



January 28, 2021

HOUSE BILL No. 1199

DIGEST OF HB 1199 (Updated January 27, 2021 7:17 pm - DI 131)

Citations Affected: IC 9-13; IC 9-25; IC 9-30; IC 9-33; IC 27-7; IC 31-25; IC 34-28.

Synopsis: Driving privileges. 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. Provides that the bureau shall place in forbearance license reinstatement fees of individuals who: (1) are nonviolent offenders; (2) have completed a criminal sentence or are serving terms of probation or parole; and (3) are enrolled in job training or maintain consistent employment for at least three years following completion of job training. Provides that the bureau shall waive all reinstatement fees and reinstate the driving privileges of an individual
(Continued next page)

Effective: July 1, 2021; December 31, 2021.

**McNamara, Steuerwald, Pressel,
Negele**

January 7, 2021, read first time and referred to Committee on Courts and Criminal Code.
January 28, 2021, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

HB 1199—LS 6595/DI 139



Digest Continued

who has had reinstatement fees placed in forbearance after the individual maintains consistent employment for at least three years. Provides that the bureau, in collaboration with the department of correction, shall administer programs and activities to facilitate the reinstatement of driving privileges for convicted offenders not later than July 1, 2021. Extends the traffic amnesty program for one year to permit certain persons owing unpaid traffic fines, or who may be required to pay a fee for reinstatement of driving privileges, to obtain a reduction in the amount owed or amount payable.

HB 1199—LS 6595/DI 139



January 28, 2021

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 9-13-2-66.6 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2021]: **Sec. 66.6. "Forbearance", for purposes of IC 9-25-6-15.5,**
4 **has the meaning set forth in IC 9-25-6-15.5(a)(1).**

5 SECTION 2. IC 9-13-2-87.5 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2021]: **Sec. 87.5. "Job training", for purposes of IC 9-25-6-15.5,**
8 **has the meaning set forth in IC 9-25-6-15.5(a)(2).**

9 SECTION 3. IC 9-13-2-113.3 IS ADDED TO THE INDIANA
10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2021]: **Sec. 113.3. "Nonviolent offender", for**
12 **purposes of IC 9-25-6-15.5, has the meaning set forth in**
13 **IC 9-25-6-15.5(a)(3).**

14 SECTION 4. IC 9-25-4-3, AS AMENDED BY P.L.59-2013,
15 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 DECEMBER 31, 2021]: Sec. 3. (a) Financial responsibility in one (1)
17 of the forms required under this chapter must be continuously

HB 1199—LS 6595/DI 139



1 maintained as long as a motor vehicle is operated on a public highway
2 in Indiana.

3 (b) The bureau may, at any time, verify that a person has financial
4 responsibility in effect as required under this article.

5 (c) The bureau shall suspend the driving privileges, ~~or~~ motor vehicle
6 registration, or both, of a person who fails to maintain financial
7 responsibility as required under this article.

8 (d) In order to comply with this section, the bureau may contract
9 with a third party to request proof of financial responsibility from a
10 person as required under this article. The third party must comply with
11 the requirements of this article and any rules adopted by the bureau.

12 **(e) As to any suspension described in this section:**

- 13 **(1) the bureau shall stay the suspension for one hundred and**
14 **eighty (180) days upon a showing of proof of future financial**
15 **responsibility by the person who has had the person's driving**
16 **privileges, motor vehicle registration, or both, suspended; and**
17 **(2) if the bureau does not receive proof that financial**
18 **responsibility has lapsed after the period of one hundred and**
19 **eighty (180) days, the bureau shall terminate the suspension.**

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

25 SECTION 5. IC 9-25-5-1, AS AMENDED BY P.L.59-2013,
26 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 DECEMBER 31, 2021]: Sec. 1. (a) If a person is convicted of a traffic
28 offense that requires a court appearance, the court shall require the
29 person to show proof that financial responsibility was in force on the
30 date of the violation in one (1) of the forms described in IC 9-25-4-4 or
31 in the form of a certificate of self-insurance issued under IC 9-25-4-11.

