



February 20, 2019

SENATE BILL No. 210

DIGEST OF SB 210 (Updated February 19, 2019 1:37 pm - DI 120)

Citations Affected: IC 9-25; IC 9-30; IC 11-10; noncode.

Synopsis: Driver's license suspension, restriction, and reinstatement. Requires the bureau of motor vehicles (bureau) to administer an amnesty program to reduce reinstatement fees for a suspension of driving privileges for failure to appear in court or failure to pay a judgment. Provides that the bureau shall reduce an individual's liability to pay a reinstatement fee if: (1) the reinstatement fee or suspension of driving privileges for failure to appear in court or failure to pay a judgment was imposed before January 1, 2019; (2) the individual files a petition with the bureau after June 30, 2019, and before October 1, 2019; and (3) the bureau determines that the individual has proof of future financial responsibility. Provides that the department of correction shall assist a committed offender in: (1) obtaining driving privileges; (2) reinstating driving privileges; (3) applying for a waiver of reinstatement fees; and (4) establishing proof of financial
(Continued next page)

Effective: Upon passage; July 1, 2019.

**Taylor G, Young M, Bohacek,
Randolph Lonnie M, Tallian, Sandlin**

January 3, 2019, read first time and referred to Committee on Corrections and Criminal Law.

January 24, 2019, amended, reported favorably — Do Pass; reassigned to Committee on Tax and Fiscal Policy.

February 19, 2019, amended, reported favorably — Do Pass.

SB 210—LS 6369/DI 106



Digest Continued

responsibility; so that the committed offender may be eligible for driving privileges when the offender is subsequently released on parole, assigned to a community transition program, or discharged from the department. Specifies that the bureau may restrict, but not suspend, the driving privileges of a person who operates a motor vehicle without proof of financial responsibility. Specifies that a person whose driving privileges are restricted may only operate a motor vehicle while going to or returning from: (1) lawful employment; (2) parenting time; (3) medical appointments; and (4) educational or vocational training. Makes operating a motor vehicle in violation of the terms of a restricted license a Class C misdemeanor. Provides that a person with restricted driving privileges is not required to pay a reinstatement fee for restoration of unrestricted driving privileges. Makes technical corrections and conforming amendments. Urges the legislative council to assign to the appropriate interim study committee the task of studying: (1) the prospective reduction of reinstatement fees; and (2) the establishment of an insurance program to provide funding to insurance carriers to reduce the automobile insurance premium costs of individuals whose annual household income does not exceed 200% of the federal income poverty level.

SB 210—LS 6369/DI 106



February 20, 2019

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. 210

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-25-3-2, AS AMENDED BY P.L.198-2016,
2 SECTION 540, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) Whenever under Indiana law
4 the bureau may **restrict**, suspend, or revoke a driver's license or driving
5 privileges if the operator of a motor vehicle is an Indiana resident, the
6 bureau may **restrict**, suspend, or revoke the driver's license or driving
7 privileges of or forbid the operation of a motor vehicle in Indiana by an
8 operator who is a nonresident.
9 (b) Whenever under Indiana law the bureau may **restrict**, suspend,
10 or revoke the registration certificate and registration plates of a motor
11 vehicle if the owner of the motor vehicle is an Indiana resident, the
12 bureau may forbid the operation within Indiana of a motor vehicle if
13 the owner of the motor vehicle is a nonresident.
14 (c) The bureau shall transmit to the motor vehicle bureau or state
15 officer performing the functions of a bureau in the state in which a
16 nonresident resides a certified copy of the following:

SB 210—LS 6369/DI 106



1 (1) A conviction of, or an administrative action concerning, the
 2 nonresident that has resulted in the **restriction or** suspension of
 3 the nonresident's driving privilege in Indiana.

4 (2) An unsatisfied judgment rendered against a nonresident that
 5 has resulted in the **restriction or** suspension of the nonresident's
 6 driving privilege in Indiana.

7 SECTION 2. IC 9-25-3-4, AS AMENDED BY P.L.59-2013,
 8 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2019]: Sec. 4. Whenever the proof of financial responsibility
 10 filed by a person under this article no longer fulfills the purpose for
 11 which the proof was required, the bureau shall require from the person
 12 other proof of financial responsibility under this article. If the person
 13 does not provide other proof of financial responsibility under this
 14 article, the bureau shall ~~suspend restrict~~ the driving privileges ~~or~~
 15 ~~motor vehicle registration, or both, as determined by the bureau,~~ of the
 16 person.

17 SECTION 3. IC 9-25-3-8 IS ADDED TO THE INDIANA CODE
 18 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
 19 1, 2019]: **Sec. 8. A person whose driving privileges are restricted**
 20 **under this article for failure to provide proof of financial**
 21 **responsibility, or for failure to satisfy a judgment, may only**
 22 **operate a motor vehicle while going to or returning from:**

23 (1) lawful employment;

24 (2) parenting time (as defined in IC 31-9-2-88.5);

25 (3) medical appointments or treatment; and

26 (4) a school, a postsecondary educational institution, or
 27 vocational training.

28 SECTION 4. IC 9-25-4-1, AS AMENDED BY P.L.259-2013,
 29 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2019]: Sec. 1. (a) This section does not apply to:

31 (1) an electric personal assistive mobility device;

32 (2) an off-road vehicle; or

33 (3) a snowmobile.

34 (b) A person may not:

35 (1) register a motor vehicle; or

36 (2) operate a motor vehicle on a public highway;

37 in Indiana if financial responsibility is not in effect with respect to the
 38 motor vehicle under section 4 of this chapter, or the person is not
 39 otherwise insured in order to operate the motor vehicle.

40 (c) A person who violates this section is subject to the ~~suspension~~
 41 **restriction** of the person's current driving privileges ~~or motor vehicle~~
 42 ~~registration, or both,~~ under this article.



1 SECTION 5. IC 9-25-4-3, AS AMENDED BY P.L.59-2013,
 2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2019]: Sec. 3. (a) Financial responsibility in one (1) of the
 4 forms required under this chapter must be continuously maintained as
 5 long as a motor vehicle is operated on a public highway in Indiana.

6 (b) The bureau may, at any time, verify that a person has financial
 7 responsibility in effect as required under this article.

8 (c) The bureau shall ~~suspend restrict~~ the driving privileges ~~or motor~~
 9 ~~vehicle registration, or both,~~ of a person who fails to maintain financial
 10 responsibility as required under this article.

11 (d) In order to comply with this section, the bureau may contract
 12 with a third party to request proof of financial responsibility from a
 13 person as required under this article. The third party must comply with
 14 the requirements of this article and any rules adopted by the bureau.

15 SECTION 6. IC 9-25-5-1, AS AMENDED BY P.L.59-2013,
 16 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2019]: Sec. 1. (a) If a person is convicted of a traffic offense
 18 that requires a court appearance, the court shall require the person to
 19 show proof that financial responsibility was in force on the date of the
 20 violation in one (1) of the forms described in IC 9-25-4-4 or in the form
 21 of a certificate of self-insurance issued under IC 9-25-4-11.

22 (b) If a person fails to provide proof of financial responsibility as
 23 required by this section, the court shall ~~suspend restrict~~ the person's
 24 current driving privileges. ~~or motor vehicle registration, or both.~~ If the
 25 court fails to recommend a fixed term of ~~suspension, restriction,~~ or
 26 recommends a fixed term that is less than the minimum term of
 27 ~~suspension restriction~~ required under this article, the bureau shall
 28 impose the applicable minimum term of ~~suspension restriction~~
 29 required under this article.

30 (c) A ~~suspension restriction~~ under this section is subject to the
 31 same provisions concerning procedure for ~~suspension, restriction,~~
 32 duration of ~~suspension, restriction,~~ and reinstatement applicable to
 33 other ~~suspensions restrictions~~ under this article.

34 SECTION 7. IC 9-25-5-3, AS AMENDED BY P.L.149-2015,
 35 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2019]: Sec. 3. (a) A request for evidence of financial
 37 responsibility must do the following:

38 (1) Direct the person to provide the bureau with evidence that
 39 financial responsibility was in effect with respect to the motor
 40 vehicle, or the operation of the motor vehicle, operated by the
 41 person on the date requested.

42 (2) Instruct the person on how to furnish the bureau with evidence



1 of financial responsibility in compliance with this article.

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

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

9 SECTION 8. IC 9-25-5-4, AS AMENDED BY P.L.120-2017,
10 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2019]: Sec. 4. (a) To avoid ~~suspension restriction~~ of driving
12 privileges ~~or motor vehicle registration suspension; or both;~~ under this
13 article, a person identified under section 2 of this chapter who receives
14 a request for evidence of financial responsibility must ensure that the
15 insurance company of the person provides the bureau with a certificate
16 of compliance indicating that financial responsibility required by
17 IC 9-25-4-1 was in effect with respect to the motor vehicle, or the
18 operation of the motor vehicle, on the date of the accident described in
19 the accident report. It is the responsibility of the person who receives
20 a request for evidence of financial responsibility to ensure that the
21 insurance company of the person has provided a certificate of
22 compliance.

