Reprinted
January 31, 2014

HOUSE BILL No. 1279

DIGEST OF HB 1279 (Updated January 30, 2014 2:34 pm - DI 96)

Citations Affected: IC 7.1-5; IC 8-23; IC 9-13; IC 9-17; IC 9-18; IC 9-19; IC 9-20; IC 9-21; IC 9-22; IC 9-24; IC 9-25; IC 9-26; IC 9-28; IC 9-29; IC 9-30; IC 9-31; IC 9-32; IC 10-11; IC 14-15; IC 31-37; IC 31-40; IC 33-39; IC 34-24; IC 35-33; IC 35-38; IC 35-43; IC 35-45; IC 35-48; IC 35-51.

Synopsis: Various motor vehicle issues. Makes various changes to criminal law provisions in motor vehicle law. Modifies statutes concerning driver's license suspension and revocation. Modifies the duties of an operator of a motor vehicle if the operator is involved in certain accidents. Modifies the definition of "highway work zone". Repeals sections concerning "street cars". Repeals certain motor vehicle fraud provisions, and creates a new motor vehicle fraud statute. Creates specialized driving privileges. Requires the bureau of motor vehicles to adopt rules to specify reasonable grounds for suspension or revocation of driving privileges, driver's licenses, certificates of registration, or license plates. Provides that a motor vehicle may be stopped to determine compliance with motor vehicle window tinting standards but may not be inspected, searched, or detained solely because of a violation of window tinting standards. Creates the habitual vehicular substance offender designation and sentencing. Requires: (1) the state department of toxicology (department) to develop standards and testing for ignition interlock devices (devices); and (2) all devices used in Indiana after July 1, 2015 to be certified under rules adopted by the department. Requires a vendor or provider of devices to: (1) report to the court or court's designee certain occurrences concerning the use of devices; and (2) provide any reports or data requested by the department.

Effective: July 1, 2014.

McMillin

January 14, 2014, read first time and referred to Committee on Roads and Transportation.
January 27, 2014, amended, reported — Do Pass.
January 30, 2014, read second time, amended, ordered engrossed.

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January 31, 2014

Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1279

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

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

SECTION 1. IC 7.1-5-7-1, AS AMENDED BY P.L.125-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. ~~(a)~~ It is a Class C misdemeanor for a minor to knowingly or intentionally make a false statement of the minor's age or to present or offer false or fraudulent evidence of majority or identity to a permittee for the purpose of ordering, purchasing, attempting to purchase, or otherwise procuring or attempting to procure an alcoholic beverage.

~~(b) In addition to the penalty under subsection (a), a minor who:~~

~~(1) uses a false or altered driver's license or the driver's license of another person as evidence of majority under this section; or~~

~~(2) is convicted of purchasing or procuring an alcoholic beverage with or without using a false or altered driver's license;~~

~~shall have the minor's driver's license, permit, or driving privileges suspended for up to one (1) year in accordance with IC 9-24-18-8 and IC 9-30-4-9.~~

~~(c) Upon entering a judgment of conviction for the misdemeanor under this section, the court shall forward a copy of the judgment to the bureau of motor vehicles for the purpose of complying with subsection (b).~~

SECTION 2. IC 7.1-5-7-7, AS AMENDED BY P.L.125-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. ~~(a)~~ Subject to IC 7.1-5-1-6.5, it is a Class C misdemeanor for a minor to knowingly:

(1) possess an alcoholic beverage;

(2) consume an alcoholic beverage; or

(3) transport an alcoholic beverage on a public highway when not accompanied by at least one (1) of the minor's parents or guardians.

~~(b) If a minor is found to have violated subsection (a) while operating a vehicle, the court may order the minor's driving privileges suspended for up to one (1) year. However, if the minor is less than eighteen (18) years of age, the court shall order the minor's driving privileges suspended for at least sixty (60) days.~~

~~(c) The court shall deliver any order suspending a minor's driving privileges under this section to the bureau of motor vehicles, which shall suspend the minor's driving privileges under IC 9-24-18-12 for the period ordered by the court.~~

SECTION 3. IC 7.1-5-7-10, AS AMENDED BY P.L.125-2012, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) It is a Class C misdemeanor for a minor to ~~recklessly~~ **knowingly or intentionally** be in a tavern, bar, or other public place where alcoholic beverages are sold, bartered, exchanged, given away, provided, or furnished. ~~In addition to other penalties under this subsection, the minor's driver's license, permit, or driving privileges shall be suspended for up to one (1) year in accordance with IC 9-24-18-8 and IC 9-30-4-9.~~

(b) It is a Class C misdemeanor for a permittee to recklessly permit a minor to be in the prohibited place beyond a reasonable time in which an ordinary prudent person can check identification to confirm the age of a patron.

SECTION 4. IC 8-23-2-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) As used in this section, "highway work zone" means an area where:

(1) highway construction, reconstruction, or maintenance is actually occurring; and

(2) notice is posted ~~in accordance with the:~~

~~(A) Indiana Manual on Uniform Traffic Control Devices; or~~

~~(B) Indiana Work Site Traffic Control Manual;~~ **indicating that the highway work zone is a specific area designated with signage on the highway.**

~~to indicate that highway construction, reconstruction, or maintenance is occurring.~~

(b) The department may contract with the state police department or local law enforcement agencies to hire off duty police officers to patrol highway work zones. The duties of a police officer who is hired under this section:

(1) are limited to those duties that the police officer normally performs while on active duty; and

(2) do not include the duties of a:

(A) flagman; or

(B) security officer.

(c) The department shall use the money transferred to the department under ~~IC 33-37-9-4(6)~~ **IC 33-37-9-4(a)(6)** to pay the costs of hiring off duty police officers to perform the duties described in subsection (b).

(d) All money transferred to the department under ~~IC 33-37-9-4(6)~~ **IC 33-37-9-4(a)(6)** is annually appropriated to pay off duty police officers to perform the duties described in subsection (b).

SECTION 5. IC 9-13-2-75, AS AMENDED BY P.L.262-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 75. "Identification number" ~~for purposes of IC 9-17-4-18, has the meaning set forth in IC 9-17-4-18.~~ **means a set of numbers, letters, or both numbers and letters that is assigned to a motor vehicle or motor vehicle part by:**

(1) a manufacturer of motor vehicles or motor vehicle parts; or

(2) a governmental entity to replace an original identification number that is destroyed, removed, altered, or defaced.

SECTION 6. IC 9-13-2-146 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 146. "Railroad" does not include street car.~~

SECTION 7. IC 9-13-2-149.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 149.8. "Recovery vehicle" means a:**

(1) Class A recovery vehicle as defined in section 26 of this chapter; or

(2) Class B recovery vehicle as defined in section 27 of this chapter.

SECTION 8. IC 9-13-2-176 IS REPEALED [EFFECTIVE JULY 1,

2014]. ~~Sec. 176. "Street car" means a car other than a railroad train for transporting persons or property and operated upon rails principally within a municipality.~~

SECTION 9. IC 9-13-2-182 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 182. "Traffic" means pedestrians, ridden or herded animals, ~~street cars,~~ vehicles, and other conveyances either singly or together while using any highway for purposes of travel.

SECTION 10. IC 9-13-2-196.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 196.3. "Vehicular substance offense", for purposes of IC 9-30-15.5, has the meaning set forth in IC 9-30-15.5-1.**

SECTION 11. IC 9-17-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. (a) Except as provided in:

(1) subsection (b); **and**

(2) section 15 of this chapter; ~~and~~

~~(3) section 16 of this chapter;~~

a person who violates this chapter commits a Class C infraction.

(b) A person who violates section 6 of this chapter commits a Class B infraction.

SECTION 12. IC 9-17-2-16 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 16. (a) A person who counterfeits or falsely reproduces a certificate of title for a motor vehicle, semitrailer, or recreational vehicle with intent to:~~

~~(1) use the certificate of title; or~~

~~(2) permit another person to use the certificate of title;~~

~~commits a Class B misdemeanor.~~

~~(b) The bureau shall suspend the driver's license or permit of a person who uses or possesses a certificate of title described under subsection (a) for ninety (90) days. This mandatory suspension is in addition to sanctions provided in IC 9-30-4-9.~~

SECTION 13. IC 9-17-3-3.2, AS AMENDED BY P.L.158-2013, SECTION 137, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.2. (a) When a certificate of title is available and a vehicle is sold or transferred to a person other than a dealer licensed in Indiana, the seller or transferor shall fill in all blanks on the certificate of title relating to buyer information, including the sale price.

(b) The ~~knowing or intentional~~ failure of the seller or transferor to fill in all buyer information is a ~~Class A misdemeanor for the first~~

~~offense and a Level 6 felony for the second or subsequent offense under section 7(c)(2) of this chapter.~~ **Class B infraction.**

SECTION 14. IC 9-17-3-3.4, AS ADDED BY P.L.262-2013, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.4. (a) If a vehicle for which a certificate of title has been issued is sold or if the ownership of the vehicle is transferred in any manner other than by a transfer on death conveyance under section 9 of this chapter, the person who holds the certificate of title must do the following:

(1) Endorse on the certificate of title an assignment of the certificate of title with warranty of title, in a form printed on the certificate of title, with a statement describing all liens or encumbrances on the vehicle.

(2) Deliver the certificate of title to the purchaser or transferee at the time of the sale or delivery to the purchaser or transferee of the vehicle, if the purchaser or transferee has made all agreed upon initial payments for the vehicle, including delivery of a trade-in vehicle without hidden or undisclosed statutory liens.