32 (b) If a person fails to provide proof of financial responsibility as
33 required by this section, the court shall ~~suspend~~ **recommend**
34 **suspension of the person's current driving privileges, or motor vehicle**
35 **registration, or both, until proof of financial responsibility is filed by**
36 **the person with the bureau under subsection (d). If the court fails to**
37 **recommend a fixed term of suspension, or recommends a fixed term**
38 **that is less than the minimum term of suspension required under this**
39 **article, the bureau shall impose the applicable minimum term of**
40 **suspension required under this article.**

41 (c) A suspension under this section is subject to the same provisions
42 concerning procedure for suspension, duration of suspension, and



1 reinstatement applicable to other suspensions under this article.

2 **(d) As to any suspension described in this section:**

- 3 **(1) the bureau shall stay the suspension for one hundred and**
 4 **eighty (180) days upon a showing of proof of future financial**
 5 **responsibility by the person who has had the person's driving**
 6 **privileges, motor vehicle registration, or both, suspended; and**
 7 **(2) if the bureau does not receive proof that financial**
 8 **responsibility has lapsed after the period of one hundred and**
 9 **eighty (180) days, the bureau shall terminate the suspension.**

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

15 SECTION 6. IC 9-25-6-3, AS AMENDED BY P.L.253-2019,
 16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 DECEMBER 31, 2021]: Sec. 3. (a) If the bureau:

- 18 (1) does not receive a certificate of compliance during the
 19 applicable compliance response period for a person identified
 20 under IC 9-25-5-2; or
 21 (2) receives a certificate that does not indicate that financial
 22 responsibility was in effect with respect to the motor vehicle
 23 operated by the person or operation of the motor vehicle by the
 24 person on the date of the accident referred to in IC 9-25-5-2;

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

26 (b) If the bureau:

- 27 (1) does not receive a certificate of compliance during the
 28 applicable compliance response period for a person presented
 29 with a request for evidence of financial responsibility under
 30 IC 9-25-9-1; or
 31 (2) receives a certificate that does not indicate that financial
 32 responsibility was in effect with respect to the motor vehicle or
 33 operation of the motor vehicle that the person was operating when
 34 the person committed the violation described in the judgment or
 35 abstract received by the bureau under IC 9-25-9-1;

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

37 (c) If the bureau:

- 38 (1) does not receive a certificate of compliance during the
 39 applicable compliance response period for a person presented
 40 with a request under IC 9-25-10 (before its repeal); or
 41 (2) receives a certificate that does not indicate that financial
 42 responsibility was in effect on the date requested;



- 1 the bureau shall take action under subsection (d).
- 2 (d) Under the conditions set forth in subsection (a), (b), or (c), the
 3 bureau shall immediately suspend the person's driving privileges, or
 4 motor vehicle registration, or both, as ~~determined by the bureau~~, for at
 5 least ninety (90) days and not more than one (1) year. The suspension
 6 of a person's driving privileges or motor vehicle registration, or both,
 7 may be imposed only one (1) time under this subsection or IC 9-25-8-2
 8 for the same incident. **until proof of financial responsibility is filed**
 9 **by the person with the bureau under subsection (g).**
- 10 (e) Except as provided in subsection (f), if subsection (a), (b), or (c)
 11 applies to a person, the bureau shall suspend the driving privileges of
 12 the person irrespective of the following:
- 13 (1) The sale or other disposition of the motor vehicle by the
 14 owner.
- 15 (2) The cancellation or expiration of the registration of the motor
 16 vehicle.
- 17 (3) An assertion by the person that the person did not own the
 18 motor vehicle and therefore had no control over whether financial
 19 responsibility was in effect with respect to the motor vehicle.
- 20 (f) The bureau shall not suspend the driving privileges of a person
 21 to which subsection (a), (b), or (c) applies if the person, through a
 22 certificate of compliance or another communication with the bureau,
 23 establishes to the satisfaction of the bureau that the motor vehicle that
 24 the person was operating when the accident referred to in subsection
 25 (a) took place or when the violation referred to in subsection (b) or (c)
 26 was committed was:
- 27 (1) rented from a rental company;
- 28 (2) shared through a peer to peer vehicle sharing program (as
 29 defined in IC 24-4-9.2-4); or
- 30 (3) owned by the person's employer and operated by the person in
 31 the normal course of the person's employment.
- 32 **(g) As to any suspension described in this section:**
- 33 **(1) the bureau shall stay the suspension for one hundred and**
 34 **eighty (180) days upon a showing of proof of future financial**
 35 **responsibility by the person who has had the person's driving**
 36 **privileges, motor vehicle registration, or both, suspended; and**
 37 **(2) if the bureau does not receive proof that financial**
 38 **responsibility has lapsed after the period of one hundred and**
 39 **eighty (180) days, the bureau shall terminate the suspension.**
- 40 **(h) If the bureau receives notice that financial responsibility has**
 41 **lapsed during the period of one hundred and eighty (180) days**
 42 **under subsection (g), the bureau shall lift the stay of suspension**