23 (b) Proof that the bureau:

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

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

32 (3) suspended the driving privileges or motor vehicle registration,
33 or both, **or restricted the driving privileges**, under IC 9-25-6-3
34 after presenting a person with a request for evidence of financial
35 responsibility under section 2 of this chapter;

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

41 SECTION 9. IC 9-25-5-7, AS AMENDED BY P.L.10-2014,
42 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2019]: Sec. 7. Whenever a person required to give proof of
 2 financial responsibility under this article is not the owner of a motor
 3 vehicle, the following apply:

4 (1) If the person seeks only to reinstate the person's **restricted or**
 5 suspended driver's license or driving privileges, the person is not
 6 required to give proof of financial responsibility.

7 (2) If subdivision (1) does not apply, an operator's policy of
 8 liability insurance is sufficient proof of financial responsibility.

9 SECTION 10. IC 9-25-6-0.5, AS ADDED BY P.L.217-2014,
 10 SECTION 101, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2019]: Sec. 0.5. If a court orders the **restriction**
 12 **or** suspension of a person's driving privileges, the bureau shall **restrict**
 13 **or** suspend the person's driving privileges in accordance with the court
 14 order, even if the court's order conflicts with a previous bureau action.

15 SECTION 11. IC 9-25-6-1, AS AMENDED BY P.L.120-2017,
 16 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2019]: Sec. 1. (a) If:

18 (1) the bureau receives a certificate of compliance during the
 19 applicable compliance response period for a person identified
 20 under IC 9-25-5-2; and

21 (2) the certificate of compliance indicates that financial
 22 responsibility was in effect with respect to the motor vehicle or
 23 the operation of the motor vehicle at the time of the accident
 24 described in the accident report;

25 the bureau may not ~~suspend~~ **restrict** the person's driving privileges.

26 (b) If:

27 (1) the bureau receives a certificate of compliance during the
 28 applicable compliance response period from a person presented
 29 with a request for evidence of financial responsibility under
 30 IC 9-25-9-1; and

31 (2) the certificate of compliance indicates that financial
 32 responsibility was in effect with respect to the motor vehicle or
 33 the operation of the motor vehicle that the person was operating
 34 when the person committed the violation described in the
 35 judgment or abstract received by the bureau under IC 9-25-9-1;

36 the bureau may not ~~suspend~~ **restrict** the person's driving privileges.

37 (c) If:

38 (1) the bureau receives a certificate of compliance during the
 39 applicable compliance response period for a person identified
 40 under IC 9-25-10 (before its repeal); and

41 (2) the certificate of compliance indicates that financial
 42 responsibility was in effect with respect to the motor vehicle or



1 the operation of the motor vehicle for the date requested;
 2 the bureau may not ~~suspend~~ **restrict** the driving privileges of the
 3 person.

4 SECTION 12. IC 9-25-6-2, AS AMENDED BY P.L.59-2013,
 5 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2019]: Sec. 2. (a) If the bureau finds that a statement as to the
 7 existence of financial responsibility in a certificate of compliance
 8 received for a person identified under IC 9-25 is materially false, the
 9 bureau shall take action under subsection (b).

10 (b) Upon finding that the statement referred to in subsection (a) is
 11 false, the bureau shall immediately ~~suspend~~ **restrict** the person's
 12 driving privileges ~~or motor vehicle registration, or both, as determined~~
 13 ~~by the bureau,~~ for at least ninety (90) days and not more than one (1)
 14 year.

15 SECTION 13. IC 9-25-6-3, AS AMENDED BY P.L.120-2017,
 16 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2019]: Sec. 3. (a) If the bureau:

18 (1) does not receive a certificate of compliance during the
 19 applicable compliance response period for a person identified
 20 under IC 9-25-5-2; or

21 (2) receives a certificate that does not indicate that financial
 22 responsibility was in effect with respect to the motor vehicle
 23 operated by the person or operation of the motor vehicle by the
 24 person on the date of the accident referred to in IC 9-25-5-2;

25 the bureau shall take action under subsection (d).

26 (b) If the bureau:

27 (1) does not receive a certificate of compliance during the
 28 applicable compliance response period for a person presented
 29 with a request for evidence of financial responsibility under
 30 IC 9-25-9-1; or

31 (2) receives a certificate that does not indicate that financial
 32 responsibility was in effect with respect to the motor vehicle or
 33 operation of the motor vehicle that the person was operating when
 34 the person committed the violation described in the judgment or
 35 abstract received by the bureau under IC 9-25-9-1;

36 the bureau shall take action under subsection (d).

37 (c) If the bureau:

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

41 (2) receives a certificate that does not indicate that financial
 42 responsibility was in effect on the date requested;



- 1 the bureau shall take action under subsection (d).
- 2 (d) Under the conditions set forth in subsection (a), (b), or (c), the
3 bureau shall immediately ~~suspend restrict~~ the person's driving
4 privileges ~~or motor vehicle registration, or both~~, as ~~determined by the~~
5 ~~bureau~~, for at least ninety (90) days and not more than one (1) year.
6 The ~~suspension restriction~~ of a person's driving privileges ~~or motor~~
7 ~~vehicle registration, or both~~, may be imposed only one (1) time under
8 this subsection or IC 9-25-8-2 for the same incident.
- 9 (e) Except as provided in subsection (f), if subsection (a), (b), or (c)
10 applies to a person, the bureau shall ~~suspend restrict~~ the driving
11 privileges of the person irrespective of the following:
- 12 (1) The sale or other disposition of the motor vehicle by the
13 owner.
 - 14 (2) The cancellation or expiration of the registration of the motor
15 vehicle.
 - 16 (3) An assertion by the person that the person did not own the
17 motor vehicle and therefore had no control over whether financial
18 responsibility was in effect with respect to the motor vehicle.
- 19 (f) The bureau shall not ~~suspend restrict~~ the driving privileges of
20 a person to which subsection (a), (b), or (c) applies if the person,
21 through a certificate of compliance or another communication with the
22 bureau, establishes to the satisfaction of the bureau that the motor
23 vehicle that the person was operating when the accident referred to in
24 subsection (a) took place or when the violation referred to in subsection
25 (b) or (c) was committed was:
- 26 (1) rented from a rental company; or
 - 27 (2) owned by the person's employer and operated by the person in
28 the normal course of the person's employment.
- 29 SECTION 14. IC 9-25-6-3.5, AS AMENDED BY P.L.198-2016,
30 SECTION 542, IS AMENDED TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2019]: Sec. 3.5. If a person violates:
- 32 (1) IC 9-25-4;
 - 33 (2) IC 9-25-5;
 - 34 (3) section 2 or 3 of this chapter; or
 - 35 (4) IC 9-25-10 (before its repeal);
- 36 more than one (1) time within a three (3) year period, the person's
37 driving privileges shall be ~~suspended restricted~~ for one (1) year.
- 38 SECTION 15. IC 9-25-6-4, AS AMENDED BY P.L.59-2013,
39 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2019]: Sec. 4. (a) This section does not apply to judgments
41 entered by a court at least seven (7) years after the date of the accident.
42 (b) "Judgment", as used in this section, means a judgment in excess



1 of two hundred dollars (\$200) for bodily injury, death, or property
 2 damages arising out of the use of a motor vehicle upon a public
 3 highway.

4 (c) The bureau shall ~~suspend~~ **restrict** for a period of not more than
 5 seven (7) years from the date of judgment the driving privileges of a
 6 person upon receiving a verified report that the person has failed for a
 7 period of ninety (90) days to satisfy a judgment.

8 SECTION 16. IC 9-25-6-6, AS AMENDED BY P.L.125-2012,
 9 SECTION 262, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) The bureau may not ~~suspend~~
 11 **restrict** the driving privileges of a person and shall reinstate the driving
 12 privileges of a person following nonpayment of a judgment whenever
 13 a judgment debtor does the following:

14 (1) Gives proof that the judgment debtor will maintain financial
 15 responsibility in the future for at least three (3) years following
 16 reinstatement.

17 (2) Obtains an order from the trial court in which the judgment
 18 was rendered permitting the payment of the judgment in
 19 installments, unless the payment of an installment is in default.

20 (b) A judgment debtor, upon five (5) days notice to the judgment
 21 creditor, may apply to the trial court in which the judgment was
 22 obtained for the privilege of paying the judgment in installments. The
 23 court, in the court's discretion and without prejudice to other legal
 24 remedies the judgment creditor may have, may order the payment of
 25 the judgment in installments, fixing the amounts and times of payment
 26 of the installments.

27 (c) Except as provided in subsection (d), if the judgment debtor fails
 28 to pay an installment as permitted by the order of the court, upon notice
 29 of the default the bureau shall ~~suspend~~ **restrict** the driving privileges
 30 of the judgment debtor. The bureau may not take action for failure to
 31 make installment payments for judgments entered at least seven (7)
 32 years after the date of the accident. ~~Suspended Restricted~~ driving
 33 privileges may not be reinstated until evidence of proof of future
 34 financial responsibility is presented.

35 (d) Notwithstanding a default by the judgment debtor in the
 36 payment of a judgment or the payment of an installment under
 37 subsection (b), whenever the judgment creditor consents in writing, in
 38 the form the bureau prescribes, that the judgment debtor be allowed
 39 driving privileges and registration, the driving privileges and
 40 registration may be allowed by the bureau at the bureau's discretion.
 41 The driving privileges and registration may be renewed until the
 42 consent is revoked in writing if the judgment debtor furnishes proof



1 under this article that the judgment debtor will maintain financial
 2 responsibility in the future for at least three (3) years following
 3 reinstatement.

