

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 ENROLLED ACT No. 464

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AN ACT to amend the Indiana Code concerning family law and juvenile law.

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

SECTION 1. IC 9-24-3-1, AS AMENDED BY P.L.256-2017, SECTION 165, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) Except as otherwise provided in this article, the bureau shall issue an operator's license to an individual who meets the following conditions:

(1) Satisfies the age requirements set forth in section 2.5 of this chapter.

(2) Makes proper application to the bureau under IC 9-24-9 upon a form prescribed by the bureau. The form must include an attestation concerning the number of hours of supervised driving practice that the individual has completed if the individual is required under section 2.5 of this chapter to complete a certain number of hours of supervised driving practice in order to receive an operator's license. The:

(A) parent or guardian of an applicant less than eighteen (18) years of age; or

(B) applicant, if the applicant is at least eighteen (18) years of age;

shall attest in writing under penalty of perjury to the time logged in practice driving.

(3) Satisfactorily passes the examination and tests required for

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issuance of an operator's license under IC 9-24-10.

(4) Except as provided in subsection (e), pays the following applicable fee:

(A) For an individual who is less than seventy-five (75) years of age, seventeen dollars and fifty cents (\$17.50).

(B) For an individual who is at least seventy-five (75) years of age but less than eighty-five (85) years of age, eleven dollars (\$11).

(C) For an individual who is at least eighty-five (85) years of age, seven dollars (\$7).

(b) A fee described in subsection (a)(4)(A) shall be distributed as follows:

(1) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(2) Two dollars (\$2) to the crossroads 2000 fund.

(3) Four dollars and fifty cents (\$4.50) to the motor vehicle highway account.

(4) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(5) Nine dollars and twenty-five cents (\$9.25) to the commission fund.

(c) A fee described in subsection (a)(4)(B) shall be distributed as follows:

(1) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(2) One dollar and fifty cents (\$1.50) to the crossroads 2000 fund.

(3) Three dollars (\$3) to the motor vehicle highway account.

(4) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(5) Four dollars and seventy-five cents (\$4.75) to the commission fund.

(d) A fee described in subsection (a)(4)(C) shall be distributed as follows:

(1) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(2) One dollar (\$1) to the crossroads 2000 fund.

(3) Two dollars (\$2) to the motor vehicle highway account.

(4) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(5) Two dollars and twenty-five cents (\$2.25) to the commission fund.

(e) A fee described in subsection (a)(4) may not be charged to an individual who:

(1) is under the care and supervision of the department of child services; ~~and~~ **or**



(2) **represents, pursuant to IC 31-36-3-4(b), a homeless youth (as defined in IC 31-36-3-4) and presents a fee and consent waiver affidavit described in IC 31-36-3-4(c);**  
**and** meets all other requirements for an operator's license under IC 9-24.

SECTION 2. IC 9-24-7-1, AS AMENDED BY P.L.256-2017, SECTION 168, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) The bureau shall issue a learner's permit to an individual who satisfies the following conditions:

- (1) Makes a proper application in the form and manner prescribed by the bureau.
- (2) Except as provided in subsection (d), pays a fee under subsection (b) or (c), as applicable.
- (3) If less than eighteen (18) years of age, is not ineligible under IC 9-24-2-1.
- (4) Has passed a written examination as required under IC 9-24-10.
- (5) Either:
  - (A) is at least sixteen (16) years of age; or
  - (B) if at least fifteen (15) years of age but less than sixteen (16) years of age, is enrolled in an approved driver education course.

(b) The fee for a learner's permit issued before January 1, 2017, is nine dollars and fifty cents (\$9.50). The fee shall be distributed as follows:

- (1) Fifty cents (\$0.50) to the motor vehicle highway account.
- (2) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (3) Two dollars (\$2) to the crossroads 2000 fund.
- (4) One dollar and seventy-five cents (\$1.75) to the integrated public safety communications fund.
- (5) Four dollars and seventy-five cents (\$4.75) to the commission fund.

(c) The fee for a learner's permit issued after December 31, 2016, is nine dollars (\$9). The fee shall be distributed as follows:

- (1) Twenty-five cents (\$0.25) to the motor vehicle highway account.
- (2) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (3) Two dollars (\$2) to the crossroads 2000 fund.
- (4) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
- (5) Five dollars (\$5) to the commission fund.