(3) Unless the vehicle is being sold or transferred to a dealer licensed under IC 9-32, complete all information concerning the purchase on the certificate of title, including, but not limited to:

(A) the name and address of the purchaser; and

(B) the sale price of the vehicle.

(b) If a vehicle for which a certificate of title has been issued by another state is sold or delivered, the person selling or delivering the vehicle must deliver to the purchaser or receiver of the vehicle a proper certificate of title with an assignment of the certificate of title in a form prescribed by the bureau.

(c) The original certificate of title and all assignments and subsequent reissues of the certificate of title shall be retained by the bureau and appropriately classified and indexed in the most convenient manner to trace title to the vehicle described in the certificate of title.

(d) A person who violates subsection (a)(1) or (a)(3) commits a Class B infraction.

SECTION 15. IC 9-17-3-7, AS AMENDED BY P.L.262-2013, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) This section does not apply to section 5 of this chapter.

(b) Except as provided in ~~subsection (c),~~ **section 3.4(d) of this chapter,** a person who violates this chapter commits a Class C infraction.

~~(c) A person who knowingly or intentionally violates:~~

~~(1) section 3.4(a)(1) or 3.4(a)(2) of this chapter commits a Class B misdemeanor; or~~

~~(2) section 3.4(a)(3) of this chapter commits:~~

~~(A) a Class A misdemeanor for the first violation; or~~

~~(B) a Class D felony for the second violation or any subsequent violation.~~

SECTION 16. IC 9-17-4-7, AS ADDED BY P.L.262-2013, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) Not more than twenty (20) days after a person becomes the owner, custodian, or possessor of a motor vehicle that:

(1) was manufactured after December 31, 1954; and

(2) either:

(A) does not have a manufacturer's identification number installed on the motor vehicle; or

(B) has an original manufacturer's identification number that is altered, destroyed, obliterated, or defaced;

the person shall apply to the bureau for permission to make or stamp a special identification number on the motor vehicle.

(b) The bureau shall prescribe the form of an application under subsection (a). The application must contain the following:

(1) A description of the motor vehicle, including the make, style, and year of model of the motor vehicle.

(2) A description of:

(A) the original manufacturer's identification number, if possible; or

(B) any distinguishing marks on the engine or body of the motor vehicle.

(3) The name and address of the applicant.

(4) The date on which the applicant purchased or took possession of the motor vehicle.

(5) The name and address of the person from whom the applicant purchased or acquired the motor vehicle.

(6) Any application fee required under IC 9-29 for a special identification number.

(7) Any other information the bureau requires.

(c) A person who owns or possesses a motor vehicle described in subsection (a) and fails to comply with this section commits a Class B infraction.

SECTION 17. IC 9-17-4-8, AS ADDED BY P.L.262-2013, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) The bureau shall review an application

submitted under section 7 of this chapter. If the bureau determines the application is complete, the bureau shall issue to the applicant written permission to make or stamp a special identification number on the motor vehicle. The bureau shall designate the special identification number and the location of the special identification number on the motor vehicle.

(b) A new special identification number may not cover or otherwise obscure an original identification number that is visible on a motor vehicle.

(c) A new special identification number that is stamped or otherwise placed on a motor vehicle under this chapter becomes the lawful identification number of the motor vehicle for all purposes, including for purposes of selling or transferring the motor vehicle.

(d) A person who covers or obscures an original or special identification number as described in subsection (b) commits a Class B infraction.

SECTION 18. IC 9-17-4-14 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 14. A person who owns or possesses a motor vehicle that the person knows violates section 7 or 8 of this chapter commits a Class D felony.~~

SECTION 19. IC 9-17-4-15 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 15. (a) A person who knowingly:~~

~~(1) damages;~~

~~(2) removes; or~~

~~(3) alters;~~

~~an original or a special identification number commits a Class C felony.~~

~~(b) A person who, with the intent to conceal evidence of the commission of a crime, covers an original or special identification number commits a Class C felony.~~

SECTION 20. IC 9-17-4-16 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 16. A person who knowingly sells or offers for sale a motor vehicle with an original or a special identification number that is:~~

~~(1) destroyed;~~

~~(2) removed;~~

~~(3) altered;~~

~~(4) covered; or~~

~~(5) defaced;~~

~~commits a Class D felony.~~

SECTION 21. IC 9-17-4-17 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 17. A person who knowingly or intentionally sells or offers for sale a motor vehicle part with an identification number that is:~~

~~(1) destroyed;~~

~~(2) removed;~~
~~(3) altered;~~
~~(4) covered; or~~
~~(5) defaced;~~
~~commits a Class D felony.~~

SECTION 22. IC 9-17-4-18 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 18. (a) For purposes of this section, "identification number" means a set of numbers, letters, or both numbers and letters that is assigned to a motor vehicle or motor vehicle part by:~~
~~(1) a manufacturer of motor vehicles or motor vehicle parts; or~~
~~(2) a governmental entity to replace an original identification number that is destroyed, removed, altered, or defaced.~~
~~(b) Subsection (c) does not apply to a person who manufactures or installs a plate or label containing an identification number:~~
~~(1) in a program authorized by a manufacturer of motor vehicles or motor vehicle parts; or~~
~~(2) as authorized by the bureau under this chapter.~~
~~(c) A person who knowingly or intentionally possesses a plate or label that:~~
~~(1) contains an identification number; and~~
~~(2) is not attached to the motor vehicle or motor vehicle part to which the identification number was assigned by the manufacturer or a governmental entity;~~
~~commits a Class D felony.~~
~~(d) A person who knowingly or intentionally possesses a plate or label on which the identification number is altered or removed commits a Class D felony.~~
~~(e) A person who, with intent to defraud, possesses a plate or label containing a set of numbers, letters, or both numbers and letters that purports to be an identification number commits a Class D felony.~~

SECTION 23. IC 9-18-2-42 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 42. (a) This section does not apply to section 21 of this chapter.~~
~~(b) A person who counterfeits or falsely reproduces a certificate of registration for a motor vehicle, semitrailer, or recreational vehicle with intent to:~~
~~(1) use the certificate of registration; or~~
~~(2) permit another person to use the certificate of registration;~~
~~commits a Class B misdemeanor.~~
~~(c) The bureau shall suspend the driver's license or permit of a person who uses or possesses a certificate of registration described under subsection (b) for ninety (90) days. This mandatory suspension~~

~~is in addition to sanctions provided in IC 9-30-4-9.~~

SECTION 24. IC 9-18-2.5-12, AS ADDED BY P.L.259-2013, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) A manufacturer of an off-road vehicle or snowmobile shall stamp an identifying vehicle number into the frame of the off-road vehicle or snowmobile. **A manufacturer that violates this subsection commits a Class A infraction.**

(b) The vehicle number shall be stamped where the number may be easily seen with a minimum of physical effort. **A manufacturer that violates this subsection commits a Class A infraction.**

(c) Upon request, a manufacturer shall furnish information as to the location of vehicle numbers on off-road vehicles and snowmobiles the manufacturer produces to a police officer or the bureau. **A manufacturer that violates this subsection commits a Class A infraction.**

(d) A person may not possess an off-road vehicle or snowmobile with an altered, defaced, or obliterated vehicle number. **A person who knowingly or intentionally violates this subsection commits a Class B misdemeanor.**

SECTION 25. IC 9-18-2.5-16, AS ADDED BY P.L.259-2013, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. ~~(a)~~ Except as provided in ~~subsection (b),~~ **section 12 of this chapter,** a person that violates this chapter commits a Class C infraction.

~~(b) A person that violates section 12(d) of this chapter commits a Class B misdemeanor.~~

SECTION 26. IC 9-18-4-8 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 8. A person who knowingly violates this chapter commits a Class B misdemeanor.~~

SECTION 27. IC 9-18-13-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person who operates a recovery vehicle must meet the minimum standards for financial responsibility that are set forth in IC 9-25.

(b) A recovery vehicle may be registered only if proof of financial responsibility in amounts required under IC 9-25 is produced at the time of registration. The bureau shall retain a record of that proof in the bureau's files.

(c) The bureau may adopt rules under IC 4-22-2 to carry out this section.

(d) A person may not operate a recovery vehicle on a highway in violation of this section.

(e) A person who violates this section commits a Class B

infraction.

SECTION 28. IC 9-18-13-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. **(a)** A person may not operate a vehicle:

(1) that is not qualified to register as a recovery vehicle under this chapter;

(2) for the purpose of lifting and pulling:

(A) a disabled;

(B) a wrecked;

(C) an abandoned;

(D) an improperly parked; or

(E) a burnt;

vehicle; and

(3) on a highway.

(b) A person who violates this section commits a Class C infraction.