4 SECTION 17. IC 9-25-6-7, AS AMENDED BY P.L.125-2012,
 5 SECTION 263, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2019]: Sec. 7. Except as provided in sections 5
 7 and 6 of this chapter, a ~~suspension restriction~~ required in sections 4
 8 and 6 of this chapter remains in effect ~~and no other motor vehicle may~~
 9 ~~be registered in the name of the judgment debtor or a new license~~
 10 ~~issued to the judgment debtor~~, until the following occur:

11 (1) The judgment is satisfied or stayed.

12 (2) The judgment debtor gives proof of future financial
 13 responsibility for three (3) years, as provided in this article.

14 SECTION 18. IC 9-25-6-9, AS AMENDED BY P.L.125-2012,
 15 SECTION 265, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2019]: Sec. 9. The court shall forward to the
 17 bureau a certified abstract of the record of a judgment for damages if
 18 the rendering and nonpayment of the judgment requires the bureau to
 19 ~~suspend or revoke restrict~~ the driving privileges of the judgment
 20 debtor under this article. The abstract shall be forwarded to the bureau
 21 immediately upon the expiration of thirty (30) days after the judgment
 22 becomes final and has not been stayed or satisfied, as shown by the
 23 records of the court.

24 SECTION 19. IC 9-25-6-14, AS AMENDED BY P.L.59-2013,
 25 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2019]: Sec. 14. (a) The bureau shall reinstate the driving
 27 privileges or motor vehicle registration, or both:

28 (1) subject to section 15 of this chapter, after expiration of the
 29 imposed period of ~~suspension restriction~~ if the person has
 30 furnished the bureau with proof of future financial responsibility;
 31 or

32 (2) if financial responsibility was in effect with respect to a motor
 33 vehicle on the date requested but the bureau does not receive a
 34 certificate of compliance indicating this fact until after the
 35 person's driving privileges are ~~suspended restricted~~ under this
 36 article, the person's driving privileges shall be reinstated when the
 37 bureau receives the certificate of compliance.

38 (b) Upon receipt of a certificate of compliance under this section,
 39 the bureau shall remove from the person's driving record the
 40 administrative ~~suspension restriction~~ caused by the failure to notify
 41 the bureau that the person had financial responsibility in effect on the
 42 date of the violation.



1 SECTION 20. IC 9-25-6-15, AS AMENDED BY P.L.198-2016,
 2 SECTION 543, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2019]: Sec. 15. (a) An individual:

- 4 (1) whose driving privileges are suspended under this article; and
 5 (2) who seeks the reinstatement of the driving privileges;

6 must pay a reinstatement fee to the bureau as provided in subsection
 7 (b).

8 (b) The reinstatement fee under subsection (a) is as follows:

9 (1) For a first suspension, two hundred fifty dollars (\$250).

10 (2) For a second suspension, five hundred dollars (\$500).

11 (3) For a third or subsequent suspension, one thousand dollars
 12 (\$1,000).

13 (c) Each fee paid under this section shall be deposited in the
 14 financial responsibility compliance verification fund established by
 15 IC 9-25-9-7 as follows:

16 (1) One hundred twenty dollars (\$120) for a fee paid after a first
 17 suspension.

18 (2) One hundred ninety-five dollars (\$195) for a fee paid after a
 19 second suspension.

20 (3) Two hundred seventy dollars (\$270) for a fee paid after a third
 21 or subsequent suspension.

22 The remaining amount of each fee paid under this section must be
 23 deposited in the motor vehicle highway account.

24 (d) If:

25 (1) a person's driving privileges are suspended for registering or
 26 operating a vehicle in violation of IC 9-25-4-1;

27 (2) the person is required to pay a fee for the reinstatement of the
 28 person's license under this section; and

29 (3) the person later establishes that the person did not register or
 30 operate a vehicle in violation of IC 9-25-4-1;

31 the fee paid by the person under this section shall be refunded.

32 **(e) A person whose driving privileges have been restricted is not**
 33 **required to pay a reinstatement fee for the reinstatement of**
 34 **unrestricted driving privileges.**

35 SECTION 21. IC 9-25-6-15.2 IS ADDED TO THE INDIANA
 36 CODE AS A NEW SECTION TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2019]: **Sec. 15.2. (a) The bureau shall**
 38 **administer an amnesty program to reduce reinstatement fees**
 39 **imposed before January 1, 2019, under section 15 of this chapter**
 40 **as set forth in this section.**

41 **(b) An individual who is liable for a reinstatement fee under**
 42 **section 15 of this chapter for a suspension of driving privileges**



1 under IC 9-30-3-8(d) in which the reinstatement fee or suspension
 2 of driving privileges under IC 9-30-3-8(d) was imposed before
 3 January 1, 2019, may file a petition with the bureau for a reduction
 4 of the reinstatement fee in the individual's county of residence. The
 5 individual must include with a petition filed under this subsection
 6 proof of future financial responsibility in the form and in the
 7 manner required by the bureau.

8 (c) A petition filed under subsection (b) must be filed after June
 9 30, 2019, and before October 1, 2019.

10 (d) The bureau shall reduce an individual's liability to pay a
 11 reinstatement fee under section 15 of this chapter for a suspension
 12 of driving privileges under IC 9-30-3-8(d) if the following apply:

13 (1) The reinstatement fee or suspension of driving privileges
 14 under IC 9-30-3-8(d) was imposed before January 1, 2019.

15 (2) The individual files a petition with the bureau under
 16 subsection (b).

17 (3) The petition is filed within the time period set forth under
 18 subsection (c).

19 (4) The bureau determines that the individual has proof of
 20 future financial responsibility.

21 (e) The amount of a reduction of an individual's liability for a
 22 reinstatement fee that is granted by the bureau under this section
 23 is equal to:

24 (1) the amount of the reinstatement fee imposed under section
 25 15 of this chapter; multiplied by

26 (2) fifty percent (50%).

27 (f) This section expires July 1, 2020.

28 SECTION 22. IC 9-25-6-19.2, AS AMENDED BY P.L.59-2013,
 29 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2019]: Sec. 19.2. The bureau may ~~suspend~~ **restrict** the driving
 31 privileges or ~~registration of a motor vehicle, or both,~~ of a person who
 32 provides the bureau with false evidence of financial responsibility
 33 under this article.

34 SECTION 23. IC 9-25-7-1, AS AMENDED BY P.L.59-2013,
 35 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2019]: Sec. 1. The bureau may not **restrict**, suspend, or
 37 revoke the driver's license, driving privileges, or registration plates of
 38 the owner or operator of a motor vehicle who has been involved in a
 39 motor vehicle accident resulting in bodily injury or death or in damage
 40 to property in excess of one thousand dollars (\$1,000) solely because
 41 of failure to provide evidence of financial responsibility whenever the:

42 (1) owner or operator was insured by an insurance company for



1 public liability and property damage at the time of the accident;
2 and

3 (2) insurance company becomes insolvent after the accident or
4 within fifteen (15) days before the accident;

5 if the insurance company was authorized and qualified to do business
6 in Indiana on the effective date of the policy.

7 SECTION 24. IC 9-25-7-6, AS AMENDED BY P.L.198-2016,
8 SECTION 546, IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) This section does not apply
10 to an Indiana resident or an individual who operates a motor vehicle in
11 Indiana.

12 (b) Subject to subsection (c), an individual:

13 (1) whose driver's license, driving privileges, or registration was
14 suspended **or restricted** and who is required to prove financial
15 responsibility extending into the future in order to have the
16 individual's driving privileges reinstated; and

17 (2) who no longer operates a motor vehicle in Indiana and has
18 become a nonresident;

19 is not required to prove financial responsibility into the future in order
20 to have the individual's driver's license, driving privileges, or
21 registration temporarily reinstated to allow licensing or registration in
22 the other state or foreign jurisdiction.

23 (c) An individual described in subsection (b) who, during the three
24 (3) year period following the ~~suspension~~ **restriction** described in
25 subsection (b)(1), applies to the bureau for a driver's license or registers
26 a motor vehicle in Indiana must maintain proof of future financial
27 responsibility for the unexpired portion of the three (3) year period as
28 required under this article.

29 SECTION 25. IC 9-25-8-2, AS AMENDED BY P.L.198-2016,
30 SECTION 547, IS AMENDED TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) A person that knowingly:

32 (1) operates; or

33 (2) permits the operation of;

34 a motor vehicle on a public highway in Indiana without financial
35 responsibility in effect as set forth in IC 9-25-4-4 commits a Class A
36 infraction. However, the offense is a Class C misdemeanor if the
37 person knowingly or intentionally violates this section and has a prior
38 unrelated conviction or judgment under this section.

39 (b) Subsection (a)(2) applies to:

40 (1) the owner of a rental company under IC 9-25-6-3(f)(1); and

41 (2) an employer under IC 9-25-6-3(f)(2).