(d) A fee described in subsection (a) may not be charged to an



individual who:

(1) is under the care and supervision of the department of child services; ~~and or~~

**(2) represents, pursuant to IC 31-36-3-4(b), a homeless youth (as defined in IC 31-36-3-4) and presents a fee and consent waiver affidavit described in IC 31-36-3-4(c);**

**and** meets all other requirements for a learner's permit under IC 9-24.

SECTION 3. IC 9-24-9-4.1, AS ADDED BY P.L.116-2017, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4.1. **(a)** The signature of an individual on a minor's application as described in section 3 of this chapter is not required if the minor applicant:

(1) is less than eighteen (18) years of age **and**

~~(2)~~ is under the care and supervision of the department of child services; ~~and or~~

~~(2)~~ **(2) is a homeless youth (as defined in IC 31-36-3-4) who is accompanied by a representative, pursuant to IC 31-36-3-4(b), and presents a fee and consent waiver affidavit described in IC 31-36-3-4(c).**

**(b) A minor applicant described in subsection (a) must provide** proof of ownership of a policy of motor vehicle insurance under IC 27-2-11.1-3. The minor applicant is responsible for paying all costs of the policy of motor vehicle insurance and is liable for any damages caused because of the minor applicant's operation of a motor vehicle. A state or local government agency, foster parent, or entity providing services to the minor applicant under a contract or at the direction of a state or local government agency shall not be required to pay any costs associated with the policy of motor vehicle insurance and shall not be held liable for any damages that result from the operation of a motor vehicle owned by the minor applicant.

SECTION 4. IC 9-24-16-10, AS AMENDED BY P.L.256-2017, SECTION 177, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. (a) The bureau may:

(1) adopt rules under IC 4-22-2, including rules to:

(A) verify an applicant's identity, lawful status, and residence; and

(B) invalidate on a temporary basis a license or permit that was issued based on fraudulent documentation; and

(2) prescribe all forms necessary;

to implement this chapter.

(b) The bureau may not impose a fee for the issuance of:

(1) an original;

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- (2) a renewal of an;
- (3) a replacement; or
- (4) an amended;

identification card to an individual described in subsection (c). For purposes of this subsection, the amendment of an identification card includes the addition of a Class B motor driven cycle endorsement to the identification card.

(c) An identification card must be issued without the payment of a fee or charge to an individual who does not have a valid Indiana driver's license if the individual:

- (1) will be at least eighteen (18) years of age and eligible to vote in the next general, municipal, or special election; ~~or~~
- (2) is:
  - (A) at least sixteen (16) years of age; and
  - (B) under the care and supervision of the department of child services; ~~or~~

**(3) represents, pursuant to IC 31-36-3-4(b), a homeless youth (as defined in IC 31-36-3-4) and presents a fee and consent waiver affidavit described in IC 31-36-3-4(c).**

(d) The fee to issue, renew, replace, or amend an identification card issued before January 1, 2017, is as follows:

- (1) To an individual who is less than sixty-five (65) years of age, eleven dollars and fifty cents (\$11.50). The fee shall be distributed as follows:
  - (A) Fifty cents (\$0.50) to the state motor vehicle technology fund.
  - (B) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
  - (C) Two dollars and seventy-five cents (\$2.75) to the motor vehicle highway account.
  - (D) Seven dollars (\$7) to the commission fund.
- (2) To an individual who is at least sixty-five (65) years of age or to an individual with a physical disability who is not entitled to obtain a driver's license, nine dollars (\$9). The fee shall be distributed as follows:
  - (A) Fifty cents (\$0.50) to the state motor vehicle technology fund.
  - (B) One dollar and fifty cents (\$1.50) to the motor vehicle highway account.
  - (C) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
  - (D) Five dollars and seventy-five cents (\$5.75) to the



commission fund.

(e) The fee to issue, renew, replace, or amend an identification card issued after December 31, 2016, is nine dollars (\$9). The fee shall be distributed as follows:

- (1) Twenty-five cents (\$0.25) to the motor vehicle highway account.
- (2) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (3) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
- (4) Two dollars (\$2) to the crossroads 2000 fund.
- (5) Five dollars (\$5) to the commission fund.

