

SENATE BILL No. 19

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-25.

Synopsis: Proof of insurance and license suspension. Requires the bureau of motor vehicles (bureau) to send a copy of a request for proof of financial responsibility (request) to the insurance carrier identified in the most recent registration for a vehicle involved in an accident. Establishes an applicable compliance response period of not less than 60 days for a person identified in an accident report to respond to a request. Requires the bureau to provide a person with notice that: (1) the applicable compliance response period has expired; and (2) the person may request a hearing before the bureau to present evidence of a certificate of compliance; before the bureau may suspend a person's driving privileges or motor vehicle registration.

Effective: July 1, 2024.

Dernule

January 8, 2024, read first time and referred to Committee on Homeland Security and Transportation.



Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

SENATE BILL No. 19

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 IC 9-25-5-0.1 IS REPEALED [EFFECTIVE JULY 1,
2 2024]. ~~Sec. 0.1: The amendments made to section 4 of this chapter by~~
3 ~~P.L.75-2001 apply to evidence admitted in any civil proceeding after~~
4 ~~June 30, 2001, to prove that a motor vehicle liability policy was in~~
5 ~~effect with respect to a motor vehicle on any date before, on, or after~~
6 ~~June 30, 2001.~~

7 SECTION 2. IC 9-25-5-2, AS AMENDED BY P.L.111-2021,
8 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2024]: Sec. 2. (a) Except as provided in subsection (b), not
10 more than forty-five (45) days after the bureau receives a copy of an
11 accident report under IC 9-26, the bureau shall send to each person
12 identified in the report as an operator of a motor vehicle involved in the
13 accident a request for evidence of financial responsibility under section
14 3 of this chapter, unless the evidence has already been filed with the
15 bureau. The request for evidence of financial responsibility shall be
16 sent to each person identified in the report as an operator of a motor
17 vehicle involved in the accident regardless of fault.



1 (b) The bureau may only send a request for evidence of financial
 2 responsibility under subsection (a) if the accident occurred not more
 3 than five (5) years prior to the date the bureau receives the copy of an
 4 accident report under IC 9-26.

5 (c) **The bureau must send a copy of a request for evidence of**
 6 **financial responsibility to the insurance carrier identified in the**
 7 **most recent application for registration for a motor vehicle**
 8 **involved in the accident.**

9 SECTION 3. IC 9-25-5-3, AS AMENDED BY P.L.149-2015,
 10 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2024]: Sec. 3. (a) A request for evidence of financial
 12 responsibility must do the following:

13 (1) Direct the person **and insurance carrier** to provide the
 14 bureau with evidence that financial responsibility was in effect
 15 with respect to the motor vehicle, or the operation of the motor
 16 vehicle, operated by the person on the date requested.

17 (2) Instruct the person **and insurance carrier** on how to furnish
 18 the bureau with evidence of financial responsibility in compliance
 19 with this article.

20 (3) Inform the person **and insurance carrier** that failure to
 21 furnish evidence of financial responsibility to the bureau, if not
 22 already provided, **will may** result in suspension of the person's
 23 current driving privileges or motor vehicle registration, or both,
 24 under this article.

25 (b) The bureau shall mail a request for evidence of financial
 26 responsibility to a person **and insurance carrier** by first class mail to
 27 the mailing address of the person **or insurance carrier** appearing in
 28 the records of the bureau.

29 SECTION 4. IC 9-25-5-4 IS REPEALED [EFFECTIVE JULY 1,
 30 2024]. Sec. 4. (a) ~~To avoid suspension of driving privileges or motor~~
 31 ~~vehicle registration suspension, or both, under this article, a person~~
 32 ~~identified under section 2 of this chapter who receives a request for~~
 33 ~~evidence of financial responsibility must ensure that the insurance~~
 34 ~~company of the person provides the bureau with a certificate of~~
 35 ~~compliance indicating that financial responsibility required by~~
 36 ~~IC 9-25-4-1 was in effect with respect to the motor vehicle, or the~~
 37 ~~operation of the motor vehicle, on the date of the accident described in~~
 38 ~~the accident report. It is the responsibility of the person who receives~~
 39 ~~a request for evidence of financial responsibility to ensure that the~~
 40 ~~insurance company of the person has provided a certificate of~~
 41 ~~compliance.~~

