

SENATE BILL No. 182

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2; IC 9-24.

Synopsis: Mobile credential. Requires the bureau of motor vehicles (BMV) to develop a system to issue mobile credentials. Requires the BMV to issue, upon request of an applicant, a mobile credential when the applicant satisfies the requirements for application for various licenses, permits, and identification cards. Provides the BMV with rulemaking authority to implement the mobile credential system. Defines mobile credential. Makes conforming changes.

Effective: July 1, 2019.

Melton

January 3, 2019, read first time and referred to Committee on Homeland Security and Transportation.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 182

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 9-13-2-39.7, AS ADDED BY P.L.198-2016,
2 SECTION 101, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: Sec. 39.7. "Credential" means the
4 following forms of documentation **either in physical form or in the**
5 **form of a mobile credential** issued by the bureau under IC 9-24:
6 (1) A driver's license.
7 (2) A learner's permit.
8 (3) An identification card.
9 (4) A photo exempt identification card.
10 SECTION 2. IC 9-13-2-48, AS AMENDED BY P.L.198-2016,
11 SECTION 104, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2019]: Sec. 48. "Driver's license" means any
13 type of license issued by the state **either in physical form or in the**
14 **form of a mobile credential** authorizing an individual to operate the
15 type of vehicle for which the license was issued, in the manner for
16 which the license was issued, on a highway. The term includes any
17 endorsements added to the license under IC 9-24-8.5.



1 SECTION 3. IC 9-13-2-74.5, AS ADDED BY P.L.184-2007,
2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 74.5. "Identification card" means an identification
4 document issued by a state government **either in physical form or in**
5 **the form of a mobile credential** for purposes of identification.

6 SECTION 4. IC 9-13-2-103.4 IS ADDED TO THE INDIANA
7 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2019]: **Sec. 103.4. "Mobile credential" means**
9 **a digital representation issued by the bureau under IC 9-24-17.5 of**
10 **the information contained on the following:**

- 11 (1) **A driver's license.**
- 12 (2) **A learner's permit.**
- 13 (3) **An identification card.**
- 14 (4) **A photo exempt identification card.**

15 SECTION 5. IC 9-13-2-123.5, AS AMENDED BY P.L.198-2016,
16 SECTION 144, IS AMENDED TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2019]: Sec. 123.5. "Permit" means a permit
18 issued by the state **either in physical form or in the form of a mobile**
19 **credential** authorizing an individual to operate the type of vehicle for
20 which the permit was issued on public streets, roads, or highways with
21 certain restrictions. The term includes the following:

- 22 (1) A learner's permit.
- 23 (2) A motorcycle permit.
- 24 (3) A commercial learner's permit.

25 SECTION 6. IC 9-13-2-125.5, AS ADDED BY P.L.197-2015,
26 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2019]: Sec. 125.5. "Photo exempt identification card" means
28 an identification card issued by the bureau **either in physical form or**
29 **in the form of a mobile credential** under IC 9-24-16.5.

30 SECTION 7. IC 9-24-11-4, AS AMENDED BY P.L.198-2016,
31 SECTION 483, IS AMENDED TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) **Except as provided in**
33 **subsection (d)**, an individual may not hold or possess more than one
34 (1) credential at a time.

35 (b) An individual may not hold or possess:

- 36 (1) a credential; and
- 37 (2) a driver's license or identification card issued by a government
38 authority that issues driver's licenses and identification cards from
39 another state, territory, federal district, commonwealth, or
40 possession of the United States.

41 (c) An individual shall destroy or surrender to the bureau any and
42 all credentials, driver's licenses, or identification cards that would



1 cause the individual to violate subsection (a) or (b).

2 **(d) An individual may hold both a credential in physical form**
 3 **and in the form of a mobile credential issued under this article at**
 4 **the same time.**

5 ~~(d)~~ **(e)** An individual who violates this section commits a Class C
 6 infraction.

