

# HOUSE BILL No. 1515

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-25; IC 34-28-5-15.

**Synopsis:** Proof of financial responsibility. Revises requirements for requests by the bureau of motor vehicles (bureau) for evidence of financial responsibility following an accident or a judgment or conviction for a violation of a motor vehicle law. Provides that the bureau shall, after receiving a certificate of compliance with respect to an individual against whom a judgment was entered for failing to provide proof of financial responsibility, petition the court to prohibit the disclosure of information related to the judgment.

**Effective:** July 1, 2015.

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January 20, 2015, read first time and referred to Committee on Roads and Transportation.

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First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1515

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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 9-25-5-3, AS AMENDED BY P.L.59-2013,  
2 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2015]: Sec. 3. (a) A request for evidence of financial  
4 responsibility must do the following:  
5 **(1) State that the records of the bureau indicate that financial**  
6 **responsibility was not in effect with respect to the motor**  
7 **vehicle, or the operation of the motor vehicle, operated by the**  
8 **person on the date requested.**  
9 ~~(1)~~ **(2)** Direct ~~a~~ **the** person to provide the bureau with evidence  
10 that financial responsibility was in effect with respect to the motor  
11 vehicle, or the operation of the motor vehicle, operated by the  
12 person on the date requested.  
13 ~~(2)~~ **(3)** Instruct the person on how to furnish the bureau with  
14 evidence of financial responsibility in compliance with this  
15 article.



1           ~~(3) Warn~~ **(4) Inform** the person that failure to furnish evidence of  
 2           financial responsibility to the bureau, **if not already provided**,  
 3           will result in suspension of the person's current driving privileges  
 4           or motor vehicle registration, or both, under this article.

5           (b) The bureau shall mail a request for evidence of financial  
 6           responsibility to a person by first class mail to the mailing address of  
 7           the person appearing in the records of the bureau.

8           SECTION 2. IC 9-25-8-7 IS ADDED TO THE INDIANA CODE  
 9           AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY  
 10          1, 2015]: **Sec. 7. (a) This section applies if the following conditions**  
 11          **are met:**

12           **(1) A person is cited for a violation of a provision in this**  
 13           **article defining an infraction.**

14           **(2) The person pays the amount of the judgment (including**  
 15           **costs) indicated on the citation for the violation.**

16           **(3) The bureau receives a certificate of compliance indicating**  
 17           **that financial responsibility was in effect as required by the**  
 18           **provision of this article indicated on the citation.**

19           **(b) Not more than ten (10) days after receiving a certificate of**  
 20           **compliance described in subsection (a)(3), the bureau shall file a**  
 21           **petition under IC 34-28-5-15(b) with the court in which the**  
 22           **judgment was entered to prohibit disclosure of information related**  
 23           **to the infraction to a noncriminal justice organization or an**  
 24           **individual.**

25          SECTION 3. IC 9-25-9-2, AS AMENDED BY P.L.125-2012,  
 26          SECTION 284, IS AMENDED TO READ AS FOLLOWS  
 27          [EFFECTIVE JULY 1, 2015]: Sec. 2. The request for evidence of  
 28          financial responsibility presented to a person under section 1 of this  
 29          chapter must do the following:

30           **(1) State that the records of the bureau indicate that financial**  
 31           **responsibility was not in effect with respect to the motor**  
 32           **vehicle, or the operation of the motor vehicle, operated by the**  
 33           **person on the date requested.**

34           ~~(1)~~ **(2) Direct** the person to ensure that the insurance company of  
 35           the person provide the bureau with evidence that financial  
 36           responsibility was in effect with respect to the motor vehicle that  
 37           the person was operating when the person committed the violation  
 38           described in the judgment or abstract.

39           ~~(2)~~ **(3) Instruct** the person on how to furnish the bureau with  
 40           evidence of financial responsibility as specified in this article.

41           ~~(3) Warn~~ **(4) Inform** the person that failure of the insurance  
 42           company of the person to provide evidence of financial



1 responsibility to the bureau, **if not already provided**, will result  
 2 in suspension of the person's current driving privileges or motor  
 3 vehicle registration, or both, under this article.

4 SECTION 4. IC 34-28-5-15, AS AMENDED BY P.L.112-2013,  
 5 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2015]: Sec. 15. (a) This subsection does not apply to a person  
 7 whose prosecution for an infraction is deferred under section 1 of this  
 8 chapter. If a person alleged to have violated a statute defining an  
 9 infraction:

- 10 (1) is not prosecuted or if the action against the person is  
 11 dismissed;  
 12 (2) is adjudged not to have committed the infraction; or  
 13 (3) is adjudged to have committed the infraction and the  
 14 adjudication is subsequently vacated;

15 the court in which the action was filed shall order the clerk and the  
 16 operator of any state, regional, or local case management system not to  
 17 disclose or permit disclosure of information related to the infraction to  
 18 a noncriminal justice organization or an individual.

19 (b) **Except as provided in subsection (d)**, not earlier than five (5)  
 20 years after a person:

- 21 (1) whose prosecution for an infraction has been deferred; or  
 22 (2) who was found to have violated a statute defining an  
 23 infraction;

24 has satisfied the conditions of the deferral program or the judgment  
 25 imposed for the violation, the person may petition the court to prohibit  
 26 disclosure of information related to the infraction to a noncriminal  
 27 justice organization or an individual.

28 (c) The court shall order the clerk and the operator of any state,  
 29 regional, or local case management system not to disclose or permit  
 30 disclosure of information related to the infraction to a noncriminal  
 31 justice organization or an individual if the court finds that:

- 32 (1) the person satisfied the judgment or conditions of the deferral  
 33 program; and  
 34 (2) at least five (5) years have passed since the date the person  
 35 satisfied the judgment or conditions of the program.

