

SENATE BILL No. 98

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-30-16.

Synopsis: Specialized driving privileges. Provides that an individual's specialized driving privileges expire at the time the suspension of the individual's driving privileges is terminated if: (1) the underlying conviction, charge, adjudication, or determination that forms the basis of the suspension is reversed, vacated, or dismissed; or (2) the individual is acquitted of, found not liable for, or otherwise found not to have committed the underlying act or offense that forms the basis of the suspension. Requires the court to inform the bureau of motor vehicles of a termination of a suspension and expiration of specialized driving privileges.

Effective: July 1, 2018.

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January 3, 2018, read first time and referred to Committee on Homeland Security and Transportation.



Second Regular Session 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

SENATE BILL No. 98

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 9-30-16-3, AS AMENDED BY P.L.120-2017,
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2018]: Sec. 3. (a) This section does not apply to specialized
4 driving privileges granted in accordance with section 3.5 of this
5 chapter. If a court orders a suspension of driving privileges under this
6 chapter, or imposes a suspension of driving privileges under
7 IC 9-30-6-9(c), the court may stay the suspension and grant a
8 specialized driving privilege as set forth in this section.
9 (b) An individual who seeks specialized driving privileges must file
10 a petition for specialized driving privileges in each court that has
11 ordered or imposed a suspension of the individual's driving privileges.
12 Each petition must:
13 (1) be verified by the petitioner;
14 (2) state the petitioner's age, date of birth, and address;
15 (3) state the grounds for relief and the relief sought;
16 (4) be filed in a circuit or superior court; and
17 (5) be served on the bureau and the prosecuting attorney.



1 A prosecuting attorney shall appear on behalf of the bureau to respond
2 to a petition filed under this subsection.

3 (c) **Except as provided in subsection (h)**, regardless of the
4 underlying offense, specialized driving privileges granted under this
5 section shall be granted for:

- 6 (1) at least one hundred eighty (180) days; and
7 (2) not more than two and one-half ~~(2.5)~~ **(2 1/2)** years.

8 (d) The terms of specialized driving privileges must be determined
9 by a court.

10 (e) A stay of a suspension and specialized driving privileges may
11 not be granted to an individual who:

- 12 (1) has previously been granted specialized driving privileges;
13 and
14 (2) has more than one (1) conviction under section 5 of this
15 chapter.

16 (f) An individual who has been granted specialized driving
17 privileges shall:

- 18 (1) maintain proof of future financial responsibility insurance
19 during the period of specialized driving privileges;
20 (2) carry a copy of the order granting specialized driving
21 privileges or have the order in the vehicle being operated by the
22 individual;
23 (3) produce the copy of the order granting specialized driving
24 privileges upon the request of a police officer; and
25 (4) carry a validly issued state identification card or driver's
26 license.

27 (g) An individual who holds a commercial driver's license and has
28 been granted specialized driving privileges under this chapter may not,
29 for the duration of the suspension for which the specialized driving
30 privileges are sought, operate any vehicle that requires the individual
31 to hold a commercial driver's license to operate the vehicle.

32 **(h) Whenever a suspension of an individual's driving privileges**
33 **under this chapter is terminated because:**

- 34 **(1) the underlying conviction, judgment, or finding that forms**
35 **the basis of the suspension is reversed, vacated, or dismissed;**
36 **or**
37 **(2) the individual is acquitted of, found not liable for, or**
38 **otherwise found not to have committed the underlying act or**
39 **offense that forms the basis of the suspension;**

40 **the individual's specialized driving privileges expire at the time the**
41 **suspension of the individual's driving privileges is terminated.**

42 **(i) The court shall inform the bureau of a termination of a**



1 **suspension and expiration of specialized driving privileges as**
 2 **described under subsection (h) in a format designated by the**
 3 **bureau.**

4 SECTION 2. IC 9-30-16-3.5, AS AMENDED BY P.L.85-2017,
 5 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2018]: Sec. 3.5. (a) If a court imposes a suspension of driving
 7 privileges under IC 9-21-5-11(f), the court may stay the suspension and
 8 grant a specialized driving privilege as set forth in this section.

9 (b) **Except as provided in subsection (g)**, specialized driving
 10 privileges granted under this section shall be granted for sixty (60)
 11 days, or the remainder of the sixty (60) day period of suspension as set
 12 forth in IC 9-30-13-9(b)(2) if a petition for specialized driving
 13 privileges is filed in the manner set forth under ~~section 3(b) of this~~
 14 ~~chapter.~~ **subsection (f).**

15 (c) Specialized driving privileges granted under this section:

- 16 (1) must be determined by a court; and
- 17 (2) are limited to restricting the individual to being allowed to
- 18 operate a motor vehicle between the place of employment of the
- 19 individual and the individual's residence.

20 (d) An individual who has been granted specialized driving
 21 privileges under this section shall:

- 22 (1) maintain proof of future financial responsibility insurance
- 23 during the period of specialized driving privileges;
- 24 (2) carry a copy of the order granting specialized driving
- 25 privileges or have the order in the vehicle being operated by the
- 26 individual;
- 27 (3) produce the copy of the order granting specialized driving
- 28 privileges upon the request of a police officer; and
- 29 (4) carry a validly issued driver's license.

30 (e) An individual who holds a commercial driver's license and has
 31 been granted specialized driving privileges under this chapter may not,
 32 for the duration of the suspension for which the specialized driving
 33 privileges are sought, operate a motor vehicle that requires the
 34 individual to hold a commercial driver's license to operate the motor
 35 vehicle.

36 (f) An individual who seeks specialized driving privileges must file
 37 a petition for specialized driving privileges in each court that has
 38 ordered or imposed a suspension of the individual's driving privileges.
 39 Each petition must:

- 40 (1) be verified by the petitioner;
- 41 (2) state the petitioner's age, date of birth, and address;
- 42 (3) state the grounds for relief and the relief sought;



- 1 (4) be filed in a circuit or superior court; and
2 (5) be served on the bureau and the prosecuting attorney.
3 A prosecuting attorney shall appear on behalf of the bureau to respond
4 to a petition filed under this subsection.
5 **(g) Whenever a suspension of an individual's driving privileges**
6 **under this chapter is terminated because:**
7 **(1) the underlying conviction, judgment, or finding that forms**
8 **the basis of the suspension is reversed, vacated, or dismissed;**
9 **or**
10 **(2) the individual is acquitted of, found not liable for, or**
11 **otherwise found not to have committed the underlying act or**
12 **offense that forms the basis of the suspension;**
13 **the individual's specialized driving privileges expire at the time the**
14 **suspension of the individual's driving privileges is terminated.**
15 **(h) The court shall inform the bureau of a termination of a**
16 **suspension of driving privileges and expiration of specialized**
17 **driving privileges as described under subsection (g) in a format**
18 **designated by the bureau.**