SECTION 29. IC 9-18-13-9 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 9. A person who violates section 4 of this chapter commits a Class C misdemeanor.~~

SECTION 30. IC 9-18-13-10 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 10. A person who violates section 7 of this chapter commits a Class C infraction.~~

SECTION 31. IC 9-19-9-1 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 1. A person may not:~~

~~(1) advertise for sale;~~

~~(2) sell;~~

~~(3) use; or~~

~~(4) install;~~

~~any device that causes an odometer to register mileage other than the mileage driven by the vehicle as registered by the odometer within the manufacturer's designed tolerance.~~

SECTION 32. IC 9-19-9-2 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 2. A person may not:~~

~~(1) disconnect;~~

~~(2) reset; or~~

~~(3) alter;~~

~~the odometer of any motor vehicle with intent to change the number of miles indicated on the odometer.~~

SECTION 33. IC 9-19-9-3 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 3. (a) This section applies to all motor vehicles except the following:~~

~~(1) Motorcycles.~~

~~(2) Trucks the declared gross weight of which exceeds eleven thousand (11,000) pounds.~~

~~(3) Motor vehicles that have a model year on their registration card that is at least five (5) years earlier than the year the vehicle is in operation on a street or highway.~~

~~(b) A person may not knowingly operate a motor vehicle on a street or highway if the odometer of the vehicle is disconnected or nonfunctional.~~

SECTION 34. IC 9-19-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. **(a)** This chapter does not prohibit the service, repair, or replacement of an odometer if the mileage indicated on the odometer remains the same as before the service, repair, or replacement.

(b) If the odometer is incapable of registering the same mileage as before the service, repair, or replacement, the odometer shall be adjusted to read zero (0) and a notice in writing shall be attached to the left door frame of the vehicle by the owner or the owner's agent specifying the mileage before repair or replacement of the odometer and the date on which the odometer was repaired or replaced. ~~A person may not knowingly remove or alter a notice affixed to a motor vehicle under this section.~~

SECTION 35. IC 9-19-9-5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 5. A person who, with intent to defraud:~~

~~(1) violates this chapter; or~~

~~(2) omits to do any act that is required by this chapter;~~

~~commits a Level 6 felony.~~

SECTION 36. IC 9-19-9-7, AS AMENDED BY P.L.54-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. A person who

~~(1) violates this chapter; or~~

~~(2)~~ violates 49 U.S.C. 32709 (as in effect January 1, 1995)

commits a deceptive act and is subject to a civil penalty of not more than one thousand five hundred dollars ($1,500) for each violation in addition to other remedies available under this chapter and IC 24-5-0.5. The attorney general, acting in the name of the state, has the exclusive right to petition for recovery of such a penalty, and the penalty may be recovered only in an action brought under IC 24-5-0.5-4(c).

SECTION 37. IC 9-19-10.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. **(a)** A person may not knowingly or intentionally install in a motor vehicle, as part of the motor vehicle's inflatable restraint system, an object that does not comply with Federal Motor Vehicle Safety Standard Number 208 (49

CFR 571.208) for the make, model, and year of the motor vehicle.

(b) A person who knowingly or intentionally violates this section commits a Class A misdemeanor. However, the offense is a Level 6 felony if a person in a motor vehicle is injured or dies as a result of the violation of subsection (a).

SECTION 38. IC 9-19-10.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. **(a)** A person may not knowingly or intentionally:

(1) sell;
(2) lease;
(3) trade; or
(4) transfer;

a motor vehicle in which is installed, as part of the motor vehicle's inflatable restraint system, an object that does not comply with Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208) for the make, model, and year of the motor vehicle to an Indiana resident.

(b) A person who knowingly or intentionally violates this section commits a Level 6 felony.

SECTION 39. IC 9-19-10.5-4 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 4. A person who violates section 2 of this chapter commits a Class A misdemeanor. However, the offense is a Level 6 felony if a person in a motor vehicle is injured as a result of the air bag tampering.~~

SECTION 40. IC 9-19-10.5-5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 5. A person who violates section 3 of this chapter commits a Level 6 felony.~~

SECTION 41. IC 9-19-19-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) This section does not apply to a manufacturer's tinting or glazing of motor vehicle windows or windshields that is otherwise in compliance with or permitted by FMVSS205 as promulgated in 49 CFR 571.205. Proof from the manufacturer, supplier, or installer that the tinting or glazing is in compliance with or permitted by FMVSS205 must be carried in the vehicle.

(b) This section does not apply to the driver of a vehicle:

(1) that is owned by an individual required for medical reasons to be shielded from the direct rays of the sun; or
(2) in which an individual required for medical reasons to be shielded from the direct rays of the sun is a habitual passenger.

The medical reasons must be attested to by a physician or optometrist licensed to practice in Indiana, and the physician's or optometrist's certification of that condition must be carried in the vehicle. The

physician's or optometrist's certificate must be renewed annually.

(c) A person may not drive a motor vehicle that has a:

(1) windshield;

(2) side wing;

(3) side window that is part of a front door; or

(4) rear back window;

that is covered by or treated with sunscreening material or is tinted ~~to the extent or manufactured in a way that the occupants of the vehicle cannot be easily identified or recognized through that window from outside the vehicle. However, it is a defense if the sunscreening material applied to those windows~~ **with material that** has a total solar reflectance of visible light of ~~not~~ more than twenty-five percent (25%) as measured on the nonfilm side and light transmittance of ~~at least~~ **less than** thirty percent (30%) in the visible light range.

(d) A person may not tint or otherwise cover or treat with sunscreening the parts of a vehicle described in subsection (c) so that operation of the vehicle after the tinting or sunscreening is performed is a violation of subsection (c). However, it is not a violation of this chapter if this work is performed for a person who submits a physician's or optometrist's statement as described in subsection (b) to the person who is to perform the work.

(e) A vehicle may be stopped to determine compliance with this section. However, a vehicle, the contents of a vehicle, the driver of a vehicle, or a passenger in a vehicle may not be inspected, searched, or detained solely because of a violation of this section.

SECTION 42. IC 9-20-18-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A person who moves a vehicle or combination of vehicles after the vehicle or combination of vehicles is impounded commits a ~~Class B misdemeanor.~~ **Class A infraction.**

SECTION 43. IC 9-21-3-10 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 10. The motorman of a street car shall obey traffic control signals that are applicable to vehicles.~~

SECTION 44. IC 9-21-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. A person who violates section 7, 8, **or** 9 ~~or 10~~ of this chapter commits a Class C infraction.

SECTION 45. IC 9-21-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) The Indiana department of transportation shall place and, except as otherwise provided in this section **and IC 8-23-2-15,** maintain traffic control devices conforming to the state manual and specifications upon all

state highways, including the state maintained routes through a city or town, as necessary to indicate and to carry out this article or to regulate, warn, or guide traffic.

(b) A local authority may not place or maintain a traffic control device upon a highway in the state highway system or the state maintained routes through a city or town until the authority has received written permission from the Indiana department of transportation.

(c) If the department determines, upon the basis of an engineering and traffic investigation, that any traffic control signal is not necessary for the safe, convenient, economical, and orderly movement of traffic, the signal shall be removed by the Indiana department of transportation and be returned to the authority responsible for the signal's erection. If the Indiana department of transportation determines, based on an engineering and traffic investigation, that a traffic control signal now in place is necessary for the safe, convenient, economical, and orderly movement of traffic, the signal must remain in place, and the Indiana department of transportation shall affix a tag or seal to the signal showing that the signal has been approved by the Indiana department of transportation.

SECTION 46. IC 9-21-8-41 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 41. (a) A person who drives a vehicle ~~or street car~~ may not disobey the instructions of an official traffic control device placed in accordance with this article unless otherwise directed by a police officer.

(b) When a traffic control device or flagman is utilized at a worksite on a highway for traffic control, a person who drives a vehicle shall exercise extraordinary care to secure the mutual safety of all persons and vehicles at the worksite.

(c) All traffic shall observe and obey traffic control devices including signals, signs, and warnings, and all directions, signs, or warning devices that may be given or displayed by a police officer or flagman to safely control traffic movement at a worksite and promote safety at a worksite.

SECTION 47. IC 9-21-8-43 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 43. (a) A person may not drive a vehicle when any of the following conditions exist:

(1) The vehicle:

(A) is loaded in a manner; or

(B) has more than three (3) persons in the front seat;

so as to obstruct the view of the person who drives the vehicle to the front or sides of the vehicle.

(2) The vehicle:
(A) is loaded in a manner; or
(B) has more than three (3) persons in the front seat;
so as to interfere with the person's control over the driving mechanism of the vehicle.

(b) A passenger in a vehicle ~~or street car~~ may not do the following:
(1) Ride in a position that interferes with the view ahead or to the sides of the person who drives the vehicle. ~~or street car.~~
(2) Interfere with the person's control over the driving mechanism of the vehicle. ~~or street car.~~

SECTION 48. IC 9-21-8-52, AS AMENDED BY P.L.70-2009, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 52. (a) A person who operates a vehicle and who recklessly:
(1) drives at such an unreasonably high rate of speed or at such an unreasonably low rate of speed under the circumstances as to:
(A) endanger the safety or the property of others; or
(B) block the proper flow of traffic;
(2) passes another vehicle from the rear while on a slope or on a curve where vision is obstructed for a distance of less than five hundred (500) feet ahead;
(3) drives in and out of a line of traffic, except as otherwise permitted; or
(4) speeds up or refuses to give one-half (1/2) of the roadway to a driver overtaking and desiring to pass;
commits a Class B misdemeanor.

(b) A person who operates a vehicle and who recklessly passes a school bus stopped on a roadway when the arm signal device specified in IC 9-21-12-13 is in the device's extended position commits a Class B misdemeanor. However, the offense is a Class A misdemeanor if it causes bodily injury to a person.

(c) If an offense under subsection (a) or (b) results in damage to the property of another person or bodily injury to another person, **it is a Class C misdemeanor and** the court ~~shall~~ **may** recommend the suspension of the current driving license of the person for a fixed period of
~~(1) not less than thirty (30) days; and~~
~~(2)~~ not more than one (1) year.