42 (c) In addition to any other penalty imposed on a person for



1 violating this section, the court shall recommend the ~~suspension~~
 2 **restriction** of the person's driving privileges for at least ninety (90)
 3 days but not more than one (1) year. However, if, within the five (5)
 4 years preceding the conviction under this section, the person had a
 5 prior unrelated conviction under this section, the court shall
 6 recommend the ~~suspension restriction~~ of the person's driving
 7 privileges ~~and motor vehicle registration~~ for one (1) year.

8 (d) Upon receiving the recommendation of the court under
 9 subsection (c), the bureau shall ~~suspend restrict~~ the person's driving
 10 privileges ~~and motor vehicle registration, as applicable,~~ for the period
 11 recommended by the court. If no ~~suspension restriction~~ is
 12 recommended by the court, or if the court recommends a fixed term
 13 that is less than the minimum term required by statute, the bureau shall
 14 impose the minimum period of ~~suspension restriction~~ required under
 15 this article. The ~~suspension restriction~~ of a person's driving privileges
 16 or motor vehicle registration, or both, may be imposed only one (1)
 17 time under this subsection or IC 9-25-6 for the same incident.

18 SECTION 26. IC 9-25-8-4, AS AMENDED BY P.L.125-2012,
 19 SECTION 282, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. The commissioner is not required
 20 to notify the prosecuting attorney of a driver who has had driving
 21 privileges ~~suspended restricted~~ for failure to prove financial
 22 responsibility under this article.

23 SECTION 27. IC 9-25-8-6, AS AMENDED BY P.L.10-2014,
 24 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2019]: Sec. 6. (a) This section applies to a person:

- 26 (1) who is convicted of;
- 27 (2) against whom a judgment is entered for;
- 28 (3) against whom the bureau has taken administrative action for;
- 29 or
- 30 (4) who the bureau otherwise determines was;

31 operating a motor vehicle without financial responsibility in violation
 32 of this article.

33 (b) A person described in subsection (a) must provide proof of
 34 future financial responsibility:

- 35 (1) for a first or second offense, for a period of three (3) years; or
 - 36 (2) for a third or subsequent offense, for a period of five (5) years;
- 37 beginning on the date on which the ~~suspension restriction~~ of the
 38 person's driving privileges terminates.

39 SECTION 28. IC 9-25-9-1, AS AMENDED BY P.L.149-2015,
 40 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2019]: Sec. 1. (a) After the bureau receives:



1 (1) a certified abstract under IC 9-30-13-0.5 of the record of
2 conviction of a person for a violation of a law relating to motor
3 vehicles;
4 (2) a judgment or an abstract under IC 9-30-3-11 of a case
5 resulting in a conviction, judgment, or forfeiture of security
6 deposit; or
7 (3) a judgment, abstract, or other court order indicating the
8 conviction of a person for a violation of a law relating to motor
9 vehicles;
10 the bureau shall determine whether the bureau is required under
11 subsection (b) to send to the person named in the judgment, abstract,
12 or other court order a request for evidence of financial responsibility.
13 (b) The bureau shall send a request for evidence of financial
14 responsibility to a person referred to in subsection (a) if at least one (1)
15 of the following applies to the person:
16 (1) The judgment, abstract, or other court order referred to in
17 subsection (a) reports that the person committed a moving traffic
18 violation for which points are assessed by the bureau under the
19 point system, and, during a twelve (12) month period including
20 the date of the violation referred to in the judgment, abstract, or
21 other court order, the person committed at least two (2) additional
22 moving traffic violations for which points are assessed by the
23 bureau under the point system.
24 (2) The judgment, abstract, or other court order referred to in
25 subsection (a) reports that the person was convicted of:
26 (A) a misdemeanor; or
27 (B) a felony;
28 involving a motor vehicle.
29 (3) The judgment, abstract, or other court order referred to in
30 subsection (a) reports that the person committed a moving traffic
31 violation for which points are assessed by the bureau under the
32 point system and the driving privileges of the person were
33 previously **restricted or** suspended for violation of the financial
34 responsibility requirements of IC 9-25.
35 (c) The expungement or other removal from a person's record of an
36 underlying judgment or conviction for which the bureau sends to the
37 person a request for evidence of financial responsibility under this
38 section does not alter or otherwise affect a penalty imposed by the
39 bureau on the person for the person's failure to provide evidence of
40 financial responsibility under this article.
41 SECTION 29. IC 9-25-9-2, AS AMENDED BY P.L.149-2015,
42 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2019]: Sec. 2. The request for evidence of financial
 2 responsibility presented to a person under section 1 of this chapter must
 3 do the following:

4 (1) Direct the person to ensure that the insurance company of the
 5 person provide the bureau with evidence that financial
 6 responsibility was in effect with respect to the motor vehicle that
 7 the person was operating when the person committed the violation
 8 described in the judgment or abstract.

9 (2) Instruct the person on how to furnish the bureau with evidence
 10 of financial responsibility as specified in this article.

11 (3) Inform the person that failure of the insurance company of the
 12 person to provide evidence of financial responsibility to the
 13 bureau, if not already provided, will result in ~~suspension~~
 14 **restriction** of the person's current driving privileges ~~or motor~~
 15 ~~vehicle registration, or both,~~ under this article.

16 SECTION 30. IC 9-25-9-3, AS AMENDED BY P.L.125-2012,
 17 SECTION 285, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2019]: Sec. 3. To avoid ~~suspension restriction~~
 19 of driving privileges ~~or motor vehicle registration suspension~~ under this
 20 article, a person presented with a request for evidence of financial
 21 responsibility under section 1 of this chapter must ensure that the
 22 insurance company of the person provides the bureau with a certificate
 23 of compliance indicating that financial responsibility as required by
 24 IC 9-25-4-1 was in effect when the person committed the violation
 25 described in the judgment or abstract.

26 SECTION 31. IC 9-30-16-5, AS AMENDED BY THE
 27 TECHNICAL CORRECTIONS BILL OF THE 2019 GENERAL
 28 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2019]: Sec. 5. (a) A person who knowingly or intentionally
 30 violates a condition imposed by a court under section 3, 3.5, or 4 of this
 31 chapter, or imposed under IC 9-30-10-14.2, commits a Class C
 32 misdemeanor. The prosecuting attorney may notify the court that issued
 33 the specialized driving privileges order of the alleged violation. If the
 34 specialized driving ~~privilege~~ **privileges** order is from a different
 35 county, the prosecuting attorney may also notify the prosecuting
 36 attorney in that county of the violation.

37 (b) For a person convicted of an offense under subsection (a), the
 38 court that issued the specialized driving ~~privilege~~ **privileges** order that
 39 was violated may modify or revoke specialized driving privileges. The
 40 court that issued the specialized driving ~~privilege~~ **privileges** order that
 41 was violated may order the bureau to lift the stay of a suspension of
 42 driving privileges and suspend the person's driving license as originally



1 ordered in addition to any additional suspension.

2 **(c) A person who knowingly or intentionally violates the terms**
 3 **of restricted driving privileges imposed under IC 9-25 commits a**
 4 **Class C misdemeanor.**

5 SECTION 32. IC 11-10-12-7 IS ADDED TO THE INDIANA
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2019]: **Sec. 7. (a) The department shall assist**
 8 **a committed offender in, if applicable:**

9 **(1) obtaining driving privileges;**

10 **(2) reinstating driving privileges;**

11 **(3) applying for a waiver of reinstatement fees under**
 12 **IC 9-25-6; and**

13 **(4) establishing proof of financial responsibility;**

14 **so that the committed offender may be eligible for driving**
 15 **privileges when the offender is subsequently released on parole,**
 16 **assigned to a community transition program, or discharged from**
 17 **the department.**

18 **(b) The department shall provide the assistance described in**
 19 **subsection (a) in sufficient time to enable a committed offender to**
 20 **secure driving privileges:**

21 **(1) upon release; or**

22 **(2) as soon as practicable after release.**

23 **(c) The department, in consultation with the bureau of motor**
 24 **vehicles, shall adopt rules under IC 4-22-2, including emergency**
 25 **rules under IC 4-22-2-37.1, to implement this section.**

26 SECTION 33. [EFFECTIVE UPON PASSAGE] **(a) The legislative**
 27 **council is urged to assign to an appropriate interim study**
 28 **committee the task of studying:**

29 **(1) the prospective reduction of reinstatement fees under**
 30 **IC 9-25-6-15; and**

31 **(2) the establishment of an insurance program to provide**
 32 **funding to insurance carriers to reduce the automobile**
 33 **insurance premium costs of individuals whose annual**
 34 **household income does not exceed two hundred percent**
 35 **(200%) of the federal income poverty level (as defined by**
 36 **IC 12-15-2-1).**

37 **(b) This SECTION expires December 31, 2019.**

38 SECTION 34. An emergency is declared for this act.



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 210, 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, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-25-3-2, AS AMENDED BY P.L.198-2016, SECTION 540, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) Whenever under Indiana law the bureau may **restrict**, suspend, or revoke a driver's license or driving privileges if the operator of a motor vehicle is an Indiana resident, the bureau may **restrict**, suspend, or revoke the driver's license or driving privileges of or forbid the operation of a motor vehicle in Indiana by an operator who is a nonresident.