7 SECTION 8. IC 9-24-11-5, AS AMENDED BY P.L.86-2018,
 8 SECTION 148, IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) Except as provided in
 10 subsection (d), a learner's permit or driver's license issued under this
 11 article must contain the following information:

- 12 (1) The full legal name of the permittee or licensee.
 13 (2) The date of birth of the permittee or licensee.
 14 (3) The address of the principal residence of the permittee or
 15 licensee.
 16 (4) The hair color and eye color of the permittee or licensee.
 17 (5) The date of issue and expiration date of the permit or license.
 18 (6) The gender of the permittee or licensee.
 19 (7) The unique identifying number of the permit or license.
 20 (8) The weight of the permittee or licensee.
 21 (9) The height of the permittee or licensee.
 22 (10) A reproduction of the signature of the permittee or licensee.
 23 (11) If the permittee or licensee is less than eighteen (18) years of
 24 age at the time of issuance, the dates, **printed notated**
 25 prominently, on which the permittee or licensee will become:
 26 (A) eighteen (18) years of age; and
 27 (B) twenty-one (21) years of age.
 28 (12) If the permittee or licensee is at least eighteen (18) years of
 29 age but less than twenty-one (21) years of age at the time of
 30 issuance, the date, **printed notated** prominently, on which the
 31 permittee or licensee will become twenty-one (21) years of age.
 32 (13) Except as provided in subsection (b), a digital photograph of
 33 the permittee or licensee.
 34 (b) The bureau may provide for the omission of a photograph or
 35 computerized image from any driver's license or learner's permit if
 36 there is good cause for the omission. However, a driver's license or
 37 learner's permit issued without a digital photograph must include a
 38 statement that indicates that the driver's license or learner's permit may
 39 not be accepted by a federal agency for federal identification or any
 40 other federal purpose.
 41 (c) A driver's license or learner's permit issued to an individual who:
 42 (1) has a valid, unexpired nonimmigrant visa or has nonimmigrant



- 1 visa status for entry in the United States;
 2 (2) has a pending application for asylum in the United States;
 3 (3) has a pending or approved application for temporary protected
 4 status in the United States;
 5 (4) has approved deferred action status; or
 6 (5) has a pending application for adjustment of status to that of an
 7 alien lawfully admitted for permanent residence in the United
 8 States or conditional permanent residence status in the United
 9 States;
 10 must be clearly identified as a temporary driver's license or learner's
 11 permit. A temporary driver's license or learner's permit issued under
 12 this subsection may not be renewed without the presentation of valid
 13 documentary evidence proving that the licensee's or permittee's
 14 temporary status has been extended.
- 15 (d) For purposes of subsection (a), an individual certified as a
 16 program participant in the address confidentiality program under
 17 IC 5-26.5 is not required to provide the address of the individual's
 18 principal residence, but may provide an address designated by the
 19 office of the attorney general under IC 5-26.5 as the address of the
 20 individual's principal residence.
- 21 SECTION 9. IC 9-24-11-5.5, AS AMENDED BY P.L.65-2017,
 22 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2019]: Sec. 5.5. (a) If an individual has:
 24 (1) indicated on the application for a driver's license or learner's
 25 permit that the individual is a veteran and wishes to have an
 26 indication of the individual's veteran status appear on the driver's
 27 license or learner's permit; and
 28 (2) provided proof at the time of application of the individual's
 29 veteran status;
 30 an indication of the individual's veteran status shall be shown on the
 31 driver's license or learner's permit.
- 32 (b) If an individual has:
 33 (1) indicated on the individual's application for a driver's license
 34 or learner's permit that the applicant:
 35 (A) is a surviving spouse of a veteran; and
 36 (B) wishes to have an indication of the applicant's status as a
 37 surviving spouse of a veteran appear on the driver's license or
 38 learner's permit; and
 39 (2) provided the documentation necessary to verify that the
 40 applicant was married, at the time of the decedent's death, to a
 41 veteran;
 42 an indication of the individual's status as a surviving spouse of a



1 veteran shall be shown on the driver's license or learner's permit.

2 (c) If an individual submits information concerning the individual's
3 medical condition in conjunction with the individual's application for
4 a driver's license or learner's permit, the bureau shall place an
5 identifying symbol **in a prominent location on the face of the a**
6 driver's license or learner's permit to indicate that the individual has a
7 medical condition of note. The bureau shall include information on the
8 individual's driver's license or learner's permit that briefly describes the
9 individual's medical condition. The information must be **printed**
10 **notated** in a manner that alerts an individual reading the driver's
11 license or learner's permit to the existence of the medical condition.
12 The individual submitting the information concerning the medical
13 condition is responsible for its accuracy.