1 **and again suspend the person's driving privileges, motor vehicle**
 2 **registration, or both.**

3 SECTION 7. IC 9-25-6-3.5 IS REPEALED [EFFECTIVE
 4 DECEMBER 31, 2021]. Sec. 3-5: If a person violates:

5 ~~(1) IC 9-25-4;~~

6 ~~(2) IC 9-25-5;~~

7 ~~(3) section 2 or 3 of this chapter; or~~

8 ~~(4) IC 9-25-10 (before its repeal);~~

9 **more than one (1) time within a three (3) year period; the person's**
 10 **driving privileges shall be suspended for one (1) year.**

11 SECTION 8. IC 9-25-6-14, AS AMENDED BY P.L.59-2013,
 12 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 DECEMBER 31, 2021]: Sec. 14. (a) The bureau shall reinstate the
 14 driving privileges, ~~or~~ motor vehicle registration, or both:

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

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

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

29 SECTION 9. IC 9-25-6-15.5 IS ADDED TO THE INDIANA CODE
 30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 31 1, 2021]: Sec. 15.5. (a) **The following definitions apply throughout**
 32 **this section:**

33 (1) **"Forbearance" means a stay of enforcing payment on**
 34 **reinstatement fees owed by a nonviolent offender.**

35 (2) **"Job training" means any type of instruction that enables**
 36 **an individual who:**

37 (A) **is an ex-offender who has completed the individual's**
 38 **criminal sentence; or**

39 (B) **is serving a term of probation or parole;**
 40 **to acquire vocational skills so the individual is employable or**
 41 **able to seek a higher grade of employment.**

42 (3) **"Nonviolent offender" means a person who is not**



1 convicted of an offense under IC 11-8-8-5.

2 (b) An individual who is liable for reinstatement fees imposed
3 under section 15 of this chapter may have all of the reinstatement
4 fees placed in forbearance if the individual:

5 (1) is a nonviolent offender;

6 (2) has completed the individual's criminal sentence or is
7 serving a term of probation or parole; and

8 (3) is enrolled in job training or maintains consistent
9 employment for at least three (3) years.

10 (c) If an individual:

11 (1) is eligible to have reinstatement fees placed in
12 forbearance; and

13 (2) maintains consistent employment for at least three (3)
14 years;

15 the bureau shall waive the individual's reinstatement fees and
16 reinstate the individual's driving privileges.

17 (d) The bureau shall adopt rules under IC 4-22-2 to implement
18 this section.

19 SECTION 10. IC 9-25-8-2, AS AMENDED BY P.L.253-2019,
20 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 DECEMBER 31, 2021]: Sec. 2. (a) A person that knowingly:

22 (1) operates; or

23 (2) permits the operation of;

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

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

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

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

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

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

42 (d) Upon receiving the recommendation of the court under



1 subsection (c); the bureau shall suspend the person's driving privileges
 2 and motor vehicle registration; as applicable; for the period
 3 recommended by the court. If no suspension is recommended by the
 4 court; or if the court recommends a fixed term that is less than the
 5 minimum term required by statute; the bureau shall impose the
 6 minimum period of suspension required under this article. The
 7 suspension of a person's driving privileges or motor vehicle
 8 registration; or both; may be imposed only one (1) time under this
 9 subsection or IC 9-25-6 for the same incident.

10 SECTION 11. IC 9-25-8-6 IS REPEALED [EFFECTIVE
 11 DECEMBER 31, 2021]. Sec. 6: (a) This section applies to a person:

12 (1) who is convicted of;

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

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

15 or

16 (4) who the bureau otherwise determines was;

17 operating a motor vehicle without financial responsibility in violation
 18 of this article.

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

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

22 (2) for a third or subsequent offense; for a period of five (5) years;

23 beginning on the date on which the suspension of the person's driving
 24 privileges terminates.