SECTION 49. IC 9-21-8-56, AS AMENDED BY P.L.158-2013, SECTION 148, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 56. (a) For purposes of this section, "highway work zone" has the meaning set forth in IC 8-23-2-15.

(b) Except as provided in subsections (f) through (h), a person who recklessly operates a vehicle in the immediate vicinity of a highway work zone when workers are present commits a Class A misdemeanor.

(c) Except as provided in subsections (f) through (h), a person who knowingly **or** intentionally ~~or recklessly~~ operates a motor vehicle in the immediate vicinity of a highway work zone when workers are present with the intent to:

(1) damage traffic control devices; or

(2) inflict bodily injury on a worker;

commits a Class A misdemeanor.

(d) Except as provided in subsections (f) through (h), a person who knowingly, intentionally, or recklessly engages in:

(1) aggressive driving, as defined in section 55 of this chapter; or

(2) a speed contest, as prohibited under IC 9-21-6-1;

in the immediate vicinity of a highway work zone when workers are present commits a Class A misdemeanor.

(e) Except as provided in subsections (f) through (h), a person who recklessly fails to obey a traffic control device or flagman, as prohibited under section 41 of this chapter, in the immediate vicinity of a highway work zone when workers are present commits a Class A misdemeanor.

(f) An offense under subsection (b), (c), (d), or (e) is a Level 6 felony if the person who commits the offense:

(1) has a prior unrelated conviction under this section in the previous five (5) years; or

(2) is operating the vehicle in violation of IC 9-30-5-1 or IC 9-30-5-2.

(g) An offense under subsection (b), (c), (d), or (e) is a Level 6 felony if the offense results in bodily injury to a worker in the worksite.

(h) An offense under subsection (b), (c), (d), or (e) is a Level 5 felony if the offense results in the death of a worker in the worksite.

(i) A person who knowingly, intentionally, or recklessly engages in an act described in section 55(b)(1), 55(b)(2), 55(b)(3), 55(b)(4), 55(b)(5), or 55(b)(6) of this chapter in the immediate vicinity of a highway work zone when workers are present commits a Class B infraction. Notwithstanding IC 34-28-5-5(c), the funds collected as judgments for an infraction under this subsection shall be transferred to the Indiana department of transportation to pay the costs of hiring off duty police officers to perform the duties described in IC 8-23-2-15(b).

SECTION 50. IC 9-21-11-5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 5. A person upon a bicycle, a coaster, roller skates, or a toy vehicle may not attach the bicycle, coaster, roller skates, or toy vehicle~~

~~or the person to a street car or vehicle upon a roadway.~~

SECTION 51. IC 9-21-12-1, AS AMENDED BY P.L.1-2005, SECTION 104, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who drives a vehicle that:

(1) meets or overtakes from any direction a school bus stopped on a roadway and is not stopped before reaching the school bus when the arm signal device specified in IC 9-21-12-13 is in the device's extended position; or

(2) proceeds before the arm signal device is no longer extended;

commits ~~the offense described in section 9 of this chapter.~~ **a Class A infraction.**

(b) This section is applicable only if the school bus is in substantial compliance with the markings required by the state school bus committee.

(c) There is a rebuttable presumption that the owner of the vehicle involved in the violation of this section committed the violation. This presumption does not apply to the owner of a vehicle involved in the violation of this section if the owner routinely engages in the business of renting the vehicle for periods of thirty (30) days or less.

SECTION 52. IC 9-21-12-2 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 2. Whenever a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school or other school related activities, all markings on the school bus indicating "school bus" shall be covered or concealed.~~

SECTION 53. IC 9-21-12-5, AS AMENDED BY P.L.8-2010, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) This section does not apply to the following:

(1) A street railway grade crossing within a business or residence district.

(2) Abandoned or unused railroad grade crossings that are:

(A) designated by the Indiana department of transportation under IC 8-6-15-2; and

(B) marked with a "tracks out of service" sign that complies with the requirements of IC 8-6-15-3.

(b) A person who drives:

(1) a motor vehicle, **not including a school or private bus,** carrying passengers for hire;

(2) a school or private bus that is carrying passengers; or

(3) a vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo;

shall, before crossing at grade a track of a railroad, stop the vehicle not more than fifty (50) feet and not less than fifteen (15) feet from the nearest rail of the railroad.

(c) While stopped in accordance with subsection (b), the person shall do the following:

(1) Listen through an open window or door.

(2) Look in both directions along the track for an approaching train or other on-track equipment and for signals indicating the approach of a train or other on-track equipment.

(3) Not proceed until the person can proceed safely.

After stopping, the person shall cross only in a gear of the vehicle so there will be no necessity for changing gears while traversing the crossing. The person who drives the vehicle may not shift gears while crossing the track or tracks.

(d) If a police officer or traffic control signal directs traffic to proceed at a railroad crossing, the person who drives a vehicle subject to this section shall proceed in accordance with the instructions of the police officer or traffic control signal.

(e) Except as provided in subsection (f), a person who violates this section commits a Class C infraction.

(f) A person who knowingly or intentionally violates subsection (b)(2) commits a Class B misdemeanor.

SECTION 54. IC 9-21-12-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 6. A street car or vehicle may not be driven over an unprotected hose of a fire department when laid down on a street, private driveway, or street car track to be used at a fire or alarm of fire without the consent of the fire department official in command.~~

SECTION 55. IC 9-21-12-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. **(a)** A person who drives a vehicle that is not on official business **for the state, a unit of government, a fire department, including a volunteer fire department, a law enforcement agency, or an emergency ambulance service** may not do any of the following:

(1) Follow any fire apparatus traveling in response to a fire alarm at a distance closer than five hundred (500) feet.

(2) Drive into or park a vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

(b) A person who violates this section commits a Class C infraction.

SECTION 56. IC 9-21-12-9 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 9. A person who violates section 1 of this chapter commits a Class A infraction. A person who violates section 2 of this chapter~~

~~commits a Class C misdemeanor.~~

SECTION 57. IC 9-21-12-11 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 11. (a) A person who violates section 5, 6, 7, or 19 of this chapter commits a Class C infraction.~~

~~(b) A person who knowingly or intentionally violates section 12, 13, 14, 15, 16, or 17 of this chapter commits a Class C misdemeanor.~~

~~(c) A person described in section 18(b), 18(c), or 18(d) of this chapter commits a Class B infraction.~~

SECTION 58. IC 9-21-12-12 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 12. When a school bus is operated on a highway, the driver shall load and unload a student as close as practical to the right-hand curb or edge of the roadway.~~

SECTION 59. IC 9-21-12-13, AS ADDED BY P.L.1-2005, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) Except:

(1) as provided in subsection (b); or

(2) when a school bus is stopped at an intersection or another place where traffic is controlled by a traffic control device or a police officer;

whenever a school bus is stopped on a roadway to load or unload a student, the driver shall use an arm signal device, which must be extended while the bus is stopped.

(b) The governing body of a public school may authorize a school bus driver to load or unload a student at a location off the roadway that the governing body designates as a special school bus loading area. The driver is not required to extend the arm signal device when loading or unloading a student in the designated area.

(c) A school bus driver who knowingly or intentionally violates subsection (a) commits a Class C misdemeanor.

SECTION 60. IC 9-21-12-14, AS ADDED BY P.L.1-2005, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. Before a driver changes the direction of a school bus, the driver shall use a directional signal to indicate the change at least one hundred (100) feet before the driver turns. **A school bus driver who knowingly or intentionally violates this section commits a Class C misdemeanor.**

SECTION 61. IC 9-21-12-15, AS ADDED BY P.L.1-2005, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. **(a)** The driver of a school bus shall use flashing lights as prescribed by the state school bus committee to give adequate warning that the school bus is stopped or about to stop on the roadway to load or unload a student.

(b) A school bus driver who knowingly or intentionally violates subsection (a) commits a Class C misdemeanor.

SECTION 62. IC 9-21-12-16, AS ADDED BY P.L.1-2005, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. **(a)** When a school bus is in motion, students are prohibited from occupying any space forward of a vertical plane drawn through the rear of the driver's seat and perpendicular to the longitudinal axis of the bus. Every school bus must:

(1) be marked with a line or otherwise equipped in order to indicate the prohibited area to students; and

(2) have clearly posted, at or near the front of the bus, a sign stating that it is a violation of Indiana law for a school bus to be operated with any students occupying the prohibited area.

(b) A school bus driver who knowingly or intentionally violates this section commits a Class C misdemeanor.

SECTION 63. IC 9-21-12-17 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 17. (a) Except as provided in subsection (b), before crossing any railroad track at grade, the driver of a school bus or special purpose bus shall stop the bus within fifty (50) feet but not less than fifteen (15) feet from the nearest rail. While the bus is stopped, the driver shall:~~

~~(1) listen through an open door;~~

~~(2) look in both directions along the track for an approaching train or other on-track equipment; and~~

~~(3) look for signals indicating the approach of a train or other on-track equipment.~~

~~The driver may not proceed until it is safe to proceed. When it is safe to proceed, the driver shall select a gear that will allow the driver to cross the tracks without changing gears. The driver may not shift gears while crossing the tracks.~~

~~(b) The driver is not required to stop when a police officer is directing the flow of traffic across railroad tracks.~~

~~(c) Upon conviction of a violation of this section, a driver shall have the driver's operator's license suspended for a period of not less than sixty (60) days in addition to the penalties provided by section 11 of this chapter.~~

SECTION 64. IC 9-21-12-18, AS ADDED BY P.L.107-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. (a) Whenever a school bus or special purpose bus is ~~at a place of departure for~~ transporting passengers, the school bus or special purpose bus emergency escape exits, doors, emergency exit windows, roof exits, and service doors must be free of any

obstruction that:

(1) inhibits or obstructs an exit; or

(2) renders the means of exit hazardous.