(b) Whenever under Indiana law the bureau may **restrict**, suspend, or revoke the registration certificate and registration plates of a motor vehicle if the owner of the motor vehicle is an Indiana resident, the bureau may forbid the operation within Indiana of a motor vehicle if the owner of the motor vehicle is a nonresident.

(c) The bureau shall transmit to the motor vehicle bureau or state officer performing the functions of a bureau in the state in which a nonresident resides a certified copy of the following:

- (1) A conviction of, or an administrative action concerning, the nonresident that has resulted in the **restriction or** suspension of the nonresident's driving privilege in Indiana.
- (2) An unsatisfied judgment rendered against a nonresident that has resulted in the **restriction or** suspension of the nonresident's driving privilege in Indiana.

SECTION 2. IC 9-25-3-4, AS AMENDED BY P.L.59-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. Whenever the proof of financial responsibility filed by a person under this article no longer fulfills the purpose for which the proof was required, the bureau shall require from the person other proof of financial responsibility under this article. If the person does not provide other proof of financial responsibility under this article, the bureau shall ~~suspend~~ **restrict** the driving privileges ~~or motor vehicle registration, or both, as determined by the bureau,~~ of the person.

SECTION 3. IC 9-25-3-8 IS ADDED TO THE INDIANA CODE

SB 210—LS 6369/DI 106



AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 8. A person whose driving privileges are restricted under this article for failure to provide proof of financial responsibility, or for failure to satisfy a judgment, may only operate a motor vehicle while going to or returning from:**

- (1) lawful employment;**
- (2) parenting time (as defined in IC 31-9-2-88.5);**
- (3) medical appointments or treatment; and**
- (4) a school, a postsecondary educational institution, or vocational training.**

SECTION 4. IC 9-25-4-1, AS AMENDED BY P.L.259-2013, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) This section does not apply to:

- (1) an electric personal assistive mobility device;
- (2) an off-road vehicle; or
- (3) a snowmobile.

(b) A person may not:

- (1) register a motor vehicle; or
- (2) operate a motor vehicle on a public highway;

in Indiana if financial responsibility is not in effect with respect to the motor vehicle under section 4 of this chapter, or the person is not otherwise insured in order to operate the motor vehicle.

(c) A person who violates this section is subject to the ~~suspension restriction~~ of the person's current driving privileges ~~or motor vehicle registration, or both,~~ under this article.

SECTION 5. IC 9-25-4-3, AS AMENDED BY P.L.59-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) Financial responsibility in one (1) of the forms required under this chapter must be continuously maintained as long as a motor vehicle is operated on a public highway in Indiana.

(b) The bureau may, at any time, verify that a person has financial responsibility in effect as required under this article.

(c) The bureau shall ~~suspend restrict~~ the driving privileges ~~or motor vehicle registration, or both,~~ of a person who fails to maintain financial responsibility as required under this article.

(d) In order to comply with this section, the bureau may contract with a third party to request proof of financial responsibility from a person as required under this article. The third party must comply with the requirements of this article and any rules adopted by the bureau.

SECTION 6. IC 9-25-5-1, AS AMENDED BY P.L.59-2013, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) If a person is convicted of a traffic offense



that requires a court appearance, the court shall require the person to show proof that financial responsibility was in force on the date of the violation in one (1) of the forms described in IC 9-25-4-4 or in the form of a certificate of self-insurance issued under IC 9-25-4-11.

(b) If a person fails to provide proof of financial responsibility as required by this section, the court shall ~~suspend~~ **restrict** the person's current driving privileges. ~~or motor vehicle registration, or both.~~ If the court fails to recommend a fixed term of ~~suspension, restriction,~~ or recommends a fixed term that is less than the minimum term of ~~suspension restriction~~ required under this article, the bureau shall impose the applicable minimum term of ~~suspension restriction~~ required under this article.

(c) A ~~suspension restriction~~ under this section is subject to the same provisions concerning procedure for ~~suspension, restriction,~~ duration of ~~suspension, restriction,~~ and reinstatement applicable to other ~~suspensions restrictions~~ under this article.

SECTION 7. IC 9-25-5-3, AS AMENDED BY P.L.149-2015, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) A request for evidence of financial responsibility must do the following:

- (1) Direct the person to provide the bureau with evidence that financial responsibility was in effect with respect to the motor vehicle, or the operation of the motor vehicle, operated by the person on the date requested.
- (2) Instruct the person on how to furnish the bureau with evidence of financial responsibility in compliance with this article.
- (3) Inform the person that failure to furnish evidence of financial responsibility to the bureau, if not already provided, will result in ~~suspension restriction~~ of the person's current driving privileges ~~or motor vehicle registration, or both,~~ under this article.

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

SECTION 8. IC 9-25-5-4, AS AMENDED BY P.L.120-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) To avoid ~~suspension restriction~~ of driving privileges ~~or motor vehicle registration suspension, or both,~~ under this article, a person identified under section 2 of this chapter who receives a request for evidence of financial responsibility must ensure that the insurance company of the person provides the bureau with a certificate of compliance indicating that financial responsibility required by IC 9-25-4-1 was in effect with respect to the motor vehicle, or the



operation of the motor vehicle, on the date of the accident described in the accident report. It is the responsibility of the person who receives a request for evidence of financial responsibility to ensure that the insurance company of the person has provided a certificate of compliance.

(b) Proof that the bureau:

- (1) did not receive a certificate of compliance during the applicable compliance response period for a person presented with a request for evidence of financial responsibility under section 2 of this chapter;
- (2) received a certificate of compliance that did not indicate that financial responsibility was in effect with respect to the motor vehicle that the person was operating on the date of the accident described in the accident report; or
- (3) suspended the driving privileges or motor vehicle registration, or both, **or restricted the driving privileges**, under IC 9-25-6-3 after presenting a person with a request for evidence of financial responsibility under section 2 of this chapter;

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

SECTION 9. IC 9-25-5-7, AS AMENDED BY P.L.10-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. Whenever a person required to give proof of financial responsibility under this article is not the owner of a motor vehicle, the following apply:

- (1) If the person seeks only to reinstate the person's **restricted or** suspended driver's license or driving privileges, the person is not required to give proof of financial responsibility.
- (2) If subdivision (1) does not apply, an operator's policy of liability insurance is sufficient proof of financial responsibility.

SECTION 10. IC 9-25-6-0.5, AS ADDED BY P.L.217-2014, SECTION 101, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 0.5. If a court orders the **restriction or** suspension of a person's driving privileges, the bureau shall **restrict or** suspend the person's driving privileges in accordance with the court order, even if the court's order conflicts with a previous bureau action.

SECTION 11. IC 9-25-6-1, AS AMENDED BY P.L.120-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) If:

SB 210—LS 6369/DI 106



(1) the bureau receives a certificate of compliance during the applicable compliance response period for a person identified under IC 9-25-5-2; and

(2) the certificate of compliance indicates that financial responsibility was in effect with respect to the motor vehicle or the operation of the motor vehicle at the time of the accident described in the accident report;

the bureau may not ~~suspend~~ **restrict** the person's driving privileges.

(b) If:

(1) the bureau receives a certificate of compliance during the applicable compliance response period from a person presented with a request for evidence of financial responsibility under IC 9-25-9-1; and

(2) the certificate of compliance indicates that financial responsibility was in effect with respect to the motor vehicle or the operation of the motor vehicle that the person was operating when the person committed the violation described in the judgment or abstract received by the bureau under IC 9-25-9-1;

the bureau may not ~~suspend~~ **restrict** the person's driving privileges.

(c) If:

(1) the bureau receives a certificate of compliance during the applicable compliance response period for a person identified under IC 9-25-10 (before its repeal); and

(2) the certificate of compliance indicates that financial responsibility was in effect with respect to the motor vehicle or the operation of the motor vehicle for the date requested;

the bureau may not ~~suspend~~ **restrict** the driving privileges of the person.

SECTION 12. IC 9-25-6-2, AS AMENDED BY P.L.59-2013, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) If the bureau finds that a statement as to the existence of financial responsibility in a certificate of compliance received for a person identified under IC 9-25 is materially false, the bureau shall take action under subsection (b).

(b) Upon finding that the statement referred to in subsection (a) is false, the bureau shall immediately ~~suspend~~ **restrict** the person's driving privileges ~~or motor vehicle registration, or both, as determined by the bureau,~~ for at least ninety (90) days and not more than one (1) year.

SECTION 13. IC 9-25-6-3, AS AMENDED BY P.L.120-2017, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) If the bureau:

SB 210—LS 6369/DI 106



(1) does not receive a certificate of compliance during the applicable compliance response period for a person identified under IC 9-25-5-2; or

(2) receives a certificate that does not indicate that financial responsibility was in effect with respect to the motor vehicle operated by the person or operation of the motor vehicle by the person on the date of the accident referred to in IC 9-25-5-2;

the bureau shall take action under subsection (d).

(b) If the bureau:

(1) does not receive a certificate of compliance during the applicable compliance response period for a person presented with a request for evidence of financial responsibility under IC 9-25-9-1; or

(2) receives a certificate that does not indicate that financial responsibility was in effect with respect to the motor vehicle or operation of the motor vehicle that the person was operating when the person committed the violation described in the judgment or abstract received by the bureau under IC 9-25-9-1;

the bureau shall take action under subsection (d).