42 (b) ~~Proof that the bureau:~~



1 (1) did not receive a certificate of compliance during the
 2 applicable compliance response period for a person presented
 3 with a request for evidence of financial responsibility under
 4 section 2 of this chapter;

5 (2) received a certificate of compliance that did not indicate that
 6 financial responsibility was in effect with respect to the motor
 7 vehicle that the person was operating on the date of the accident
 8 described in the accident report; or

9 (3) suspended the driving privileges or motor vehicle registration;
 10 or both, under IC 9-25-6-3 after presenting a person with a
 11 request for evidence of financial responsibility under section 2 of
 12 this chapter;

13 is prima facie evidence in a civil action that the person presented with
 14 the request for evidence of financial responsibility did not have an
 15 operator's or a motor vehicle liability policy in effect with respect to the
 16 motor vehicle that the person was operating on the date of the accident
 17 described in the accident report.

18 SECTION 5. IC 9-25-5-4.5 IS ADDED TO THE INDIANA CODE
 19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 20 1, 2024]: **Sec. 4.5. The bureau must allow an applicable compliance
 21 response period of not less than sixty (60) days from the date the
 22 request is mailed by the bureau to a person presented with the
 23 request for evidence of financial responsibility under section 2 of
 24 this chapter.**

25 SECTION 6. IC 9-25-5-5, AS AMENDED BY P.L.59-2013,
 26 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2024]: **Sec. 5. (a) A person who receives a request for
 28 evidence of financial responsibility under section 3 of this chapter shall
 29 ensure that the An insurance company that receives a copy of a
 30 request for evidence of financial responsibility under section 2 of
 31 this chapter must provide of the person set forth in the certificate of
 32 compliance provides to the bureau the following information
 33 concerning the form of financial responsibility that was in effect on the
 34 date in question:**

35 (1) If an operator's or a motor vehicle liability policy was in effect,
 36 the following:

37 (A) The name of the insurer.

38 (B) The identification number applying to the policy.

39 (C) Dates of coverage of the policy.

40 (D) Confirmation that financial responsibility covering the
 41 motor vehicle or operator, as applicable, was in effect on the
 42 date in question.



- 1 (E) Other information requested by the bureau.
 2 (2) If a bond was in effect, the following:
 3 (A) The name and address of the bond company or surety.
 4 (B) The face amount of the bond.
 5 (C) Dates the bond was in effect.
 6 (D) Other information requested by the bureau.
 7 (3) If self-insurance was in effect under IC 9-25-4-11, the
 8 following:
 9 (A) The date on which the certificate of self-insurance was
 10 issued by the bureau.
 11 (B) The name of the person to whom the certificate of
 12 self-insurance was issued.
 13 (C) Other information requested by the bureau.
 14 (b) A person who requests information or verification of coverage
 15 to complete a certificate of compliance under subsection (a) from:
 16 (1) an insurance company; or
 17 (2) an insurance producer;
 18 is not required to give the company or the producer a reason for
 19 requesting the information unless the person has been involved in an
 20 accident.
 21 SECTION 7. IC 9-25-5-8, AS AMENDED BY P.L.59-2013,
 22 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2024]: Sec. 8. (a) An insurance carrier that has issued a motor
 24 vehicle liability policy or policies meeting the requirements of this
 25 article shall, upon request of the named insured **or upon receipt of a**
 26 **copy of a request for evidence of financial responsibility**, file with
 27 the bureau an appropriate certificate of compliance that meets the
 28 requirements of this article and shows that a policy or policies were in
 29 effect on the date requested.
 30 (b) The issuance of a certificate of compliance to serve as proof of
 31 financial responsibility under this article is conclusive evidence that a
 32 motor vehicle liability policy in the certificate of compliance cited
 33 conforms to all the requirements of this article.
 34 SECTION 8. IC 9-25-6-3, AS AMENDED BY P.L.86-2021,
 35 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2024]: Sec. 3. (a) If the bureau
 37 ~~(1) does not receive a certificate of compliance during the~~
 38 ~~applicable compliance response period for a person identified~~
 39 ~~under IC 9-25-5-2; or~~
 40 ~~(2) receives a certificate that does not indicate that financial~~
 41 ~~responsibility was in effect with respect to the motor vehicle~~
 42 ~~operated by the person or operation of the motor vehicle by the~~



