



February 11, 2021

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## HOUSE BILL No. 1199

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DIGEST OF HB 1199 (Updated February 9, 2021 5:22 pm - DI 140)

**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  
(Continued next page)

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

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**McNamara, Steuerwald, Pressel,  
Negele**

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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.  
February 11, 2021, reported — Do Pass.

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HB 1199—LS 6595/DI 139



Digest Continued

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 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.



February 11, 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

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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.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, 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 do pass.

(Reference is to HB 1199 as printed January 28, 2021.)

BROWN T

Committee Vote: Yeas 24, Nays 0