14 SECTION 10. IC 9-24-11-8, AS AMENDED BY P.L.198-2016,
15 SECTION 487, IS AMENDED TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) Except as provided in
17 subsections (b) and (c), an individual who violates this chapter
18 commits a Class C infraction.

19 (b) An individual who:

20 (1) has been issued a permit or driver's license on which there is
21 a ~~printed or stamped~~ **notated** restriction as provided under section
22 7 of this chapter; and

23 (2) operates a motor vehicle in violation of the restriction;
24 commits a Class C infraction.

25 (c) An individual who causes serious bodily injury to or the death
26 of another individual when operating a motor vehicle after knowingly
27 or intentionally failing to take prescribed medication, the taking of
28 which was a condition of the issuance of the restricted driver's license
29 under section 7 of this chapter, commits a Class A misdemeanor.
30 However, the offense is a Level 6 felony if, within the five (5) years
31 preceding the commission of the offense, the individual had a prior
32 unrelated conviction under this subsection.

33 (d) An individual who violates subsection (c) commits a separate
34 offense for each individual whose serious bodily injury or death is
35 caused by the violation of subsection (c).

36 SECTION 11. IC 9-24-13-3, AS AMENDED BY P.L.198-2016,
37 SECTION 501, IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) An individual holding a
39 permit or driver's license issued under this article must have the permit
40 or driver's license in the individual's immediate possession when
41 driving or operating a motor vehicle. The individual shall display the
42 driver's license or permit upon demand of a court or a police officer



1 authorized by law to enforce motor vehicle rules.

2 **(b) If the permit or driver's license is a mobile credential viewed**
 3 **on a telecommunications device, a court or a police officer**
 4 **authorized by law to enforce motor vehicle rules may not, without**
 5 **the consent of the person:**

6 **(1) confiscate a telecommunications device for the purpose of**
 7 **determining compliance with this section;**

8 **(2) confiscate a telecommunications device and retain it as**
 9 **evidence pending trial for a violation of this section; or**

10 **(3) extract or otherwise download information from a**
 11 **telecommunications device for a violation of this section**
 12 **unless:**

13 **(A) the court or police officer has probable cause to believe**
 14 **the telecommunications device has been used in the**
 15 **commission of a crime;**

16 **(B) the information is extracted or otherwise downloaded**
 17 **under a valid search warrant; or**

18 **(C) otherwise authorized by law.**

19 SECTION 12. IC 9-24-16-3, AS AMENDED BY P.L.65-2017,
 20 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2019]: Sec. 3. (a) An identification card:

22 **(1) in physical form** must have the same dimensions and shape
 23 as a driver's license; **and**

24 **(2) in the form of a mobile credential must have the same**
 25 **format as a driver's license;**

26 but the card must have markings sufficient to distinguish the card from
 27 a driver's license.

28 (b) Except as provided in subsection (g), the front side of ~~an~~ **a**
 29 **physical identification card or the top portion of an identification**
 30 **card in the format of a mobile credential** must contain the expiration
 31 date of the identification card and the following information about the
 32 individual to whom the card is being issued:

33 (1) Full legal name.

34 (2) The address of the principal residence.

35 (3) Date of birth.

36 (4) Date of issue and date of expiration.

37 (5) Unique identification number.

38 (6) Gender.

39 (7) Weight.

40 (8) Height.

41 (9) Color of eyes and hair.

42 (10) Reproduction of the signature of the individual identified.