25 SECTION 12. IC 9-30-3-8, AS AMENDED BY P.L.161-2018,
 26 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 DECEMBER 31, 2021]: Sec. 8. (a) The court may issue a warrant for
 28 the arrest of a defendant who is an Indiana resident ~~and~~ who:

29 (1) fails to appear or answer a traffic information and summons
 30 **for a misdemeanor or felony; or**

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

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

38 (b) If a defendant who is not an Indiana resident fails to appear or
 39 answer a traffic summons served upon the defendant and upon which
 40 the information or complaint has been filed thirty (30) days after the
 41 return date of the information and summons or complaint and
 42 summons, the court shall promptly forward the court copy of the traffic



1 information and summons or complaint and summons to the bureau.
 2 The bureau shall notify the motor vehicle commission of the state of
 3 the nonresident defendant of the defendant's failure to appear and also
 4 of any action taken by the bureau relative to the Indiana driving
 5 privileges of the defendant. If the defendant fails to appear or otherwise
 6 answer within thirty (30) days, the court shall mark the case as failure
 7 to appear on the court's records.

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

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

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

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

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

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

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

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

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

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

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

39 (2) the defendant subsequently appears in court to answer the
 40 charges against the defendant;

41 the court shall proceed to hear and determine the case in the same
 42 manner as other cases pending in the court. Upon final determination



1 of the case, the court shall notify the bureau of the determination either
 2 in an electronic format or upon forms prescribed by the bureau. The
 3 notification shall be made by the court within ten (10) days after the
 4 final determination of the case, and information from the original copy
 5 of the traffic information and summons or complaint and summons
 6 must accompany the notification.

7 **(f) If the bureau receives notice that a defendant failed to**
 8 **appear under subsection (b), the bureau shall suspend the**
 9 **defendant's Indiana driving privileges until either:**

- 10 **(1) the defendant appears in court to answer for the charges**
 11 **against the defendant; or**
 12 **(2) the case is disposed of.**

13 **(g) This section does not preclude preliminary proceedings**
 14 **under IC 35-33.**

15 SECTION 13. IC 9-30-3-8.5 IS ADDED TO THE INDIANA CODE
 16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 17 DECEMBER 31, 2021]: **Sec. 8.5. (a) Upon receipt by the bureau of**
 18 **a notice of suspension for failure to satisfy a judgment under**
 19 **section 8 of this chapter, the bureau shall send a request for proof**
 20 **of future financial responsibility to the person.**

21 **(b) During the three (3) years following a suspension under**
 22 **section 8 of this chapter, the person's driving privileges remain**
 23 **suspended unless the person:**

- 24 **(1) satisfies the judgment; or**
 25 **(2) provides proof of future financial responsibility under**
 26 **IC 9-25.**

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

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

- 31 **(1) has provided proof of future financial responsibility under**
 32 **IC 9-25; and**
 33 **(2) fails to maintain proof of future financial responsibility;**

34 **the bureau shall suspend the person's driving privileges until the**
 35 **person provides proof of future financial responsibility under**
 36 **IC 9-25 or the suspension is terminated by the bureau.**

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

- 39 **(1) satisfies the judgment; or**
 40 **(2) maintains proof of financial responsibility for three (3)**
 41 **years.**

42 SECTION 14. IC 9-30-16-4.5, AS ADDED BY P.L.188-2015,



1 SECTION 126, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE DECEMBER 31, 2021]: Sec. 4.5. (a) This section
 3 applies to a person:

4 (1) whose driving privileges were suspended under
 5 IC 9-25-6-3(d); ~~IC 9-25-6-3.5~~; or ~~IC 9-25-8-2~~; and

6 (2) to whom a court grants specialized driving privileges under
 7 section 3 or 4 of this chapter with respect to the suspended driving
 8 privileges.

9 (b) The court may, as a condition of the specialized driving
 10 privileges, lift the suspension of the person's motor vehicle registration
 11 that was imposed in conjunction with the suspension of the person's
 12 driving privileges.

13 SECTION 15. IC 9-33-4-2, AS ADDED BY P.L.202-2019,
 14 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2021]: Sec. 2. This chapter applies to the following:

16 (1) An unpaid judgment for an infraction described in this title
 17 that relates to the operation of a motor vehicle, if the infraction
 18 was committed before ~~January 1, 2019~~: **January 1, 2020**.