SECTION 5. IC 16-37-1-9, AS AMENDED BY P.L.3-2008, SECTION 110, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. (a) A local health department may make a charge under IC 16-20-1-27 for each certificate of birth, death, or stillbirth registration. IC 5-14-3-8(d) does not apply to the health department making a charge for a certificate of birth, death, or stillbirth registration under IC 16-20-1-27.

(b) If the local department of health makes a charge for a certificate of death under subsection (a), the coroners continuing education fee described in subsection ~~(d)~~ (e) must be added to the rate established under IC 16-20-1-27. The local department of health shall deposit any coroners continuing education fees with the county auditor within thirty (30) days after collection. The county auditor shall transfer semiannually any coroners continuing education fees to the treasurer of state.

(c) Notwithstanding IC 16-20-1-27, a charge may not be made for furnishing a certificate of birth, death, or stillbirth registration to a person or to a member of the family of a person who needs the certificate for one (1) of the following purposes:

- (1) To establish the person's age or the dependency of a member of the person's family in connection with:
  - (A) the person's service in the armed forces of the United States; or
  - (B) a death pension or disability pension of a person who is serving or has served in the armed forces of the United States.
- (2) To establish or to verify the age of a child in school who desires to secure a work permit.

**(d) Notwithstanding IC 16-20-1-27, a charge may not be made for furnishing a certificate of birth to an individual who represents, pursuant to IC 31-36-3-4(b), a homeless youth (as defined in IC 31-36-3-4) and presents a fee and consent waiver affidavit**



**described in IC 31-36-3-4(c).**

(~~d~~) (e) The coroners continuing education fee is:

- (1) one dollar and seventy-five cents (\$1.75) after June 30, 2007, and before July 1, 2013;
- (2) two dollars (\$2) after June 30, 2013, and before July 1, 2018;
- (3) two dollars and twenty-five cents (\$2.25) after June 30, 2018, and before July 1, 2023;
- (4) two dollars and fifty cents (\$2.50) after June 30, 2023, and before July 1, 2028;
- (5) two dollars and seventy-five cents (\$2.75) after June 30, 2028, and before July 1, 2033;
- (6) three dollars (\$3) after June 30, 2033, and before July 1, 2038;
- (7) three dollars and twenty-five cents (\$3.25) after June 30, 2038, and before July 1, 2043; and
- (8) three dollars and fifty cents (\$3.50) after June 30, 2043.

SECTION 6. IC 20-18-2-16, AS AMENDED BY P.L.190-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 16. (a) "School corporation", for purposes of this title (except IC 20-20-33, IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-28-11.5, IC 20-30-8, IC 20-30-16, ~~and~~ IC 20-43, **and IC 20-50**), means a public school corporation established by Indiana law. The term includes a:

- (1) school city;
- (2) school town;
- (3) consolidated school corporation;
- (4) metropolitan school district;
- (5) township school corporation;
- (6) county school corporation;
- (7) united school corporation; or
- (8) community school corporation.

(b) "School corporation", for purposes of IC 20-26-1 through IC 20-26-5 and IC 20-26-7, has the meaning set forth in IC 20-26-2-4.

(c) "School corporation", for purposes of IC 20-20-33, IC 20-26.5, ~~and~~ IC 20-30-8, **and IC 20-50**, includes a charter school (as defined in IC 20-24-1-4).

(d) "School corporation", for purposes of IC 20-43, has the meaning set forth in IC 20-43-1-23.

(e) "School corporation", for purposes of IC 20-28-11.5, has the meaning set forth in IC 20-28-11.5-3.

(f) "School corporation", for purposes of IC 20-35, has the meaning set forth in IC 20-35-1-6.

(g) "School corporation", for purposes of IC 20-30-16, has the



meaning set forth in IC 20-30-16-4.