36 **Subdivision (2) does not apply to a person described in subsection**  
 37 **(d).**

38 (d) **This subsection applies if the conditions set forth in**  
 39 **IC 9-25-8-7(a) are satisfied. The bureau of motor vehicles may**  
 40 **petition a court under subsection (b) at any time after judgment is**  
 41 **entered against the person described in IC 9-25-8-7(a) to prohibit**  
 42 **disclosure of information related to the infraction to a noncriminal**



1 **justice organization or an individual.**

2 ~~(e)~~ (e) If a court fails to order the clerk and the operator of any state,  
3 regional, or local case management system to restrict disclosure of  
4 information related to the infraction under subsection (a), the person  
5 may petition the court to restrict disclosure of the records related to the  
6 infraction to a noncriminal justice organization or an individual.

7 ~~(d)~~ (f) A petition under subsection (b), (d), or ~~(e)~~ (e) must be  
8 verified and filed in:

9 (1) the court in which the action was filed, for a person described  
10 in subsection (a)(1) **or (d)**;

11 (2) the court in which the trial was held, for a person described in  
12 subsection (a)(2) or (a)(3); or

13 (3) the court finding or having jurisdiction over the violation, for  
14 a person described in subsection (b).

15 ~~(e)~~ (g) A petition under subsection (b), or ~~(e)~~ (e) must be filed not  
16 earlier than:

17 (1) if the person is adjudged not to have committed the infraction,  
18 thirty (30) days after the date of judgment;

19 (2) if the person's adjudication is vacated, three hundred sixty-five  
20 (365) days after:

21 (A) the order vacating the adjudication is final, if there is no  
22 appeal or the appeal is terminated before entry of an opinion  
23 or memorandum decision; or

24 (B) the opinion or memorandum decision vacating the  
25 adjudication is certified;

26 (3) if the person is not prosecuted or the action is dismissed, thirty  
27 (30) days after the action is dismissed, if a new action is not filed;  
28 or

29 (4) if the person participated in a deferral program or is found to  
30 have violated the statute defining the infraction, not earlier than  
31 five (5) years after the date the judgment for the violation is  
32 satisfied or the conditions of the deferral program are met.

33 ~~(f)~~ (h) A petition under subsection (b) or ~~(e)~~ (e) must set forth:

34 (1) the date of the alleged violation;

35 (2) the violation or alleged violation;

36 (3) the date the action was dismissed, if applicable;

37 (4) the date of judgment, if applicable;

38 (5) the date the adjudication was vacated, if applicable;

39 (6) the basis on which the adjudication was vacated, if applicable;

40 (7) the date the judgment is satisfied or the conditions of the  
41 deferral program were met, if applicable;

42 (8) the law enforcement agency employing the officer who issued



- 1 the complaint, if applicable;  
 2 (9) any other known identifying information, such as the name of  
 3 the officer, case number, or court cause number;  
 4 (10) the date of the petitioner's birth; and  
 5 (11) at the option of the petitioner, the:  
 6 (A) petitioner's driver's license or state identification card  
 7 number; or  
 8 (B) last four (4) digits of the petitioner's Social Security  
 9 number.

10 **A petition under subsection (d) must set forth only the information**  
 11 **required in subdivisions (4), (7), (8), (9), and (10).**

12 ~~(g)~~ (i) A copy of a petition filed under subsection (b) or ~~(c)~~ (e) shall  
 13 be served on the prosecuting attorney.

14 ~~(h)~~ (j) If the prosecuting attorney wishes to oppose a petition filed  
 15 under subsection (b) or ~~(c)~~; (e), the prosecuting attorney shall, not later  
 16 than thirty (30) days after the petition is filed, file a notice of opposition  
 17 with the court setting forth reasons for opposing the petition. The  
 18 prosecuting attorney shall attach to the notice of opposition a certified  
 19 copy of any documentary evidence showing that the petitioner is not  
 20 entitled to relief. A copy of the notice of opposition and copies of any  
 21 documentary evidence shall be served on the petitioner in accordance  
 22 with the Indiana Rules of Trial Procedure.

23 ~~(i)~~ (k) The court may, with respect to a petition filed under  
 24 subsection (b) or ~~(c)~~; (e):

- 25 (1) summarily grant the petition;  
 26 (2) set the matter for hearing; or  
 27 (3) summarily deny the petition, if the court determines that:  
 28 (A) the petition is insufficient; or  
 29 (B) based on documentary evidence submitted to the court, the  
 30 petitioner is not entitled to have access to the petitioner's  
 31 records restricted.

32 **With respect to a petition filed under subsection (d), the court may**  
 33 **summarily grant or deny the petition.**

34 ~~(j)~~ (l) If a notice of opposition is filed under subsection ~~(h)~~ (j) and  
 35 the court does not summarily grant or summarily deny the petition, the  
 36 court shall set the matter for a hearing.

37 ~~(k)~~ (m) After a hearing is held under subsection ~~(j)~~; (l) the court  
 38 shall grant the petition filed under:

- 39 (1) subsection (b) if the person is entitled to relief under that  
 40 subsection; or  
 41 (2) subsection ~~(c)~~ (e) if the person is entitled to relief under  
 42 subsection (a).



1           ⊕ **(n)** If the court grants a petition filed under subsection (b), **(d)**,  
2           or ~~(c)~~; **(e)**, the court shall order the clerk and the operator of any state,  
3           regional, or local case management system not to disclose or permit  
4           disclosure of information related to the infraction to a noncriminal  
5           justice organization or an individual.