19 (2) A driving privileges reinstatement fee (as described in
 20 IC 9-25-6-15), which a person with a suspended driver's license
 21 is or would be required to pay to reinstate the person's driver's
 22 license, if the person's driver's license was suspended before
 23 ~~January 1, 2019~~: **January 1, 2020**.

24 (3) Any court costs, administrative fees, late fees, or other fees
 25 imposed on a person in connection with an unpaid judgment or
 26 fee described in subdivision (1) or (2).

27 SECTION 16. IC 9-33-4-4, AS ADDED BY P.L.202-2019,
 28 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2021]: Sec. 4. (a) A qualified person may seek a reduction in
 30 the person's unpaid fees by filing a verified petition for traffic amnesty
 31 in a circuit or superior court in the county in which the violation giving
 32 rise to the unpaid fees was committed. A petition filed under this
 33 section must be filed after December 31, 2019, and before ~~January 1,~~
 34 ~~2021~~: **July 1, 2022**. The petition must include the following:

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

37 (2) The person's date of birth.

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

40 (4) An affirmation that the person:

41 (A) does not owe a child support arrearage or, if the person
 42 owes a child support arrearage, has been making the person's



- 1 required child support payments for at least the preceding six
- 2 (6) months;
- 3 (B) does not have an outstanding arrest warrant; and
- 4 (C) was not sentenced to pay restitution to the victim of a
- 5 crime or, if the person was sentenced to pay restitution, is
- 6 current with the person's required payments.
- 7 (5) The person's:
 - 8 (A) Social Security number; and
 - 9 (B) driver's license number.
- 10 (6) The date of the violation.
- 11 (b) The person may include in a petition filed under this section any
- 12 other information that the person believes may assist the court.
- 13 (c) A person who files a petition under this section shall file the
- 14 petition under the court cause number of the infraction. The person is
- 15 not required to pay the filing fee required in civil cases.
- 16 (d) The person shall serve a copy of the petition upon the
- 17 prosecuting attorney in accordance with the Indiana Rules of Trial
- 18 Procedure.
- 19 (e) The prosecuting attorney may reply to the petition not later than
- 20 thirty (30) days after receipt of the petition. If the prosecuting attorney
- 21 fails to timely reply to the petition, the prosecuting attorney has waived
- 22 any objection to the petition.
- 23 (f) If a person wishes to receive traffic amnesty for infractions
- 24 committed in different counties, the person must file a separate petition
- 25 in each county in which a violation was committed.
- 26 (g) A petition filed under this section is not an admission of guilt or
- 27 liability.
- 28 SECTION 17. IC 9-33-4-6, AS ADDED BY P.L.202-2019,
- 29 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 30 JULY 1, 2021]: Sec. 6. (a) The court shall grant a petition for traffic
- 31 amnesty if the petitioner proves by a preponderance of evidence that
- 32 the:
 - 33 (1) person is a qualified person; and
 - 34 (2) violation giving rise to the unpaid fees was committed before
 - 35 ~~January 1, 2019~~; **January 1, 2020**.
- 36 (b) If the court grants a petition for traffic amnesty, the court shall
- 37 issue an order reducing the amount of unpaid fees owed by the person
- 38 by fifty percent (50%). To the extent some or all of the unpaid fees
- 39 consist of a driving privileges reinstatement fee, the court shall specify
- 40 in its order that the petitioner is entitled to driving privileges
- 41 reinstatement after:
 - 42 (1) paying fifty percent (50%) of the otherwise required driving



1 privileges reinstatement fee to the bureau;

2 (2) providing proof of financial responsibility to the court; and

3 (3) the person is determined not to be otherwise ineligible to have
4 the person's driving privileges reinstated.