(c) If the bureau:

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

(2) receives a certificate that does not indicate that financial responsibility was in effect on the date requested;

the bureau shall take action under subsection (d).

(d) Under the conditions set forth in subsection (a), (b), or (c), the bureau shall immediately ~~suspend restrict~~ the person's driving privileges ~~or motor vehicle registration, or both~~, as determined by the ~~bureau~~, for at least ninety (90) days and not more than one (1) year. The ~~suspension restriction~~ of a person's driving privileges ~~or motor vehicle registration, or both~~, may be imposed only one (1) time under this subsection or IC 9-25-8-2 for the same incident.

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

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

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

(3) An assertion by the person that the person did not own the motor vehicle and therefore had no control over whether financial



responsibility was in effect with respect to the motor vehicle.

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

- (1) rented from a rental company; or
- (2) owned by the person's employer and operated by the person in the normal course of the person's employment.

SECTION 14. IC 9-25-6-3.5, AS AMENDED BY P.L.198-2016, SECTION 542, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3.5. If a person violates:

- (1) IC 9-25-4;
- (2) IC 9-25-5;
- (3) section 2 or 3 of this chapter; or
- (4) IC 9-25-10 (before its repeal);

more than one (1) time within a three (3) year period, the person's driving privileges shall be ~~suspended~~ **restricted** for one (1) year.

SECTION 15. IC 9-25-6-4, AS AMENDED BY P.L.59-2013, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) This section does not apply to judgments entered by a court at least seven (7) years after the date of the accident.

(b) "Judgment", as used in this section, means a judgment in excess of two hundred dollars (\$200) for bodily injury, death, or property damages arising out of the use of a motor vehicle upon a public highway.

(c) The bureau shall ~~suspend~~ **restrict** for a period of not more than seven (7) years from the date of judgment the driving privileges of a person upon receiving a verified report that the person has failed for a period of ninety (90) days to satisfy a judgment.

SECTION 16. IC 9-25-6-6, AS AMENDED BY P.L.125-2012, SECTION 262, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) The bureau may not ~~suspend~~ **restrict** the driving privileges of a person and shall reinstate the driving privileges of a person following nonpayment of a judgment whenever a judgment debtor does the following:

- (1) Gives proof that the judgment debtor will maintain financial responsibility in the future for at least three (3) years following reinstatement.
- (2) Obtains an order from the trial court in which the judgment



was rendered permitting the payment of the judgment in installments, unless the payment of an installment is in default.

(b) A judgment debtor, upon five (5) days notice to the judgment creditor, may apply to the trial court in which the judgment was obtained for the privilege of paying the judgment in installments. The court, in the court's discretion and without prejudice to other legal remedies the judgment creditor may have, may order the payment of the judgment in installments, fixing the amounts and times of payment of the installments.

(c) Except as provided in subsection (d), if the judgment debtor fails to pay an installment as permitted by the order of the court, upon notice of the default the bureau shall ~~suspend~~ **restrict** the driving privileges of the judgment debtor. The bureau may not take action for failure to make installment payments for judgments entered at least seven (7) years after the date of the accident. ~~Suspended Restricted~~ driving privileges may not be reinstated until evidence of proof of future financial responsibility is presented.

(d) Notwithstanding a default by the judgment debtor in the payment of a judgment or the payment of an installment under subsection (b), whenever the judgment creditor consents in writing, in the form the bureau prescribes, that the judgment debtor be allowed driving privileges and registration, the driving privileges and registration may be allowed by the bureau at the bureau's discretion. The driving privileges and registration may be renewed until the consent is revoked in writing if the judgment debtor furnishes proof under this article that the judgment debtor will maintain financial responsibility in the future for at least three (3) years following reinstatement.

SECTION 17. IC 9-25-6-7, AS AMENDED BY P.L.125-2012, SECTION 263, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. Except as provided in sections 5 and 6 of this chapter, a ~~suspension restriction~~ required in sections 4 and 6 of this chapter remains in effect ~~and no other motor vehicle may be registered in the name of the judgment debtor or a new license issued to the judgment debtor~~, until the following occur:

- (1) The judgment is satisfied or stayed.
- (2) The judgment debtor gives proof of future financial responsibility for three (3) years, as provided in this article.

SECTION 18. IC 9-25-6-9, AS AMENDED BY P.L.125-2012, SECTION 265, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. The court shall forward to the bureau a certified abstract of the record of a judgment for damages if



the rendering and nonpayment of the judgment requires the bureau to ~~suspend or revoke~~ **restrict** the driving privileges of the judgment debtor under this article. The abstract shall be forwarded to the bureau immediately upon the expiration of thirty (30) days after the judgment becomes final and has not been stayed or satisfied, as shown by the records of the court.

SECTION 19. IC 9-25-6-14, AS AMENDED BY P.L.59-2013, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 14. (a) The bureau shall reinstate the driving privileges or motor vehicle registration, or both:

- (1) subject to section 15 of this chapter, after expiration of the imposed period of ~~suspension~~ **restriction** if the person has furnished the bureau with proof of future financial responsibility; or
- (2) if financial responsibility was in effect with respect to a motor vehicle on the date requested but the bureau does not receive a certificate of compliance indicating this fact until after the person's driving privileges are ~~suspended~~ **restricted** under this article, the person's driving privileges shall be reinstated when the bureau receives the certificate of compliance.

(b) Upon receipt of a certificate of compliance under this section, the bureau shall remove from the person's driving record the administrative ~~suspension~~ **restriction** caused by the failure to notify the bureau that the person had financial responsibility in effect on the date of the violation.

SECTION 20. IC 9-25-6-15, AS AMENDED BY P.L.198-2016, SECTION 543, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 15. (a) An individual:

- (1) whose driving privileges are suspended under this article; and
 - (2) who seeks the reinstatement of the driving privileges;
- must pay a reinstatement fee to the bureau as provided in subsection (b).

(b) The reinstatement fee under subsection (a) is as follows:

- (1) For a first suspension, ~~two hundred fifty~~ **twenty-five** dollars ~~(\$250)~~; **(\$25)**.
- (2) For a second suspension, ~~five hundred fifty~~ **fifty** dollars ~~(\$500)~~; **(\$50)**.
- (3) For a third or subsequent suspension, one ~~thousand~~ **hundred** dollars ~~(\$1,000)~~; **(\$100)**.

(c) Each fee paid under this section shall be deposited in the financial responsibility compliance verification fund established by IC 9-25-9-7 as follows:

SB 210—LS 6369/DI 106



- (1) ~~One hundred twenty~~ **Twelve** dollars ~~(\$120)~~ **(\$12)** for a fee paid after a first suspension.
- (2) ~~One hundred ninety-five~~ **Nineteen** dollars **and fifty cents** ~~(\$195)~~ **(\$19.50)** for a fee paid after a second suspension.
- (3) ~~Two hundred seventy~~ **Twenty-seven** dollars ~~(\$270)~~ **(\$27)** for a fee paid after a third or subsequent suspension.

The remaining amount of each fee paid under this section must be deposited in the motor vehicle highway account.

(d) If:

- (1) a person's driving privileges are suspended for registering or operating a vehicle in violation of IC 9-25-4-1;
- (2) the person is required to pay a fee for the reinstatement of the person's license under this section; and
- (3) the person later establishes that the person did not register or operate a vehicle in violation of IC 9-25-4-1;

the fee paid by the person under this section shall be refunded.

(e) A person whose driving privileges have been restricted is not required to pay a reinstatement fee for the reinstatement of unrestricted driving privileges."

Page 1, line 2, delete "CHAPTER" and insert "SECTION".

Page 1, line 3, delete "only to a" and insert **"to the following if imposed before July 1, 2019:**

- (1) A reinstatement fee imposed under section 15 of this chapter.**
- (2) A suspension of driving privileges imposed for failure to appear in court under IC 9-30-3-8(d).**
- (3) A suspension of driving privileges imposed for failure to pay under IC 9-30-3-8(d)."**

Page 1, delete lines 4 through 9, begin a new paragraph and insert:

"(b) An individual:

(1) who:

(A) is liable for a reinstatement fee imposed under section 15 of this chapter; or

(B) has a suspension of driving privileges imposed under IC 9-30-3-8(d) for failure to appear in court or failure to pay; and

(2) whose reinstatement fee or suspension of driving privileges described in this subsection was imposed before July 1, 2019;

may file a petition for reinstatement of driving privileges for a suspension of driving privileges imposed under IC 9-30-3-8(d) and reduction of the reinstatement fee in the person's county of residence."



Page 1, line 11, delete "July 1, 2021." and insert "**January 1, 2021.**".

Page 1, delete lines 16 through 17, begin a new paragraph and insert:

"(f) The court shall:

- (1) reduce a reinstatement fee imposed under section 15 of this chapter to a fee of one hundred dollars (\$100); and**
- (2) reinstate the individual's driving privileges for a suspension of driving privileges imposed under IC 9-30-3-8(d);**

if the court finds by a preponderance of the evidence that the individual has presented proof of future financial responsibility and, except for a suspension of driving privileges imposed under IC 9-30-3-8(d), is not otherwise ineligible for a driver's license reinstatement."