(b) A driver who knowingly operates a school bus or special purpose bus in violation of subsection (a) ~~is subject to section 11(c) of this chapter.~~ **commits a Class C misdemeanor.**

(c) A person who knowingly directs a driver to operate a school bus or special purpose bus in violation of subsection (a) ~~is subject to section 11(c) of this chapter.~~ **commits a Class C misdemeanor.**

~~(d) A school corporation or an entity that employs:~~

~~(1) a driver who knowingly operates a school bus or special purpose bus in violation of subsection (a); or~~

~~(2) a person who knowingly directs a driver to operate a school bus or special purpose bus in violation of subsection (a);~~

~~is subject to section 11(c) of this chapter.~~

SECTION 65. IC 9-22-3-7, AS AMENDED BY P.L.93-2010, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. **(a)** A business that is registered with the secretary of state as a dealer under IC 9-23 may reassign a certificate of salvage title one (1) time without applying to the bureau for the issuance of a new certificate of salvage title.

(b) A business that violates this section commits a Class A infraction.

SECTION 66. IC 9-22-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. **(a)** If a salvage motor vehicle has been flood damaged, extensively burned, vandalized, or severely wrecked so that one (1) or more component parts are required to restore the motor vehicle to an operable condition, the person or business that restored the motor vehicle must furnish, on an affidavit of restoration for a salvage motor vehicle form, the name, identification number, and source of all component parts that were included in the restoration of the vehicle. The affidavit must be attached to the certificate of salvage title and be submitted to the bureau upon application by a person for a certificate of title for the vehicle.

(b) A person or business that violates this section commits a Class A infraction.

SECTION 67. IC 9-22-3-31, AS AMENDED BY P.L.158-2013, SECTION 149, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 31. A person who knowingly **or intentionally** possesses, buys, sells, exchanges, gives away, or offers to buy, sell, exchange or give away a manufacturer's identification plate

or serial plate that has been removed from a motor vehicle, motorcycle, semitrailer, or recreational vehicle that is a total loss or salvage commits a Level 6 felony.

SECTION 68. IC 9-22-3-33 AS AMENDED BY P.L.92-2013, SECTION 49, AND AS AMENDED BY P.L.158-2013, SECTION 151, IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 33. *(a)* A person who *recklessly,* knowingly, *or intentionally* violates section 4, 5, 6, 7, or 8 of this chapter (or section 9 of this chapter before its repeal) commits a *Class D Level 6* felony.~~

~~*(b) A person who recklessly, knowingly, or intentionally violates section 18.5 or 30 of this chapter commits a Class A misdemeanor.*~~

SECTION 69. IC 9-22-5-18, AS ADDED BY P.L.224-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. **(a)** Before a person sells a vehicle to, gives a vehicle to, or disposes of a vehicle with an automobile scrapyard, the person shall give the automobile scrapyard:

(1) a certificate of authority for the vehicle that:

(A) is issued by the bureau under this chapter; and

(B) authorizes the scrapping or dismantling of the vehicle; or

(2) a certificate of title for the vehicle issued by the bureau under IC 9-17-3.

(b) A person who knowingly or intentionally violates this section commits a Class C misdemeanor.

SECTION 70. IC 9-22-5-18.2, AS ADDED BY P.L.92-2013, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18.2. (a) A disposal facility, a scrap metal processor, or an agent of a disposal facility or scrap metal processor may purchase a motor vehicle without a certificate of title for the motor vehicle if:

(1) the motor vehicle is at least fifteen (15) model years old;

(2) the purchase is solely for the purpose of dismantling or wrecking the motor vehicle for the recovery of scrap metal or the sale of parts; and

(3) the disposal facility or scrap metal processor records all purchase transactions of vehicles as required in subsection (b).

(b) A disposal facility or scrap metal processor shall maintain the following information with respect to each motor vehicle purchase transaction to which the disposal facility or scrap metal processor is a party for at least two (2) years following the date of the purchase transaction:

(1) The name and address of any secondary metals recycler or salvage yard.

(2) The name, initials, or other identifying symbol of the person entering the information.
(3) The date of the purchase transaction.
(4) A description of the motor vehicle that is the subject of the purchase transaction, including the make and model of the motor vehicle, if practicable.
(5) The vehicle identification number of the motor vehicle.
(6) The amount of consideration given for the motor vehicle.
(7) A written statement signed by the seller or the seller's agent certifying that the seller or the seller's agent has the lawful right to sell and dispose of the motor vehicle.
(8) The name and address of the person from whom the motor vehicle is being purchased.
(9) A photocopy or electronic scan of one (1) of the following forms of identification issued to the seller or the seller's agent:
(A) A current and valid driver's license.
(B) An identification card issued under IC 9-24-16-1 or a similar card issued under the laws of another state or the federal government.
(C) A government issued document bearing an image of the seller or seller's agent, as applicable.
For purposes of complying with this subdivision, a disposal facility or scrap metal processor is not required to make a separate copy of the seller's or seller's agent's identification for each purchase transaction involving the seller or seller's agent but may instead refer to a copy maintained in reference to a particular purchase transaction.

(c) A disposal facility or scrap metal processor may not complete a purchase transaction in the absence of the information required under subsection (b)(9).

(d) A disposal facility, a scrap metal processor, or an agent of a disposal facility or scrap metal processor that knowingly **or** intentionally ~~or recklessly~~ buys a motor vehicle that is less than fifteen (15) model years old without a certificate of title for the motor vehicle commits a ~~Class D~~ **Level 6** felony.

SECTION 71. IC 9-22-5-19, AS ADDED BY P.L.224-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. A person who knowingly or intentionally

~~(1) violates section 18 of this chapter; or~~
~~(2)~~ purchases or accepts a vehicle with intent to scrap or dismantle the vehicle without obtaining a certificate of authority described in section ~~18(1)~~ **18(a)(1)** of this chapter or a certificate

of title issued by the bureau under IC 9-17-3 from the person who sells, gives away, or disposes of the vehicle;

commits a Class B misdemeanor.

SECTION 72. IC 9-22-6-1, AS AMENDED BY P.L.262-2013, SECTION 116, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) An individual, a firm, a limited liability company, or a corporation engaged in the business of storing, furnishing supplies for, providing towing services for, or repairing motor vehicles, trailers, semitrailers, or recreational vehicles shall obtain the name and address of the person that owns a motor vehicle, trailer, semitrailer, or recreational vehicle that is left in the custody of the individual, firm, limited liability company, or corporation for storage, furnishing of supplies, or repairs at the time the vehicle is left.

(b) The individual, firm, limited liability company, or corporation shall record in a book the following information concerning the vehicle described in subsection (a):

(1) The name and address of the person that owns the vehicle.

(2) The license number of the vehicle.

(3) The date on which the vehicle was left.

(c) The book shall be provided and kept by the individual, firm, limited liability company, or corporation and must be open for inspection by an authorized police officer of the state, a city, or a town or by the county sheriff.

(d) If a motor vehicle, trailer, semitrailer, or recreational vehicle is stored by the week or by the month, only one (1) entry on the book is required for the time during which the vehicle is stored.

(e) A person who violates this section commits a Class A infraction.

SECTION 73. IC 9-22-6-2, AS ADDED BY P.L.125-2012, SECTION 158, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) An individual, a firm, a limited liability company, or a corporation that performs labor, furnishes materials or storage, or does repair work on a motor vehicle, trailer, semitrailer, or recreational vehicle at the request of the person that owns the vehicle has a mechanic's lien on the vehicle for the reasonable value of the charges for the labor, materials, storage, or repairs.

(b) An individual, a firm, a partnership, a limited liability company, or a corporation that provides towing services for a motor vehicle, trailer, semitrailer, or recreational vehicle at the request of the person that owns the motor vehicle, trailer, semitrailer, or recreational vehicle

has a mechanic's lien on the vehicle for the reasonable value of the charges for the towing services and other related costs.

(c) If:

(1) the charges made under subsection (a) or (b) are not paid; and

(2) the motor vehicle, trailer, semitrailer, or recreational vehicle is not claimed;

not later than thirty (30) days after the date on which the vehicle is left in or comes into the possession of the individual, firm, limited liability company, or corporation for repairs, storage, towing, or the furnishing of materials, the individual, firm, limited liability company, or corporation may advertise the vehicle for sale. The vehicle may not be sold earlier than fifteen (15) days after the date the advertisement required by subsection (d) has been placed or fifteen (15) days after notice required by subsection (e) has been sent, whichever is later.

(d) Before a vehicle may be sold under subsection (c), an advertisement must be placed in a newspaper that is printed in English and of general circulation in the city or town in which the lienholder's place of business is located. If the lienholder is located outside the corporate limits of a city or a town, the advertisement must be placed in a newspaper of general circulation in the county in which the place of business of the lienholder is located. The advertisement must contain at least the following information:

(1) A description of the vehicle, including make, type, and manufacturer's identification number.