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

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

11 SECTION 18. IC 9-33-5 IS ADDED TO THE INDIANA CODE AS
12 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
13 1, 2021]:

14 **Chapter 5. Reinstatement of Driving Privileges for Convicted**
15 **Offenders**

16 **Sec. 1. The purpose of this chapter is to:**

17 (1) **Develop and implement educational programs to inform**
18 **individuals described in section 2 of this chapter of any legal,**
19 **administrative, or financial requirements that need to be**
20 **satisfied before the reinstatement of driving privileges.**

21 (2) **Identify and coordinate procedures within and between**
22 **agencies to facilitate the reinstatement of driving privileges to**
23 **individuals described in section 2 of this chapter.**

24 (3) **Collaborate within and between agencies to provide access**
25 **to driver records, practice exams, required forms, safety**
26 **classes, or any other materials deemed necessary by an agency**
27 **for the purposes of fulfilling this chapter.**

28 (4) **Make recommendations regarding best practices for**
29 **driver's license suspensions due to nonmoving violations.**

30 **Sec. 2. This chapter applies to the following:**

31 (1) **A person who is currently an inmate in the custody of the**
32 **department of correction.**

33 (2) **A person who has been released from the custody of the**
34 **department of correction within the past twelve (12) months.**

35 (3) **A person who is currently under parole supervision or a**
36 **community corrections program (as defined under**
37 **IC 35-38-2.6-2).**

38 **Sec. 3. Not later than July 1, 2021, the bureau shall do the**
39 **following:**

40 (1) **Carry out the administration of programs and activities**
41 **concerning the reinstatement of driving privileges for**
42 **individuals described in this chapter.**



1 **(2) Advise and collaborate with the department of correction**
 2 **regarding the provision of appropriate programs and services**
 3 **for the reinstatement of driving privileges for individuals**
 4 **described in section 2 of this chapter.**

5 **(3) Designate a liaison between the bureau and the**
 6 **department of correction for purposes of fulfilling section 1 of**
 7 **this chapter.**

8 SECTION 19. IC 27-7-5.1-4, AS ADDED BY P.L.136-2015,
 9 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 DECEMBER 31, 2021]: Sec. 4. As used in this chapter, "uninsured
 11 motorist with a previous violation" means an individual who:

12 (1) owns a motor vehicle:

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

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

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

19 regardless of whether the individual is operating the motor vehicle at
 20 the time of the accident.

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

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

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

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



1 (c) Once the obligor pays the required amount under subsection
 2 (a) or (b), the obligor shall provide proof of payment to the Title
 3 IV-D agency enforcing the child support order. Within seven (7)
 4 days of confirming the obligor's payment, the Title IV-D agency
 5 shall issue an order to the bureau of motor vehicles to reinstate the
 6 obligor's driving privileges.

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

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

21 (f) This section does not prevent the:

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

27 SECTION 21. IC 34-28-5-6 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE DECEMBER 31, 2021]: Sec. 6. If a
 29 defendant fails to satisfy a judgment entered against the defendant for
 30 the violation of a traffic ordinance or for a traffic infraction by a date
 31 fixed by the court, the court may suspend the defendant's drivers
 32 license. When a court suspends a person's drivers license under this
 33 section, the court shall forward notice of the suspension to the bureau
 34 of motor vehicles. **A suspension under this section begins thirty (30)**
 35 **days after the date the notice of suspension is mailed by the bureau**
 36 **of motor vehicles to the defendant.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1199, 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:

Replace the effective dates in SECTIONS 1 through 13 with "[EFFECTIVE DECEMBER 31, 2021]".

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-13-2-66.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 66.6. "Forbearance", for purposes of IC 9-25-6-15.5, has the meaning set forth in IC 9-25-6-15.5(a)(1).**

SECTION 2. IC 9-13-2-87.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 87.5. "Job training", for purposes of IC 9-25-6-15.5, has the meaning set forth in IC 9-25-6-15.5(a)(2).**

SECTION 3. IC 9-13-2-113.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 113.3. "Nonviolent offender", for purposes of IC 9-25-6-15.5, has the meaning set forth in IC 9-25-6-15.5(a)(3).**"

Page 1, delete lines 15 through 17, begin a new paragraph and insert:

"(e) As to any suspension described in this section:

- (1) the bureau shall stay the suspension for one hundred and eighty (180) days upon a showing of proof of future financial responsibility by the person who has had the person's driving privileges, motor vehicle registration, or both, suspended; and**
- (2) if the bureau does not receive proof that financial responsibility has lapsed after the period of one hundred and eighty (180) days, the bureau shall terminate the suspension."**

Page 2, delete lines 1 through 4.