Page 2, delete lines 1 through 13, begin a new paragraph and insert:

"(g) If a court reduces a reinstatement fee or reinstates the individual's driving privileges for a suspension of driving privileges imposed under IC 9-30-3-8(d) under this section, the clerk shall forward a copy of the court's order to the bureau. A court order issued under this section shall do the following:

- (1) Specify that the individual is entitled to a reinstatement of driving privileges after paying a fee of one hundred dollars (\$100) to the bureau.**
- (2) Specify that the individual is entitled to a reinstatement of driving privileges after providing proof of future financial responsibility to the bureau.**
- (3) Require the bureau to reinstate the driving privileges of the individual if:**
 - (A) the individual's driving privileges were suspended for a suspension imposed under IC 9-30-3-8(d); and**
 - (B) the individual is not otherwise ineligible to have the individual's driver's license reinstated."**

Page 2, after line 17, begin a new paragraph and insert:

"(j) A fee paid under this section shall be deposited in the insurance premium fund established under section 15.3 of this chapter.

(k) Notwithstanding any other law, a suspension of driving privileges may not be imposed for a failure to appear in court or a failure to pay under IC 9-30-3-8(d) addressed under this section after the court has reinstated the driving privileges of the individual under this section.



(l) This section expires July 1, 2022.

SECTION 22. IC 9-25-6-15.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 15.3. (a) The insurance premium fund is established to help reduce insurance premium costs by up to fifty percent (50%) for an individual who has:**

(1) been granted a petition under section 15.2 of this chapter; and

(2) an annual household income of not more than two hundred percent (200%) of the federal income poverty level (as defined by IC 12-15-2-1).

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) The sources of money for the fund are as follows:

(1) Fees deposited in the fund under section 15.2 of this chapter.

(2) Accrued interest and other investment earnings of the fund.

(3) Appropriations made by the general assembly.

(4) Gifts and donations from any person to the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(e) Money in the fund at the end of the state fiscal year does not revert to the state general fund.

(f) The bureau shall adopt rules under IC 4-22-2 to implement a program to issue money from the fund to the insurance carrier of an individual who has:

(1) been granted a petition under section 15.2 of this chapter; and

(2) an annual household income of not more than two hundred percent (200%) of the federal income poverty level (as defined by IC 12-15-2-1);

to help reduce insurance premium costs by up to fifty percent (50%) for the individual.

SECTION 23. IC 9-25-6-19.2, AS AMENDED BY P.L.59-2013, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 19.2. The bureau may ~~suspend~~ restrict the driving privileges or registration of a motor vehicle, or both, of a person who provides the bureau with false evidence of financial responsibility under this article.**

SECTION 24. IC 9-25-7-1, AS AMENDED BY P.L.59-2013,



SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. The bureau may not **restrict**, suspend, or revoke the driver's license, driving privileges, or registration plates of the owner or operator of a motor vehicle who has been involved in a motor vehicle accident resulting in bodily injury or death or in damage to property in excess of one thousand dollars (\$1,000) solely because of failure to provide evidence of financial responsibility whenever the:

- (1) owner or operator was insured by an insurance company for public liability and property damage at the time of the accident; and
- (2) insurance company becomes insolvent after the accident or within fifteen (15) days before the accident;

if the insurance company was authorized and qualified to do business in Indiana on the effective date of the policy.

SECTION 25. IC 9-25-7-6, AS AMENDED BY P.L.198-2016, SECTION 546, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) This section does not apply to an Indiana resident or an individual who operates a motor vehicle in Indiana.

(b) Subject to subsection (c), an individual:

- (1) whose driver's license, driving privileges, or registration was suspended **or restricted** and who is required to prove financial responsibility extending into the future in order to have the individual's driving privileges reinstated; and
- (2) who no longer operates a motor vehicle in Indiana and has become a nonresident;

is not required to prove financial responsibility into the future in order to have the individual's driver's license, driving privileges, or registration temporarily reinstated to allow licensing or registration in the other state or foreign jurisdiction.

(c) An individual described in subsection (b) who, during the three (3) year period following the ~~suspension~~ **restriction** described in subsection (b)(1), applies to the bureau for a driver's license or registers a motor vehicle in Indiana must maintain proof of future financial responsibility for the unexpired portion of the three (3) year period as required under this article.

SECTION 26. IC 9-25-8-2, AS AMENDED BY P.L.198-2016, SECTION 547, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) A person that knowingly:

- (1) operates; or
- (2) permits the operation of;

a motor vehicle on a public highway in Indiana without financial



responsibility in effect as set forth in IC 9-25-4-4 commits a Class A infraction. However, the offense is a Class C misdemeanor if the person knowingly or intentionally violates this section and has a prior unrelated conviction or judgment under this section.

(b) Subsection (a)(2) applies to:

- (1) the owner of a rental company under IC 9-25-6-3(f)(1); and
- (2) an employer under IC 9-25-6-3(f)(2).

(c) In addition to any other penalty imposed on a person for violating this section, the court shall recommend the ~~suspension~~ **restriction** of the person's driving privileges for at least ninety (90) days but not more than one (1) year. However, if, within the five (5) years preceding the conviction under this section, the person had a prior unrelated conviction under this section, the court shall recommend the ~~suspension~~ **restriction** of the person's driving privileges ~~and motor vehicle registration~~ for one (1) year.

(d) Upon receiving the recommendation of the court under subsection (c), the bureau shall ~~suspend~~ **restrict** the person's driving privileges ~~and motor vehicle registration, as applicable,~~ for the period recommended by the court. If no ~~suspension~~ **restriction** is recommended by the court, or if the court recommends a fixed term that is less than the minimum term required by statute, the bureau shall impose the minimum period of ~~suspension~~ **restriction** required under this article. The ~~suspension~~ **restriction** of a person's driving privileges or motor vehicle registration, or both, may be imposed only one (1) time under this subsection or IC 9-25-6 for the same incident.

SECTION 27. IC 9-25-8-4, AS AMENDED BY P.L.125-2012, SECTION 282, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. The commissioner is not required to notify the prosecuting attorney of a driver who has had driving privileges ~~suspended~~ **restricted** for failure to prove financial responsibility under this article.

SECTION 28. IC 9-25-8-6, AS AMENDED BY P.L.10-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) This section applies to a person:

- (1) who is convicted of;
- (2) against whom a judgment is entered for;
- (3) against whom the bureau has taken administrative action for;
- or
- (4) who the bureau otherwise determines was;

operating a motor vehicle without financial responsibility in violation of this article.

(b) A person described in subsection (a) must provide proof of



future financial responsibility:

- (1) for a first or second offense, for a period of three (3) years; or
 - (2) for a third or subsequent offense, for a period of five (5) years;
- beginning on the date on which the ~~suspension restriction~~ of the person's driving privileges terminates.

SECTION 28. IC 9-25-9-1, AS AMENDED BY P.L.149-2015, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) After the bureau receives:

- (1) a certified abstract under IC 9-30-13-0.5 of the record of conviction of a person for a violation of a law relating to motor vehicles;
- (2) a judgment or an abstract under IC 9-30-3-11 of a case resulting in a conviction, judgment, or forfeiture of security deposit; or
- (3) a judgment, abstract, or other court order indicating the conviction of a person for a violation of a law relating to motor vehicles;

the bureau shall determine whether the bureau is required under subsection (b) to send to the person named in the judgment, abstract, or other court order a request for evidence of financial responsibility.

(b) The bureau shall send a request for evidence of financial responsibility to a person referred to in subsection (a) if at least one (1) of the following applies to the person:

- (1) The judgment, abstract, or other court order referred to in subsection (a) reports that the person committed a moving traffic violation for which points are assessed by the bureau under the point system, and, during a twelve (12) month period including the date of the violation referred to in the judgment, abstract, or other court order, the person committed at least two (2) additional moving traffic violations for which points are assessed by the bureau under the point system.
- (2) The judgment, abstract, or other court order referred to in subsection (a) reports that the person was convicted of:
 - (A) a misdemeanor; or
 - (B) a felony;
 involving a motor vehicle.
- (3) The judgment, abstract, or other court order referred to in subsection (a) reports that the person committed a moving traffic violation for which points are assessed by the bureau under the point system and the driving privileges of the person were previously **restricted or** suspended for violation of the financial responsibility requirements of IC 9-25.



(c) The expungement or other removal from a person's record of an underlying judgment or conviction for which the bureau sends to the person a request for evidence of financial responsibility under this section does not alter or otherwise affect a penalty imposed by the bureau on the person for the person's failure to provide evidence of financial responsibility under this article.

SECTION 29. IC 9-25-9-2, AS AMENDED BY P.L.149-2015, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. The request for evidence of financial responsibility presented to a person under section 1 of this chapter must do the following:

- (1) Direct the person to ensure that the insurance company of the person provide the bureau with evidence that financial responsibility was in effect with respect to the motor vehicle that the person was operating when the person committed the violation described in the judgment or abstract.
- (2) Instruct the person on how to furnish the bureau with evidence of financial responsibility as specified in this article.
- (3) Inform the person that failure of the insurance company of the person to provide evidence of financial responsibility to the bureau, if not already provided, will result in ~~suspension~~ **restriction** of the person's current driving privileges ~~or motor vehicle registration, or both,~~ under this article.