SECTION 7. IC 20-50-1-1, AS ADDED BY P.L.133-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) As used in this chapter, "homeless ~~child~~ **children and youths**" means a minor who lacks a fixed, regular, and adequate nighttime residence:

(b) The term includes:

(1) a child who:

(A) shares the housing of other persons due to the child's loss of housing, economic hardship, or a similar reason;

(B) lives in a motel, hotel, or campground due to the lack of alternative adequate accommodations;

(C) lives in an emergency or transitional shelter;

(D) is abandoned in a hospital or other place not intended for general habitation; or

(E) is awaiting foster care placement;

(2) a child who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

(3) a child who lives in a car, a park, a public space, an abandoned building, a bus station, a train station, substandard housing, or a similar setting; and

(4) a child of a migratory worker who lives in circumstances described in subdivisions (1) through (3):

has the meaning set forth in 42 U.S.C. 11434a.

(b) As used in this chapter, "McKinney-Vento Act" refers to the McKinney-Vento Homeless Education Assistance Improvements Act (42 U.S.C. 11431 et seq.).

(c) As used in this chapter, "school corporation" has the same meaning as set forth in IC 20-18-2-16(c).

SECTION 8. IC 20-50-1-2, AS ADDED BY P.L.133-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) The department shall establish an office of coordinator for education of homeless children as required by 42 U.S.C. 11431 et seq.

(b) The primary responsibilities of the office of coordinator for education of homeless children include the following:

(1) Gather and make publicly available reliable, valid, and comprehensive information on homeless children and youths.

(2) Develop and carry out the state plan under the McKinney-Vento Act.

(3) Collect and transmit to the department a report containing





the information that the department determines is necessary to assess the educational needs of homeless children and youths.

**(4) Coordinate activities and collaborate with educators and social service providers regarding the McKinney-Vento Act.**

**(5) Provide technical assistance to and conduct monitoring of other local educational agencies, in coordination with local liaisons to ensure that local educational agencies comply with the McKinney-Vento Act.**

**(6) Respond to inquiries from:**

**(A) parents;**

**(B) guardians; and**

**(C) homeless children and youths;**

**to ensure that those persons identified in clauses (A) through (C) receive appropriate services and full protection of the law.**

SECTION 9. IC 20-50-1-3, AS ADDED BY P.L.133-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. Each school corporation shall appoint an employee to be the school corporation's liaison for homeless children as required by 42 U.S.C. 11431 et seq. **(a) Every local educational agency, regardless of whether it receives a McKinney-Vento Act grant, is required to designate a local liaison under 42 U.S.C. 11432.**

**(b) The local liaison serves as one (1) of the primary contacts between homeless families and:**

**(1) school staff;**

**(2) district personnel;**

**(3) shelter workers; and**

**(4) other service providers.**

**(c) The local liaison coordinates services to ensure the following:**

**(1) Homeless children and youths are identified by school personnel through outreach and coordination activities with other entities and agencies pursuant to the McKinney-Vento Act.**

**(2) Homeless children and youths are enrolled in, and have full and equal opportunity to succeed in, school.**

**(3) Homeless families and homeless children and youths are provided access to receive education services for which the homeless families and homeless children and youths are eligible, including Head Start, early intervention services under the Individuals with Disabilities Education Act, and preschool programs administered by the local educational**



agency.

(4) Homeless families and homeless children and youths are referred to health, dental, mental health, and substance abuse services, housing services, and other appropriate services.

(5) Parents or guardians of homeless children and youths are informed of educational and related opportunities available to the children and are provided with meaningful opportunities to participate in the education of the children.

(6) Public notice of educational rights of homeless students is disseminated in locations frequented by parents and guardians of homeless children and youths, and unaccompanied youths, including in schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and guardians of homeless children and youths and unaccompanied youths.

(7) Enrollment disputes are mediated in accordance with the McKinney-Vento Act.

(8) Parents and guardians of homeless children and youths and unaccompanied youths are fully informed of all transportation services, including transportation to and from the school of origin and are assisted in accessing transportation services.

(9) School personnel receive professional development and other support.

(10) Unaccompanied youths are enrolled in school, have opportunities to meet the same state academic standards as established for other children and youths, are informed of the status of unaccompanied youths as independent students under section 40 of the Higher Education Act of 1965 (20 U.S.C. 1087vv), and the rights of unaccompanied youths to receive verification of this status from the local liaison.

SECTION 10. IC 20-50-1-4, AS ADDED BY P.L.133-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. Each school corporation shall report to the department, by August 1 of each year, the name and contact information of the school corporation's liaison for homeless children. **The department shall post a list of local liaisons on its Internet web site, updated annually.**

SECTION 11. IC 20-50-1-5, AS ADDED BY P.L.133-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) Each school corporation that has an Internet web site shall post the contact information of the school corporation's



liaison for homeless children on the school corporation's Internet web site.