(2) The amount of the unpaid charges.

(3) The time, place, and date of the sale.

(e) In addition to the advertisement required under subsection (d), the person that holds the mechanic's lien must notify the person that owns the vehicle and any other person that holds a lien of record at the person's last known address by certified mail, return receipt requested, that the vehicle will be sold at public auction on a specified date to satisfy the mechanic's lien imposed by this section.

(f) A person that holds a mechanic's lien of record on a vehicle subject to sale under this section may pay the storage, repair, towing, or service charges due. If the person that holds the mechanic's lien of record elects to pay the charges due, the person is entitled to possession of the vehicle and becomes the holder of the mechanic's lien imposed by this section.

(g) If the person that owns a vehicle subject to sale under this section does not claim the vehicle and satisfy the mechanic's lien on the vehicle, the vehicle may be sold at public auction to the highest and best bidder. A person that holds a mechanic's lien under this section

may purchase a vehicle subject to sale under this section.

(h) A person that holds a mechanic's lien under this section may deduct and retain the amount of the mechanic's lien and the cost of the advertisement required under subsection (d) from the purchase price received for a vehicle sold under this section. After deducting from the purchase price the amount of the mechanic's lien and the cost of the advertisement, the person shall pay the surplus of the purchase price to the person that owns the vehicle if the person's address or whereabouts are known. If the address or whereabouts of the person that owns the vehicle are not known, the surplus of the purchase price shall be paid over to the clerk of the circuit court of the county in which the person that holds the mechanic's lien has a place of business for the use and benefit of the person that owns the vehicle.

(i) A person that holds a mechanic's lien under this section shall execute and deliver to the purchaser of a vehicle under this section a sales certificate in the form designated by the bureau, setting forth the following information:

(1) The facts of the sale.

(2) The vehicle identification number.

(3) The certificate of title if available.

(4) A certification from the newspaper showing that the advertisement was made as required under subsection (d).

(5) Any other information that the bureau requires.

Whenever the bureau receives from the purchaser an application for certificate of title accompanied by these items, the bureau shall issue a certificate of title for the vehicle under IC 9-17.

(j) A person who violates this section commits a Class A infraction.

SECTION 74. IC 9-22-6-3 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 3. A person that knowingly, intentionally, or recklessly violates section 1 or 2 of this chapter commits a Class A misdemeanor.~~

SECTION 75. IC 9-24-1-6, AS AMENDED BY P.L.125-2012, SECTION 164, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) Except as provided in subsection (b) or as otherwise provided in this article, an individual must hold a valid commercial driver's license to drive a commercial motor vehicle upon an Indiana highway.

(b) Subsection (a) does not apply if the individual:

(1) holds a valid driver's license of any type;

(2) is enrolled in a commercial motor vehicle training course approved by the bureau; and

(3) is operating a commercial motor vehicle under the direct

supervision of a licensed commercial motor vehicle driver.

(c) A person who knowingly or intentionally violates subsection (a) commits a Class C misdemeanor.

SECTION 76. IC 9-24-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. ~~(a)~~ Except as provided in ~~subsection (b),~~ **section 6 of this chapter,** a person who violates this chapter commits a Class C infraction.

~~(b) A person who violates section 6 of this chapter commits a Class C misdemeanor.~~

SECTION 77. IC 9-24-2-4, AS AMENDED BY P.L.85-2013, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) If a person is less than eighteen (18) years of age and is a habitual truant, is under a suspension or an expulsion or has withdrawn from school as described in section 1 of this chapter, the bureau shall, upon notification by the person's principal, suspend the person's driving privileges until the earliest of the following:

(1) The person becomes eighteen (18) years of age.

(2) One hundred twenty (120) days after the person is suspended.

(3) The suspension, expulsion, or exclusion is reversed after the person has had a hearing under IC 20-33-8.

(b) The bureau shall promptly mail a notice to the person's last known address that states the following:

(1) That the person's driving privileges will be suspended for a specified period commencing five (5) days after the date of the notice.

(2) That the person has the right to appeal the suspension of the driving privileges.

(c) If an aggrieved person believes that:

(1) the information provided was technically incorrect; or

(2) the bureau committed a technical or procedural error;

the aggrieved person may appeal the invalidation of a license under section 5 of this chapter.

(d) If a person satisfies the conditions for reinstatement of a license under this section, the person may submit to the bureau for review the necessary information certifying that at least one (1) of the events described in subsection (a) has occurred.

(e) Upon reviewing and certifying the information received under subsection (d), the bureau shall reinstate the person's driving privileges.

(f) A person may not operate a motor vehicle in violation of this section.

(g) A person whose driving privileges are suspended under this section is eligible to apply for ~~restricted~~ **specialized** driving privileges

under ~~IC 9-24-15.~~ **IC 9-30-16.**

(h) The bureau shall reinstate the driving privileges of a person whose driving privileges were suspended under this section if the person does the following:

(1) Establishes to the satisfaction of the principal of the school where the action occurred that caused the suspension of the driving privileges that the person has:

(A) enrolled in a full-time or part-time program of education; and

(B) participated for thirty (30) or more days in the program of education.

(2) Submits to the bureau a form developed by the bureau that contains:

(A) the verified signature of the principal or the president of the governing body of the school described in subdivision (1); and

(B) notification to the bureau that the person has complied with subdivision (1).

A person may appeal the decision of a principal under subdivision (1) to the governing body of the school corporation where the principal's school is located.

SECTION 78. IC 9-24-2-5, AS AMENDED BY P.L.125-2012, SECTION 172, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A person whose driving privileges have been suspended under section 4 of this chapter is entitled to a prompt judicial hearing. The person may file a petition that requests a hearing in a circuit, superior, county, or municipal court in the county where:

(1) the person resides; or

(2) the school attended by the person is located.

(b) The petition for review must:

(1) be in writing; and

(2) be verified by the person seeking review and:

(A) allege specific facts that indicate the suspension or expulsion was improper; or

(B) allege that due to the person's emancipation or dependents that an undue hardship exists that requires the granting of a restricted driving permit.

(c) The hearing conducted by the court under this section shall be limited to the following issues:

(1) Whether the school followed proper procedures when suspending or expelling the person from school, including

affording the person due process under IC 20-33-8.

(2) Whether the bureau followed proper procedures in suspending the person's driving privileges.

~~(3) Whether an undue hardship exists that requires the granting of restricted driving privileges under IC 9-24-15.~~

(d) If the court finds:

(1) that the school failed to follow proper procedures when suspending or expelling the person from school; or

(2) that the bureau failed to follow proper procedures in suspending the person's driving privileges;

the court may order the bureau to reinstate the person's driving privileges.

~~(e) If the court finds that an undue hardship exists, and the person otherwise qualifies under IC 9-24-15, the court may order restricted driving privileges limiting the petitioner to essential driving for work and driving between home, work, and school only. The restricted driving privileges must state the restrictions related to time, territory, and route. If a court orders restricted driving privileges for the petitioner, the court shall do the following:~~

~~(1) Include in the order a finding of facts that states the petitioner's driving restrictions.~~

~~(2) Enter the findings of fact and order in the order book of the court.~~

~~(3) Send the bureau a signed copy of the order.~~

~~(f)~~ **(e)** The prosecuting attorney of the county in which a petition has been filed under this section shall represent the state on behalf of the bureau with respect to the petition. A school that is made a party to an action filed under this section is responsible for the school's own representation.

~~(g)~~ **(f)** In an action under this section the petitioner has the burden of proof by a preponderance of the evidence.

~~(h)~~ **(g)** The court's order is a final judgment appealable in the manner of civil actions by either party. The attorney general shall represent the state on behalf of the bureau with respect to the appeal.

SECTION 79. IC 9-24-3-4, AS AMENDED BY P.L.125-2012, SECTION 175, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. To receive an operator's license, an individual must surrender to the bureau any and all driver's licenses or identification cards issued **under IC 9-24** to the individual by Indiana or any other jurisdiction.

SECTION 80. IC 9-24-6-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. Except as provided

in ~~sections 16 and~~ **section** 17 of this chapter, a person who violates this chapter commits a Class C infraction.

SECTION 81. IC 9-24-8-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 6. In addition to any other penalty, the bureau:~~

~~(1) shall revoke the motorcycle learner's permit of a person who is convicted of operating a motorcycle under the influence of alcohol; and~~

~~(2) may not issue a motorcycle learner's permit or motorcycle endorsement to a person referred to in subdivision (1) for at least (1) year after the date of the person's conviction.~~

SECTION 82. IC 9-24-11-4, AS AMENDED BY P.L.85-2013, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) An individual may not have more than one (1) driver's license or identification card **issued under IC 9-24** at a time.

(b) An individual may not hold a driver's license and an identification card **issued under IC 9-24** at the same time.

(c) A person who violates subsection (a) or (b) commits a Class C infraction.

