the defendant's failure to appear in court has been certified to
 31 the bureau under this chapter; and

32 (2) the defendant subsequently appears in court to answer the
 33 charges against the defendant;

34 the court shall proceed to hear and determine the case in the same
 35 manner as other cases pending in the court. Upon final determination
 36 of the case, the court shall notify the bureau of the determination either
 37 in an electronic format or upon forms prescribed by the bureau. The
 38 notification shall be made by the court within ten (10) days after the
 39 final determination of the case, and information from the original copy
 40 of the traffic information and summons or complaint and summons
 41 must accompany the notification.

42 (f) **If the bureau receives notice that a defendant failed to**



1 appear under subsection (b), the bureau shall suspend the
2 defendant's Indiana driving privileges until either:

- 3 (1) the defendant appears in court to answer for the charges
4 against the defendant; or
5 (2) the case is disposed of.

6 (g) This section does not preclude preliminary proceedings
7 under IC 35-33.

8 SECTION 9. IC 9-30-3-8.5 IS ADDED TO THE INDIANA CODE
9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
10 1, 2021]: **Sec. 8.5. (a) Upon receipt by the bureau of a notice of**
11 **suspension for failure to satisfy a judgment under section 8 of this**
12 **chapter, the bureau shall send a request for proof of future**
13 **financial responsibility to the person.**

14 (b) During the three (3) years following a suspension under
15 section 8 of this chapter, the person's driving privileges remain
16 suspended unless the person:

- 17 (1) satisfies the judgment; or
18 (2) provides proof of future financial responsibility under
19 IC 9-25.

20 (c) Upon receipt of proof of future financial responsibility, the
21 bureau shall stay a suspension under section 8 of this chapter.

22 (d) If at any time during the three (3) years following a
23 suspension under section 8 of this chapter, a person:

- 24 (1) has provided proof of future financial responsibility under
25 IC 9-25; and
26 (2) fails to maintain proof of future financial responsibility;

27 the bureau shall suspend the person's driving privileges until the
28 person provides proof of future financial responsibility under
29 IC 9-25 or the suspension is terminated by the bureau.

30 (e) The bureau shall waive reinstatement fees for a suspension
31 under section 8 of this chapter if the person:

- 32 (1) satisfies the judgment; or
33 (2) maintains proof of financial responsibility for three (3)
34 years.

35 SECTION 10. IC 9-30-16-4.5, AS ADDED BY P.L.188-2015,
36 SECTION 126, IS AMENDED TO READ AS FOLLOWS
37 [EFFECTIVE JULY 1, 2021]: **Sec. 4.5. (a) This section applies to a**
38 **person:**

- 39 (1) whose driving privileges were suspended under
40 IC 9-25-6-3(d); ~~IC 9-25-6-3.5~~; or ~~IC 9-25-8-2~~; and
41 (2) to whom a court grants specialized driving privileges under
42 section 3 or 4 of this chapter with respect to the suspended driving



1 privileges.

2 (b) The court may, as a condition of the specialized driving
3 privileges, lift the suspension of the person's motor vehicle registration
4 that was imposed in conjunction with the suspension of the person's
5 driving privileges.

6 SECTION 11. IC 27-7-5.1-4, AS ADDED BY P.L.136-2015,
7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2021]: Sec. 4. As used in this chapter, "uninsured motorist
9 with a previous violation" means an individual who:

10 (1) owns a motor vehicle:

11 (A) that is involved in an accident; and

12 (B) for which financial responsibility is not in effect as
13 required by IC 9-25-4; and

14 (2) during the immediately preceding five (5) years, has been
15 required to provide proof of future financial responsibility for any
16 period; ~~under IC 9-25-8-6(b);~~

17 regardless of whether the individual is operating the motor vehicle at
18 the time of the accident.

19 SECTION 12. IC 31-25-4-33.5 IS ADDED TO THE INDIANA
20 CODE AS A NEW SECTION TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2021]: **Sec. 33.5. (a) If the Title IV-D agency
22 finds that an obligor is delinquent and issues an order to the
23 bureau of motor vehicles stating that the obligor is delinquent
24 under sections 32(b) or 33(d) of this chapter, the obligor may have
25 the obligor's driving privileges reinstated by making a single
26 payment of either:**

27 **(1) if the obligor is required by court order to pay a child
28 support obligation, the equivalent of eight (8) weeks of the
29 child support order to the clerk of the court or the state
30 central collection unit; or**

31 **(2) if the obligor is no longer required to pay a child support
32 obligation but has a child support arrearage, the equivalent of
33 eight (8) weeks of the most recent child support order or the
34 full amount of the child support arrearage, whichever is less,
35 to the clerk of the court or the state central collection unit.**

36 **(b) If the court ordered support obligation cannot be
37 determined for an obligor, the obligor shall contact the Title IV-D
38 agency enforcing the child support order to reach an agreement for
39 a payment amount that must be paid for the obligor to have the
40 obligor's driving privileges reinstated.**

41 **(c) Once the obligor pays the required amount under subsection
42 (a) or (b), the obligor shall provide proof of payment to the Title**



1 **IV-D agency enforcing the child support order. Within seven (7)**
 2 **days of confirming the obligor's payment, the Title IV-D agency**
 3 **shall issue an order to the bureau of motor vehicles to reinstate the**
 4 **obligor's driving privileges.**

5 **(d) If multiple orders have been issued by the Title IV-D agency**
 6 **to the bureau of motor vehicles to suspend the obligor's driving**
 7 **privileges, the obligor must make a required payment under**
 8 **subsection (a) in each case where an order to suspend the obligor's**
 9 **driving privileges is issued to have those suspensions of the**
 10 **obligor's driving privileges lifted.**

11 **(e) The Title IV-D agency shall monitor compliance with the**
 12 **court ordered child support obligation for a period of sixty (60)**
 13 **days after the obligor's driving privileges are reinstated. After the**
 14 **period of sixty (60) days, if the obligor has failed to comply with the**
 15 **child support order and is again delinquent, as defined by section**
 16 **2 of this chapter, the Title IV-D agency may again initiate the**
 17 **process to suspend the obligor's driving privileges under section 32**
 18 **of this chapter.**

19 **(f) This section does not prevent the:**

- 20 **(1) Title IV-D agency from entering into and enforcing a child**
 21 **support payment agreement with the obligor, including**
 22 **suspension of the child support obligor's operator's license; or**
 23 **(2) obligor from filing a petition for specialized driving**
 24 **privileges under IC 9-30-16.**

25 **SECTION 13. IC 34-28-5-6 IS AMENDED TO READ AS**
 26 **FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. If a defendant fails**
 27 **to satisfy a judgment entered against the defendant for the violation of**
 28 **a traffic ordinance or for a traffic infraction by a date fixed by the court,**
 29 **the court may suspend the defendant's drivers license. When a court**
 30 **suspends a person's drivers license under this section, the court shall**
 31 **forward notice of the suspension to the bureau of motor vehicles. A**
 32 **suspension under this section begins thirty (30) days after the date**
 33 **the notice of suspension is mailed by the bureau of motor vehicles**
 34 **to the defendant.**