- 1 (11) Whether the individual is blind (as defined in
2 IC 12-7-2-21(1)).
- 3 (12) If the individual is less than eighteen (18) years of age at the
4 time of issuance, the dates on which the individual will become:
5 (A) eighteen (18) years of age; and
6 (B) twenty-one (21) years of age.
- 7 (13) If the individual is at least eighteen (18) years of age but less
8 than twenty-one (21) years of age at the time of issuance, the date
9 on which the individual will become twenty-one (21) years of age.
- 10 (14) Digital photograph of the individual.
- 11 (c) The information contained on the identification card as required
12 by subsection (b)(12) or (b)(13) for an individual who is less than
13 twenty-one (21) years of age at the time of issuance shall be **printed**
14 **notated** prominently on the identification card.
- 15 (d) If the individual complies with section 2(e) or 2(f) of this
16 chapter, an indication of the individual's veteran status or status as the
17 surviving spouse of a veteran of the armed forces of the United States,
18 as applicable, shall be shown on the identification card.
- 19 (e) If the applicant for an identification card submits information to
20 the bureau concerning the applicant's medical condition, the bureau
21 shall place an identifying symbol on the face of the identification card
22 to indicate that the applicant has a medical condition of note. The
23 bureau shall include information on the identification card that briefly
24 describes the medical condition of the holder of the card. The
25 information must be printed in a manner that alerts a person reading the
26 card to the existence of the medical condition. The applicant for an
27 identification card is responsible for the accuracy of the information
28 concerning the medical condition submitted under this subsection. The
29 bureau shall inform an applicant that submission of information under
30 this subsection is voluntary.
- 31 (f) An identification card issued by the state to an individual who:
32 (1) has a valid, unexpired nonimmigrant visa or has nonimmigrant
33 visa status for entry in the United States;
34 (2) has a pending application for asylum in the United States;
35 (3) has a pending or approved application for temporary protected
36 status in the United States;
37 (4) has approved deferred action status; or
38 (5) has a pending application for adjustment of status to that of an
39 alien lawfully admitted for permanent residence in the United
40 States or conditional permanent residence status in the United
41 States;
42 must be clearly identified as a temporary identification card. A



1 temporary identification card issued under this subsection may not be
 2 renewed without the presentation of valid documentary evidence
 3 proving that the holder of the identification card's temporary status has
 4 been extended.

5 (g) For purposes of subsection (b), an individual certified as a
 6 program participant in the address confidentiality program under
 7 IC 5-26.5 is not required to provide the address of the individual's
 8 principal residence, but may provide an address designated by the
 9 office of the attorney general under IC 5-26.5 as the address of the
 10 individual's principal residence.

11 (h) The bureau shall validate an identification card for Class B
 12 motor driven cycle operation upon a highway by endorsement to an
 13 individual who:

- 14 (1) applies for or has previously been issued an identification card
 15 under this chapter;
- 16 (2) makes the appropriate application for endorsement; and
- 17 (3) satisfactorily completes the test required under section 3.6 of
 18 this chapter.

19 The bureau shall place a designation on the face of the identification
 20 card to indicate that the individual has received a Class B motor driven
 21 cycle endorsement.

22 SECTION 13. IC 9-24-17.5 IS ADDED TO THE INDIANA CODE
 23 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2019]:

25 **Chapter 17.5. Mobile Credentials**

26 **Sec. 1. The bureau shall develop a secure and uniform system to**
 27 **issue mobile credentials that can be accessed through an**
 28 **application on a telecommunications device.**

29 **Sec. 2. In addition to a physical credential issued under this**
 30 **article, upon request by an applicant, the bureau shall issue a**
 31 **mobile credential to an individual who satisfies the requirements**
 32 **for application under this article for the following:**

- 33 (1) A driver's license.
- 34 (2) A learner's permit.
- 35 (3) An identification card.
- 36 (4) A photo exempt identification card.

37 **Sec. 3. (a) The bureau shall adopt rules under IC 4-22-2,**
 38 **including emergency rules adopted in the manner provided under**
 39 **IC 4-22-2-37.1, to administer this chapter.**

40 **(b) An emergency rule adopted by the bureau under this section**
 41 **expires on the earlier of the following dates:**

- 42 (1) The expiration date stated in the emergency rule.



- 1 **(2) The date the emergency rule is amended or repealed by a**
- 2 **later rule adopted under IC 4-22-2-22.5 through IC 4-22-2-36**
- 3 **or under IC 4-22-2-37.1.**
- 4 **(c) The bureau may adopt rules to impose a fee to issue a mobile**
- 5 **credential as set forth in IC 9-14-8-3(4).**

