



January 24, 2024

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## SENATE BILL No. 19

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DIGEST OF SB 19 (Updated January 23, 2024 10:22 am - DI 151)

**Citations Affected:** IC 9-25; IC 9-33.

**Synopsis:** License suspension. Allows the BMV to add an additional compliance period for those seeking material error review regarding certain license suspensions.

**Effective:** July 1, 2024.

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### Dernulc, Niemeyer, Tomes

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January 8, 2024, read first time and referred to Committee on Homeland Security and Transportation.  
January 23, 2024, amended, reported favorably — Do Pass.

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SB 19—LS 6177/DI 137





January 24, 2024

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 9-25-6-3, AS AMENDED BY P.L.86-2021,  
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2024]: Sec. 3. (a) If the bureau:  
4 (1) does not receive a certificate of compliance during the  
5 applicable compliance response period for a person identified  
6 under IC 9-25-5-2; or  
7 (2) receives a certificate that does not indicate that financial  
8 responsibility was in effect with respect to the motor vehicle  
9 operated by the person or operation of the motor vehicle by the  
10 person on the date of the accident referred to in IC 9-25-5-2;  
11 the bureau shall take action under subsection (d).  
12 (b) If the bureau:  
13 (1) does not receive a certificate of compliance during the  
14 applicable compliance response period for a person presented  
15 with a request for evidence of financial responsibility under  
16 IC 9-25-9-1; or  
17 (2) receives a certificate that does not indicate that financial

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1 responsibility was in effect with respect to the motor vehicle or  
 2 operation of the motor vehicle that the person was operating when  
 3 the person committed the violation described in the judgment or  
 4 abstract received by the bureau under IC 9-25-9-1;  
 5 the bureau shall take action under subsection (d).

6 (c) If the bureau:

7 (1) does not receive a certificate of compliance during the  
 8 applicable compliance response period for a person presented  
 9 with a request under IC 9-25-10 (before its repeal); or

10 (2) receives a certificate that does not indicate that financial  
 11 responsibility was in effect on the date requested;  
 12 the bureau shall take action under subsection (d).

13 (d) Under the conditions set forth in subsection (a), (b), or (c), the  
 14 bureau shall immediately suspend the person's driving privileges,  
 15 motor vehicle registration, or both, until proof of future financial  
 16 responsibility is filed by the person with the bureau under subsection  
 17 (g).

18 (e) Except as provided in subsection (f), if subsection (a), (b), or (c)  
 19 applies to a person, the bureau shall suspend the driving privileges of  
 20 the person irrespective of the following:

21 (1) The sale or other disposition of the motor vehicle by the  
 22 owner.

23 (2) The cancellation or expiration of the registration of the motor  
 24 vehicle.

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

28 (f) The bureau shall not suspend the driving privileges of a person  
 29 to which subsection (a), (b), or (c) applies if the person, through a  
 30 certificate of compliance or another communication with the bureau,  
 31 establishes to the satisfaction of the bureau that the motor vehicle that  
 32 the person was operating when the accident referred to in subsection  
 33 (a) took place or when the violation referred to in subsection (b) or (c)  
 34 was committed was:

35 (1) rented from a rental company;

36 (2) shared through a peer to peer vehicle sharing program (as  
 37 defined in IC 24-4-9.2-4); or

38 (3) owned by the person's employer and operated by the person in  
 39 the normal course of the person's employment.

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

41 (1) the bureau shall stay the suspension for one hundred and  
 42 eighty (180) days upon a showing of proof of future financial



1 responsibility by the person who has had the person's driving  
2 privileges, motor vehicle registration, or both, suspended; and

3 (2) if the bureau does not receive proof that financial  
4 responsibility has lapsed after the period of one hundred and  
5 eighty (180) days, the bureau shall terminate the suspension.

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

11 **(i) For a suspension that occurs under subsection (a)(1), upon**  
12 **receipt of a request for review under IC 9-33-2-1, the bureau may**  
13 **initiate a new compliance period.**

14 SECTION 2. IC 9-33-2-1, AS AMENDED BY P.L.111-2021,  
15 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2024]: Sec. 1. (a) If a person determines that the records of the  
17 bureau contain a material error with respect to the person or the  
18 person's records, the person may notify the bureau in writing of the  
19 material error.

20 (b) Not more than thirty (30) days after the bureau receives notice  
21 under subsection (a), the bureau shall determine if a material error was  
22 made.

23 (c) If the bureau determines that a material error was made with  
24 respect to the person's records, the bureau shall provide written notice  
25 to the person and correct the error, including removing any suspension  
26 of the person's driving privileges or registration and reinstating the  
27 person's driving privileges or registration.

28 (d) If the bureau determines that a material error exists with respect  
29 to an action under IC 9-30-10, the bureau shall notify the prosecuting  
30 attorney of the county in which the action originated of the bureau's  
31 determination of the material error. The prosecuting attorney is entitled  
32 to respond to the bureau's determination.

33 (e) A person aggrieved by the bureau's determination of a material  
34 error under this section may seek judicial review of the determination  
35 under section 3 of this chapter.

36 (f) The bureau may enter into an agreement with the office of  
37 administrative law proceedings under IC 4-15-10.5-12 to conduct a  
38 review under this section on the bureau's behalf.

39 **(g) For a suspension that occurs under IC 9-25-6-3(a)(1), upon**  
40 **receipt of a request for review under this section, the bureau may**  
41 **initiate a new compliance period.**



## COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security and Transportation, to which was referred Senate Bill No. 19, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 3.

Page 4, delete lines 1 through 33.

Page 4, line 36, after "bureau" insert ":".

Page 4, reset in roman lines 37 through 39.

Page 4, line 40, reset in roman "(2)".

Page 5, line 1, after "IC 9-25-5-2" delete "," and insert ";".

Page 5, line 1, after "IC 9-25-5-2," beginning with "the" begin a new line blocked left.

Page 6, delete lines 19 through 31, begin a new paragraph and insert:

**"(i) For a suspension that occurs under subsection (a)(1), upon receipt of a request for review under IC 9-33-2-1, the bureau may initiate a new compliance period.**

SECTION 2. IC 9-33-2-1, AS AMENDED BY P.L.111-2021, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. (a) If a person determines that the records of the bureau contain a material error with respect to the person or the person's records, the person may notify the bureau in writing of the material error.

(b) Not more than thirty (30) days after the bureau receives notice under subsection (a), the bureau shall determine if a material error was made.

(c) If the bureau determines that a material error was made with respect to the person's records, the bureau shall provide written notice to the person and correct the error, including removing any suspension of the person's driving privileges or registration and reinstating the person's driving privileges or registration.

(d) If the bureau determines that a material error exists with respect to an action under IC 9-30-10, the bureau shall notify the prosecuting attorney of the county in which the action originated of the bureau's determination of the material error. The prosecuting attorney is entitled to respond to the bureau's determination.

(e) A person aggrieved by the bureau's determination of a material error under this section may seek judicial review of the determination



under section 3 of this chapter.

(f) The bureau may enter into an agreement with the office of administrative law proceedings under IC 4-15-10.5-12 to conduct a review under this section on the bureau's behalf.

**(g) For a suspension that occurs under IC 9-25-6-3(a)(1), upon receipt of a request for review under this section, the bureau may initiate a new compliance period."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 19 as introduced.)

CRIDER, Chairperson

Committee Vote: Yeas 8, Nays 0.