Page 2, delete lines 29 through 35, begin a new paragraph and insert:

"(d) As to any suspension described in this section:

- (1) the bureau shall stay the suspension for one hundred and eighty (180) days upon a showing of proof of future financial responsibility by the person who has had the person's driving privileges, motor vehicle registration, or both, suspended; and**
- (2) if the bureau does not receive proof that financial**



responsibility has lapsed after the period of one hundred and eighty (180) days, the bureau shall terminate the suspension."

Page 4, delete lines 16 through 22, begin a new paragraph and insert:

"(g) As to any suspension described in this section:

- (1) the bureau shall stay the suspension for one hundred and eighty (180) days upon a showing of proof of future financial responsibility by the person who has had the person's driving privileges, motor vehicle registration, or both, suspended; and**
- (2) if the bureau does not receive proof that financial responsibility has lapsed after the period of one hundred and eighty (180) days, the bureau shall terminate the suspension."**

Page 5, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 9. IC 9-25-6-15.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 15.5. (a) The following definitions apply throughout this section:

- (1) "Forbearance" means a stay of enforcing payment on reinstatement fees owed by a nonviolent offender.**
- (2) "Job training" means any type of instruction that enables an individual who:**
 - (A) is an ex-offender who has completed the individual's criminal sentence; or**
 - (B) is serving a term of probation or parole; to acquire vocational skills so the individual is employable or able to seek a higher grade of employment.**
- (3) "Nonviolent offender" means a person who is not convicted of an offense under IC 11-8-8-5.**

(b) An individual who is liable for reinstatement fees imposed under section 15 of this chapter may have all of the reinstatement fees placed in forbearance if the individual:

- (1) is a nonviolent offender;**
- (2) has completed the individual's criminal sentence or is serving a term of probation or parole; and**
- (3) is enrolled in job training or maintains consistent employment for at least three (3) years.**

(c) If an individual:

- (1) is eligible to have reinstatement fees placed in forbearance; and**
- (2) maintains consistent employment for at least three (3) years;**

the bureau shall waive the individual's reinstatement fees and



reinstate the individual's driving privileges.

(d) The bureau shall adopt rules under IC 4-22-2 to implement this section."

Page 9, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 15. IC 9-33-4-2, AS ADDED BY P.L.202-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: 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~~: **January 1, 2020**.
- (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~~: **January 1, 2020**.
- (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).

SECTION 16. IC 9-33-4-4, AS ADDED BY P.L.202-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: 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~~: **July 1, 2022**. 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.

SECTION 17. IC 9-33-4-6, AS ADDED BY P.L.202-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: 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~~. **January 1, 2020.**

(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.

SECTION 18. IC 9-33-5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

Chapter 5. Reinstatement of Driving Privileges for Convicted Offenders

Sec. 1. The purpose of this chapter is to:

- (1) Develop and implement educational programs to inform individuals described in section 2 of this chapter of any legal, administrative, or financial requirements that need to be satisfied before the reinstatement of driving privileges.**
- (2) Identify and coordinate procedures within and between agencies to facilitate the reinstatement of driving privileges to individuals described in section 2 of this chapter.**
- (3) Collaborate within and between agencies to provide access to driver records, practice exams, required forms, safety classes, or any other materials deemed necessary by an agency for the purposes of fulfilling this chapter.**
- (4) Make recommendations regarding best practices for driver's license suspensions due to nonmoving violations.**

Sec. 2. This chapter applies to the following:

- (1) A person who is currently an inmate in the custody of the department of correction.**
- (2) A person who has been released from the custody of the department of correction within the past twelve (12) months.**
- (3) A person who is currently under parole supervision or a community corrections program (as defined under IC 35-38-2.6-2).**

Sec. 3. Not later than July 1, 2021, the bureau shall do the following:

- (1) Carry out the administration of programs and activities concerning the reinstatement of driving privileges for individuals described in this chapter.**
- (2) Advise and collaborate with the department of correction regarding the provision of appropriate programs and services for the reinstatement of driving privileges for individuals described in section 2 of this chapter.**
- (3) Designate a liaison between the bureau and the department of correction for purposes of fulfilling section 1 of this chapter."**

Renumber all SECTIONS consecutively.



and when so amended that said bill do pass.

(Reference is to HB 1199 as introduced.)

MCNAMARA

Committee Vote: yeas 12, nays 0.