SECTION 83. IC 9-24-11-8, AS AMENDED BY P.L.158-2013, SECTION 153, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. ~~(a) Except as provided in subsections (b) and (c), a person who violates this chapter commits a Class C infraction.~~

~~(b)~~ **(a)** A person who:

(1) has been issued a permit or license on which there is a printed or stamped restriction as provided under section 7 of this chapter; and

(2) operates a motor vehicle in violation of the restriction;

commits a Class C ~~misdemeanor.~~ **infraction.** ~~The license of a person who violates this subsection may be suspended in the manner provided for the suspension or revocation of an operator's license.~~

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

~~(d)~~ **(c)** A person who violates subsection ~~(c)~~ **(b)** commits a separate offense for each person whose serious bodily injury or death is caused

by the violation of subsection ~~(c).~~ **(b).**

SECTION 84. IC 9-24-11-10, AS AMENDED BY P.L.85-2013, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) In addition to any other penalty imposed for a conviction under section ~~8(c)~~ **8(b)** of this chapter, the court ~~shall~~ **may** recommend that the person's driving privileges be suspended for a fixed period of ~~at least ninety (90) days and~~ not more than two (2) years **and the court may also order specialized driving privileges under IC 9-30-16.**

(b) The court shall specify:

(1) the length of the fixed period of suspension; and

(2) the date the fixed period of suspension begins;

whenever the court ~~makes a recommendation~~ **issues an order** under subsection (a). ~~If the court fails to recommend a fixed term of suspension, or recommends a fixed term that is less than the minimum term required by statute, the bureau shall impose the minimum period of suspension required under this chapter.~~

SECTION 85. IC 9-24-11-11 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 11. The bureau shall, upon receiving a record of conviction of a person under section 8(c) of this chapter, set a period of suspension for a fixed period of at least ninety (90) days and not more than two (2) years. The bureau shall fix this period in accordance with the recommendation of the court that entered the conviction, as provided in section 10 of this chapter. If the court fails to recommend a fixed term of suspension, or recommends a fixed term that is less than the minimum term required by statute, the bureau shall impose the minimum period of suspension required under this chapter.~~

SECTION 86. IC 9-24-15 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Issuance of Restricted Driver's License Because of Hardship).

SECTION 87. IC 9-24-16-12, AS AMENDED BY P.L.158-2013, SECTION 155, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. ~~(a)~~ A person who:

(1) knowingly permits the use of an identification card issued under this chapter by a person other than the person to whom the card was issued;

(2) knowingly displays or represents as the person's own identification card issued under this chapter an identification card that was not issued to the person displaying the card; **or**

(3) does not surrender, upon demand of the proper official, an identification card issued under this chapter that has become invalid or expired; ~~or~~

~~(4) knowingly sells, offers to sell, buys, possesses, or offers a false~~

~~identification card that could reasonably be mistaken for a valid identification card required by this chapter to be issued by the bureau but that has not been issued by the bureau;~~

commits a ~~Class B~~ **Class C** misdemeanor.

~~(b) A person who:~~

~~(1) knowingly or intentionally uses false information in an application:~~

~~(A) for an identification card issued under this chapter; or~~

~~(B) for a renewal, amendment, or replacement of an identification card issued under this chapter; or~~

~~(2) knowingly or intentionally makes a false statement or otherwise commits fraud in an application for an identification card issued under this chapter;~~

~~commits application fraud, a Level 6 felony.~~

SECTION 88. IC 9-24-16-12.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 12.5. (a) A person who knowingly sells, offers to sell, buys, produces, forges, counterfeits, or offers a false identification card that could reasonably be mistaken for a valid identification card required by this chapter to be issued by the bureau but that has not been issued by the bureau commits a Class B misdemeanor.**

(b) A person who:

(1) knowingly or intentionally uses false information in an application:

(A) for an identification card issued under this chapter; or

(B) for a renewal, amendment, or replacement of an identification card issued under this chapter; or

(2) knowingly or intentionally makes a false statement or otherwise commits fraud in an application for an identification card issued under this chapter;

commits application fraud, a Level 6 felony.

SECTION 89. IC 9-24-16-13 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 13. A person who forges or reproduces an identification card issued under this chapter:~~

~~(1) with intent to use the card; or~~

~~(2) so that the card may be used by another person;~~

~~commits a Class B misdemeanor.~~

SECTION 90. IC 9-24-18-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 0.5. If a court suspends or revokes a person's driving privileges under this title, the court shall**

inform the bureau of the action in a format designated by the bureau.

SECTION 91. IC 9-24-18-1, AS AMENDED BY P.L.85-2013, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person, except a person exempted under IC 9-24-1-7, who knowingly or intentionally operates a motor vehicle upon a highway and has never received a valid driving license commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if the person has a prior unrelated conviction under this section.

~~(b) In addition to any other penalty imposed for a conviction under this section, the court shall recommend that the person be prohibited from receiving a valid driving license for a fixed period of at least ninety (90) days and not more than two (2) years.~~

~~(c) The court shall specify:~~

~~(1) the length of the fixed period of the prohibition; and~~

~~(2) the date the fixed period of the prohibition begins;~~

~~whenever the court makes a recommendation under subsection (b).~~

~~(d) The bureau shall, upon receiving a record of conviction of a person upon a charge of operating a motor vehicle while never having received a valid driving license, prohibit the person from receiving a driving license by placing a suspension of driving privileges on the person's record for a fixed period of at least ninety (90) days and not more than two (2) years. The bureau shall fix this period in accordance with the recommendation of the court that entered the conviction, as provided in subsection (c). If the court fails to recommend a fixed term of suspension, or recommends a fixed term that is less than the minimum term required by statute, the bureau shall impose the minimum period of suspension required under this chapter.~~

~~(e)~~ **(b)** In a prosecution under this section, the burden is on the defendant to prove by a preponderance of the evidence that the defendant had been issued a driver's license or permit that was valid at the time of the alleged offense.

SECTION 92. IC 9-24-18-7 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 7. A person who counterfeits or falsely reproduces a driver's license with intent to use the license or to permit another person to use the license commits a Class B misdemeanor.~~

SECTION 93. IC 9-24-18-8 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 8. (a) The bureau shall suspend for a mandatory period of at least ninety (90) days the current driving license or permit of a person who:~~

~~(1) uses or has possession of a driving license or permit of another~~

~~person with the intent to violate or evade or to attempt to violate or evade any provision of law relating to the sale, purchase, use, or possession of alcoholic beverages; or~~

~~(2) is convicted of the offenses listed in IC 7.1-5-7-1(b) or IC 7.1-5-7-10.~~

~~(b) The mandatory suspension provided by this section is in addition to all other sanctions provided by section 7 of this chapter and IC 9-30-4-9.~~

SECTION 94. IC 9-24-18-9, AS AMENDED BY P.L.85-2013, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) The bureau may establish a driving record for an Indiana resident who does not hold any type of valid driving license. The driving record shall be established for an unlicensed driver when the bureau receives an abstract of court conviction for the type of conviction that would appear on an official driver's record.

(b) If an unlicensed driver applies for and receives any type of driver's license in Indiana, the person's driving record as an unlicensed driver shall be recorded on the permanent record file. ~~An unlicensed driver who has had at least two (2) traffic violation convictions in Indiana within twenty-four (24) months before applying for any type of driver's license may not be issued a license within one (1) year after the date of the second traffic conviction as indicated on the abstract of court conviction record. If the bureau issues a license without knowledge of the second conviction, the bureau shall suspend the license for one (1) year upon learning of the second conviction and notify the person of the reason for the suspension and the term of the suspension.~~

(c) The bureau shall also certify traffic violation convictions on the driving record of an unlicensed driver who subsequently receives an Indiana driver's license.

SECTION 95. IC 9-24-18-12 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 12. Upon receipt of a court order under IC 7.1-5-7-7 (minor possessing, consuming, or transporting alcohol or having alcohol present in a bodily substance), the bureau shall suspend the minor's driving privileges for the period ordered by the court. If the court fails to recommend a fixed term of suspension, or recommends a fixed term that is less than the minimum term required by statute, the bureau shall impose the minimum period of suspension required under IC 7.1-5-7.~~

SECTION 96. IC 9-24-19-1, AS AMENDED BY P.L.42-2011, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. Except as provided in sections 2 **and** 3 ~~and 4~~

of this chapter, a person who operates a motor vehicle upon a highway while the person's driving privilege, license, or permit is suspended or revoked commits a Class A infraction.

SECTION 97. IC 9-24-19-3, AS AMENDED BY P.L.114-2012, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. **(a)** A person who operates a motor vehicle upon a highway when the person knows that the person's driving privilege, license, or permit is suspended or revoked, when the person's suspension or revocation was a result of the person's conviction of an offense (as defined in IC 35-31.5-2-215) commits a Class A misdemeanor.

(b) However, the offense described in subsection (a) is a:

(1) Level 6 felony if the operation of the motor vehicle results in bodily injury; or

(2) Level 5 felony if the operation of the motor vehicle results in the death of another person.