SECTION 30. IC 9-25-9-3, AS AMENDED BY P.L.125-2012, SECTION 285, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. To avoid ~~suspension~~ **restriction** of driving privileges ~~or motor vehicle registration suspension~~ under this article, a person presented with a request for evidence of financial responsibility under section 1 of this chapter must ensure that the insurance company of the person provides the bureau with a certificate of compliance indicating that financial responsibility as required by IC 9-25-4-1 was in effect when the person committed the violation described in the judgment or abstract.

SECTION 31. IC 9-30-3-8, AS AMENDED BY P.L.161-2018, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) The court may issue a warrant for the arrest of a defendant who is an Indiana resident and who fails to appear or answer a traffic information and summons or a complaint and summons served upon the defendant. If the warrant is not executed within thirty (30) days after issue, the court shall promptly forward the court copy of the traffic information and summons or complaint and summons to the bureau indicating that the defendant failed to appear in court as



ordered. The court shall then mark the case as failure to appear on the court's records.

(b) If a defendant who is not an Indiana resident fails to appear or answer a traffic summons served upon the defendant and upon which the information or complaint has been filed thirty (30) days after the return date of the information and summons or complaint and summons, the court shall promptly forward the court copy of the traffic information and summons or complaint and summons to the bureau. The bureau shall notify the motor vehicle commission of the state of the nonresident defendant of the defendant's failure to appear and also of any action taken by the bureau relative to the Indiana driving privileges of the defendant. If the defendant fails to appear or otherwise answer within thirty (30) days, the court shall mark the case as failure to appear on the court's records.

(c) The court may suspend the driving privileges of a defendant who fails to satisfy a judgment entered against the defendant for:

- (1) violation of a traffic ordinance; or
- (2) commission of a traffic infraction;

by a date set by the court under IC 34-28-5-6. The court shall forward notice to the bureau indicating that the defendant failed to pay as ordered.

(d) If the bureau receives a copy of the traffic information and summons or complaint and summons for failure to appear in court under subsection (a) or (b) or a notice of failure to pay under subsection (c), either on a form prescribed by the bureau or in an electronic format prescribed by the office of judicial administration, the bureau shall suspend the driving privileges of the defendant until the defendant appears in court and the case has been disposed of, ~~or until~~ the date payment is received by the court, **or the court grants a petition under IC 9-25-6-15.2**. The order of suspension may be served upon the defendant by mailing the order by first class mail to the defendant at the last address shown for the defendant in the records of the bureau.

(e) For nonresidents of Indiana, the order of suspension shall be mailed to the defendant at the address given to the arresting officer or the clerk of court by the defendant as shown by the traffic information or complaint. A copy of the order shall also be sent to the motor vehicle bureau of the state of the nonresident defendant. If:

- (1) the defendant's failure to appear in court has been certified to the bureau under this chapter; and
- (2) the defendant subsequently appears in court to answer the charges against the defendant;



the court shall proceed to hear and determine the case in the same manner as other cases pending in the court. Upon final determination of the case, the court shall notify the bureau of the determination either in an electronic format or upon forms prescribed by the bureau. The notification shall be made by the court within ten (10) days after the final determination of the case, and information from the original copy of the traffic information and summons or complaint and summons must accompany the notification.

SECTION 32. IC 9-30-16-5, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2019 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) A person who knowingly or intentionally violates a condition imposed by a court under section 3, 3.5, or 4 of this chapter, or imposed under IC 9-30-10-14.2, commits a Class C misdemeanor. The prosecuting attorney may notify the court that issued the specialized driving privileges order of the alleged violation. If the specialized driving ~~privilege~~ **privileges** order is from a different county, the prosecuting attorney may also notify the prosecuting attorney in that county of the violation.

(b) For a person convicted of an offense under subsection (a), the court that issued the specialized driving ~~privilege~~ **privileges** order that was violated may modify or revoke specialized driving privileges. The court that issued the specialized driving ~~privilege~~ **privileges** order that was violated may order the bureau to lift the stay of a suspension of driving privileges and suspend the person's driving license as originally ordered in addition to any additional suspension.

(c) A person who knowingly or intentionally violates the terms of restricted driving privileges imposed under IC 9-25 commits a Class C misdemeanor.

SECTION 33. IC 11-10-12-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) **The department shall assist a committed offender in, if applicable:**

- (1) obtaining driving privileges;**
- (2) reinstating driving privileges;**
- (3) applying for a waiver of reinstatement fees under IC 9-25-6; and**
- (4) establishing proof of financial responsibility;**

so that the committed offender may be eligible for driving privileges when the offender is subsequently released on parole, assigned to a community transition program, or discharged from the department.



(b) The department shall provide the assistance described in subsection (a) in sufficient time to enable a committed offender to secure driving privileges:

- (1) upon release; or**
- (2) as soon as practicable after release.**

(c) The department, in consultation with the bureau of motor vehicles, shall adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to implement this section."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Tax and Fiscal Policy.

(Reference is to SB 210 as introduced.)

YOUNG M, Chairperson

Committee Vote: Yeas 8, Nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill No. 210, 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 9, delete line 42, begin a new paragraph and insert:

"SECTION 20. IC 9-25-6-15, AS AMENDED BY P.L.198-2016, SECTION 543, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 15. (a) An individual:

- (1) whose driving privileges are suspended under this article; and
- (2) who seeks the reinstatement of the driving privileges;

must pay a reinstatement fee to the bureau as provided in subsection (b).

(b) The reinstatement fee under subsection (a) is as follows:

- (1) For a first suspension, two hundred fifty dollars (\$250).
- (2) For a second suspension, five hundred dollars (\$500).
- (3) For a third or subsequent suspension, one thousand dollars (\$1,000).

(c) Each fee paid under this section shall be deposited in the financial responsibility compliance verification fund established by IC 9-25-9-7 as follows:

SB 210—LS 6369/DI 106



- (1) One hundred twenty dollars (\$120) for a fee paid after a first suspension.
- (2) One hundred ninety-five dollars (\$195) for a fee paid after a second suspension.
- (3) Two hundred seventy dollars (\$270) for a fee paid after a third or subsequent suspension.

The remaining amount of each fee paid under this section must be deposited in the motor vehicle highway account.

(d) If:

- (1) a person's driving privileges are suspended for registering or operating a vehicle in violation of IC 9-25-4-1;
- (2) the person is required to pay a fee for the reinstatement of the person's license under this section; and
- (3) the person later establishes that the person did not register or operate a vehicle in violation of IC 9-25-4-1;

the fee paid by the person under this section shall be refunded.

(e) A person whose driving privileges have been restricted is not required to pay a reinstatement fee for the reinstatement of unrestricted driving privileges.

SECTION 21. IC 9-25-6-15.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 15.2. (a) The bureau shall administer an amnesty program to reduce reinstatement fees imposed before January 1, 2019, under section 15 of this chapter as set forth in this section.**

(b) An individual who is liable for a reinstatement fee under section 15 of this chapter for a suspension of driving privileges under IC 9-30-3-8(d) in which the reinstatement fee or suspension of driving privileges under IC 9-30-3-8(d) was imposed before January 1, 2019, may file a petition with the bureau for a reduction of the reinstatement fee in the individual's county of residence. The individual must include with a petition filed under this subsection proof of future financial responsibility in the form and in the manner required by the bureau.

(c) A petition filed under subsection (b) must be filed after June 30, 2019, and before October 1, 2019.

(d) The bureau shall reduce an individual's liability to pay a reinstatement fee under section 15 of this chapter for a suspension of driving privileges under IC 9-30-3-8(d) if the following apply:

- (1) The reinstatement fee or suspension of driving privileges under IC 9-30-3-8(d) was imposed before January 1, 2019.**
- (2) The individual files a petition with the bureau under**



subsection (b).

(3) The petition is filed within the time period set forth under subsection (c).

(4) The bureau determines that the individual has proof of future financial responsibility.

(e) The amount of a reduction of an individual's liability for a reinstatement fee that is granted by the bureau under this section is equal to:

(1) the amount of the reinstatement fee imposed under section 15 of this chapter; multiplied by

(2) fifty percent (50%).

(f) This section expires July 1, 2020."

Delete pages 10 through 12.

Page 13, delete lines 1 through 13.

Page 17, delete lines 12 through 42.

Page 18, delete lines 1 through 28.

Page 19, after line 28, begin a new paragraph and insert:

"SECTION 33. [EFFECTIVE UPON PASSAGE] (a) The legislative council is urged to assign to an appropriate interim study committee the task of studying:

(1) the prospective reduction of reinstatement fees under IC 9-25-6-15; and

(2) the establishment of an insurance program to provide funding to insurance carriers to reduce the automobile insurance premium costs of individuals whose annual household income does not exceed two hundred percent (200%) of the federal income poverty level (as defined by IC 12-15-2-1).

(b) This SECTION expires December 31, 2019.

SECTION 34. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 210 as printed January 25, 2019.)

HOLDMAN, Chairperson

Committee Vote: Yeas 14, Nays 0.