**(b) Each local educational agency shall post certain information concerning the McKinney-Vento Act on its Internet web site, which may include the following:**

- (1) A list of homeless students rights.**
- (2) A resource link to the department's Internet web site.**
- (3) A directory of state and federal resources.**
- (4) The contact information for the state coordinator.**
- (5) Relevant newsletters and bulletins.**

**(c) Pursuant to the McKinney-Vento Act, the department shall post the verified and certified number of children and youths identified as homeless on its Internet web site, updated annually.**

SECTION 12. IC 20-50-1-6, AS ADDED BY P.L.133-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. **(a)** Each year, the department shall provide training to individuals who are appointed under section 3 of this chapter as liaisons for homeless children.

**(b) The local educational agency shall provide professional development training to school staff, including teachers, paraprofessionals, and school support staff, at least one (1) time per year. The development training shall include:**

- (1) the definition of homelessness;**
- (2) signs of homelessness; and**
- (3) steps to take when a homeless student is identified.**

**(c) The local educational agency shall provide professional development training to specialized instructional support personnel that is designed to heighten the understanding and sensitivity of the personnel to:**

- (1) the needs of homeless children and youths;**
- (2) the rights of homeless children and youths under the McKinney-Vento Act; and**
- (3) the specific educational needs of homeless children and youths.**

SECTION 13. IC 20-50-2-1.1 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 1.1. As used in this chapter, "foster care" has the meaning set forth in IC 31-9-2-46.7.

SECTION 14. IC 20-50-2-2, AS ADDED BY P.L.133-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. As used in this chapter, "homeless ~~child~~ **children and youths**" has the meaning set forth in IC 20-50-1-1.

SECTION 15. IC 20-50-2-3, AS ADDED BY P.L.133-2008,



SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. Each school corporation shall provide tutoring for ~~a child~~ **children** enrolled in a school operated by the school corporation who is:

(1) ~~in foster care;~~ or

(2) ~~a~~ **are** homeless ~~child;~~ **children and youths,**

if the school corporation determines the ~~child~~ **children** ~~has~~ **have** a demonstrated need for tutoring.

SECTION 16. IC 31-36-3-4 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) **As used in this section, "homeless youth" means an individual who:**

(1) **is:**

(A) **at least sixteen (16) years of age; and**

(B) **less than eighteen (18) years of age;**

(2) **is unemancipated;**

(3) **is mentally competent; and**

(4) **lives in a situation described in 42 U.S.C. 11434a(2)(A) and 42 U.S.C. 11434(2)(B) with or without the consent of the individual's parent, guardian, or custodian.**

(b) **An individual identified in subsection (c)(3) who presents a fee and consent waiver affidavit described in subsection (c) on behalf of a homeless youth to the appropriate agency or entity shall:**

(1) **have access, without charge and the consent of a parent, guardian, or custodian, to the homeless youth's:**

(A) **certificate of birth;**

(B) **photo identification card under IC 9-24-16-10(c); and**

(C) **Indiana driver's license; and**

(2) **be permitted to enroll the homeless youth in adult basic education services and register the homeless youth for the Indiana high school equivalency examination following the completion of an exit interview by the homeless youth under IC 20-33-2-9.**

(c) **A fee and consent waiver affidavit executed under this subsection shall contain the following:**

(1) **The homeless youth's:**

(A) **full name; and**

(B) **date of birth.**

(2) **The name, address, and telephone number of the government entity, school corporation liaison for homeless youth under IC 20-50-1-3, or nonprofit organization that:**



- (A) is providing services to the homeless youth; and**
- (B) will accept delivery of mail for the homeless youth.**
- (3) The name of the legal representative of the government entity, school corporation liaison for homeless youth under IC 20-50-1-3, or nonprofit organization described in subdivision (2).**
- (4) The signature of the legal representative described in subdivision (3) and the date of the signature.**
- (5) The signature of the homeless youth and the date of the signature.**

**A fee and consent waiver affidavit executed under this subsection must be verified by affirmation or representation.**



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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