- 1 person on the date of the accident referred to in IC 9-25-5-2, the
2 bureau shall take action under subsection (d).
- 3 (b) If the bureau:
- 4 (1) does not receive a certificate of compliance during the
5 applicable compliance response period for a person presented
6 with a request for evidence of financial responsibility under
7 IC 9-25-9-1; or
8 (2) receives a certificate that does not indicate that financial
9 responsibility was in effect with respect to the motor vehicle or
10 operation of the motor vehicle that the person was operating when
11 the person committed the violation described in the judgment or
12 abstract received by the bureau under IC 9-25-9-1;
13 the bureau shall take action under subsection (d).
- 14 (c) If the bureau:
- 15 (1) does not receive a certificate of compliance during the
16 applicable compliance response period for a person presented
17 with a request under IC 9-25-10 (before its repeal); or
18 (2) receives a certificate that does not indicate that financial
19 responsibility was in effect on the date requested;
20 the bureau shall take action under subsection (d).
- 21 (d) Under the conditions set forth in subsection (a), (b), or (c), the
22 bureau shall immediately suspend the person's driving privileges,
23 motor vehicle registration, or both, until proof of future financial
24 responsibility is filed by the person with the bureau under subsection
25 (g).
- 26 (e) Except as provided in subsection (f), if subsection (a), (b), or (c)
27 applies to a person, the bureau shall suspend the driving privileges of
28 the person irrespective of the following:
- 29 (1) The sale or other disposition of the motor vehicle by the
30 owner.
- 31 (2) The cancellation or expiration of the registration of the motor
32 vehicle.
- 33 (3) An assertion by the person that the person did not own the
34 motor vehicle and therefore had no control over whether financial
35 responsibility was in effect with respect to the motor vehicle.
- 36 (f) The bureau shall not suspend the driving privileges of a person
37 to which subsection (a), (b), or (c) applies if the person, through a
38 certificate of compliance or another communication with the bureau,
39 establishes to the satisfaction of the bureau that the motor vehicle that
40 the person was operating when the accident referred to in subsection
41 (a) took place or when the violation referred to in subsection (b) or (c)
42 was committed was:



- 1 (1) rented from a rental company;
 2 (2) shared through a peer to peer vehicle sharing program (as
 3 defined in IC 24-4-9.2-4); or
 4 (3) owned by the person's employer and operated by the person in
 5 the normal course of the person's employment.
 6 (g) As to any suspension described in this section:
 7 (1) the bureau shall stay the suspension for one hundred and
 8 eighty (180) days upon a showing of proof of future financial
 9 responsibility by the person who has had the person's driving
 10 privileges, motor vehicle registration, or both, suspended; and
 11 (2) if the bureau does not receive proof that financial
 12 responsibility has lapsed after the period of one hundred and
 13 eighty (180) days, the bureau shall terminate the suspension.
 14 (h) If the bureau receives notice that financial responsibility has
 15 lapsed during the period of one hundred and eighty (180) days under
 16 subsection (g), the bureau shall lift the stay of suspension and again
 17 suspend the person's driving privileges, motor vehicle registration, or
 18 both.
 19 SECTION 9. IC 9-25-6-3.3 IS ADDED TO THE INDIANA CODE
 20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 21 1, 2024]: **Sec. 3.3. If the bureau does not receive a certificate of
 22 compliance for a person identified under IC 9-25-5-2 during the
 23 applicable compliance response period, the bureau must send the
 24 person a notice stating:**
 25 (1) the applicable compliance response period has expired;
 26 and
 27 (2) the person may request a hearing before a bureau hearing
 28 officer, at which the person may present evidence of a
 29 certificate of compliance;
 30 prior to suspending the person's driving privileges, motor vehicle
 31 registration, or both.