SECTION 98. IC 9-24-19-4 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 4. (a) A person who violates section 3 of this chapter commits a Level 6 felony if the operation results in bodily injury or serious bodily injury.~~

~~(b) A person who violates section 3 of this chapter commits a Level 5 felony if the operation results in the death of another person.~~

SECTION 99. IC 9-24-19-5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 5. (a) In addition to any other penalty imposed for a conviction under this chapter, the court shall recommend that the person's driving privileges be suspended for a fixed period of not less than ninety (90) days and not more than two (2) years.~~

~~(b) The court shall specify:~~

~~(1) the length of the fixed period of suspension; and~~

~~(2) the date the fixed period of suspension begins;~~

~~whenever the court makes a recommendation under subsection (a).~~

~~(c) The bureau shall, upon receiving a record of conviction of a person upon a charge of driving a motor vehicle while the driving privileges, permit, or license of the person is suspended, fix the period of suspension in accordance with the recommendation of the court. If the court fails to recommend a fixed term of suspension, or recommends a fixed term that is less than the minimum term required by statute, the bureau shall impose the minimum period of suspension required under this chapter.~~

SECTION 100. IC 9-25-6-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 0.5. If a court orders the**

suspension of a person's driving privileges, the bureau shall 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 101. IC 9-25-6-18 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 18. A person who:~~

~~(1) forges or without authority signs or approves any certificate to serve as proof of financial responsibility as required by the bureau; or~~

~~(2) knowingly files or offers for filing a certificate described in subdivision (1);~~

~~commits a Class B misdemeanor.~~

SECTION 102. IC 9-26-1-1 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 1. Except as provided in section 1.5 of this chapter, the driver of a motor vehicle involved in an accident that results in the injury or death of a person or the entrapment of a person in a vehicle shall do the following:~~

~~(1) Immediately stop the driver's motor vehicle at the scene of the accident or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary.~~

~~(2) Immediately return to and remain at the scene of the accident until the driver does the following:~~

~~(A) Gives the driver's name and address and the registration number of the motor vehicle the driver was driving.~~

~~(B) Upon request, exhibits the driver's license of the driver to the following:~~

~~(i) The person struck.~~

~~(ii) The driver or occupant of or person attending each vehicle involved in the accident.~~

~~(C) Subject to section 1.5(a) of this chapter, determines the need for and renders reasonable assistance to each person injured or entrapped in the accident, including the removal of, or the making of arrangements for the removal of:~~

~~(i) each injured person from the scene of the accident to a physician or hospital for medical treatment; and~~

~~(ii) each entrapped person from the vehicle in which the person is entrapped.~~

~~(3) Subject to section 1.5(b) of this chapter, immediately give notice of the accident by the quickest means of communication to one (1) of the following:~~

~~(A) The local police department, if the accident occurs within a municipality.~~

~~(B) The office of the county sheriff or the nearest state police post, if the accident occurs outside a municipality.~~

SECTION 103. IC 9-26-1-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 1.1. (a) The operator of a motor vehicle involved in an accident shall do the following:**

(1) Either:

(A) immediately stop the operator's motor vehicle:

(i) at the scene of the accident; and

(ii) as close to the accident as possible in a manner that does not obstruct traffic more than is necessary; or

(B) remain at the scene of the accident until the operator does the following:

(i) Upon request, gives the operator's name and address and the registration number of the motor vehicle the operator was driving to any person involved in the accident.

(ii) Upon request, exhibits the operator's driver's license to any person involved in the accident or occupant of or any person attending to any vehicle involved in the accident.

(2) If the accident results in the injury or death of another person, the operator shall, in addition to the requirements of subdivision (1):

(A) provide reasonable assistance to each person injured in or entrapped by the accident, as directed by a law enforcement officer, medical personnel, or a 911 telephone operator; and

(B) immediately give notice of the accident by the quickest means of communication to one (1) of the following:

(i) The local police department, if the accident occurs within a municipality.

(ii) The office of the county sheriff or the nearest state police post, if the accident occurs outside a municipality.

(3) If the accident involves a collision with an unattended vehicle or damage to property other than a vehicle, the operator shall, in addition to the requirements of subdivision (1):

(A) take reasonable steps to locate and notify the owner or person in charge of the damaged vehicle or property of the damage; and

(B) if after reasonable inquiry the operator cannot find the

owner or person in charge of the damaged vehicle or property, do the following:

(i) Notify either the sheriff's department of the county in which the damaged vehicle or property is located or a member of the state police department.

(ii) Give the sheriff's department or the state police department the information required by this section.

(b) An operator of a motor vehicle who knowingly or intentionally fails to comply with subsection (a) commits leaving the scene of an accident, a Class B misdemeanor. However, the offense is:

(1) a Class A misdemeanor if the accident results in bodily injury to another person;

(2) a Level 6 felony if:

(A) the accident results in serious bodily injury to another person; or

(B) within the five (5) years preceding the commission of the offense, the operator had a previous conviction of any of the offenses listed in IC 9-30-10-4(a);

(3) a Level 5 felony if the accident results in the death of another person; and

(4) a Level 3 felony if the operator knowingly or intentionally fails to stop or comply with subsection (a) during or after the commission of the offense of operating while intoxicated causing serious bodily injury (IC 9-30-5-4) or operating while intoxicated causing death (IC 9-30-5-5).

SECTION 104. IC 9-26-1-1.5, AS AMENDED BY P.L.125-2012, SECTION 293, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.5. (a) If:

(1) the ~~driver~~ **operator** of a motor vehicle is physically incapable of determining the need for or rendering assistance to any injured or entrapped person as required under section ~~1(2)(C)~~ **1.1(a)(2)** of this chapter;

(2) there is another occupant in the motor vehicle at the time of the accident who is:

(A) at least:

(i) fifteen (15) years of age and holds a learner's permit issued under IC 9-24-7-1 or a driver's license issued under IC 9-24-11; or

(ii) eighteen (18) years of age; and

(B) capable of determining the need for and rendering reasonable assistance to injured or entrapped persons as

provided in section ~~1(2)(C)~~ **1.1(a)(2)** of this chapter; and

(3) the other occupant in the motor vehicle knows that the ~~driver~~ **operator** of the motor vehicle is physically incapable of determining the need for or rendering assistance to any injured or entrapped person;

the motor vehicle occupant referred to in subdivisions (2) and (3) shall immediately determine the need for and render reasonable assistance to each person injured or entrapped in the accident as provided in section ~~1(2)(C)~~ **1.1(a)(2)** of this chapter.

~~(b) If:~~

~~(1) the driver of a motor vehicle is physically incapable of giving immediate notice of an accident as required under section 1(3) of this chapter;~~

~~(2) there is another occupant in the motor vehicle at the time of the accident who is:~~

~~(A) at least:~~

~~(i) fifteen (15) years of age and holds a learner's permit issued under IC 9-24-7-1 or a driver's license issued under IC 9-24-11; or~~

~~(ii) eighteen (18) years of age; and~~

~~(B) capable of giving notice as provided in section 1(3) of this chapter; and~~

~~(3) the other occupant in the motor vehicle knows that the driver of the motor vehicle is physically incapable of giving immediate notice of an accident;~~

~~the motor vehicle occupant referred to in subdivisions (2) and (3) shall immediately give notice of the accident by the quickest means of communication as provided in section 1(3) of this chapter.~~

~~(c)~~ **(b)** If there is more than one (1) motor vehicle occupant to whom subsection (a) applies, it is a defense to a prosecution of one (1) motor vehicle occupant under subsection (a) that the defendant reasonably believed that another occupant of the motor vehicle determined the need for and rendered reasonable assistance as required under subsection (a).

~~(d) If there is more than one (1) motor vehicle occupant to whom subsection (b) applies, it is a defense to a prosecution of one (1) motor vehicle occupant under subsection (b) that the defendant reasonably believed that another occupant of the motor vehicle gave the notice required under subsection (b).~~

SECTION 105. IC 9-26-1-2 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 2. The driver of a motor vehicle involved in an accident that does not result in injury or death of a person or the entrapment of~~

~~a person in a motor vehicle and that does not involve the transportation of hazardous materials but that does result in damage to a vehicle that is driven or attended by a person shall do the following:~~

~~(1) Immediately stop the motor vehicle at the scene of the accident or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary. If the accident occurs on a federal interstate highway, or on a ramp providing access to or from a federal interstate highway, the driver shall, as soon as safely possible, move the motor vehicle off the highway or ramp to a location as close to the accident as possible in a manner that does not obstruct traffic more than is necessary.~~

~~(2) Immediately return to and remain at the scene of the accident until the driver does the following upon request:~~

~~(A) Gives the driver's name and address and the registration number of the motor vehicle the driver was driving.~~

~~(B) Gives the names and addresses of the owner and any occupants of the motor vehicle the driver was driving, if the names or addresses are different from the name and address provided under clause (A).~~

~~(C) Provides proof of financial responsibility (as defined in IC 9-25-2-3) for the motor vehicle.~~

~~(D) Exhibits the driver's license of the driver to the driver or occupant of or person attending each vehicle involved in the accident.~~

SECTION 106. IC 9-26-1-3 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 3. The driver of a motor vehicle that collides with an unattended vehicle shall immediately stop and do one (1) of the following:~~

~~(1) Locate and notify the operator or owner of the vehicle of the name and address of the driver and owner of the motor vehicle striking the unattended vehicle.~~

~~(2) Leave in a conspicuous place on the vehicle struck a written notice giving the name and address of the driver and the owner of the motor vehicle doing the striking and a statement of the circumstances of the accident.~~

SECTION 107. IC 9-26-1-4 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 4. (a) The driver of a motor vehicle that causes damage to the property of another person, other than damage to a vehicle, shall do the following:~~

~~(1) Immediately stop the motor vehicle at the scene of the accident or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary.~~

~~(2) Immediately return to and remain at the scene of the accident until the driver does the following:~~

~~(A) Takes reasonable steps to locate and notify the owner or person in charge of the property of the damage.~~

~~(B) Gives the person the driver's name and address and the registration number of the motor vehicle.~~

~~(C) Upon request, exhibits the driver's license of the driver.~~

~~(b) If after reasonable inquiry the driver of the motor vehicle cannot find the owner or person in charge of the damaged property, the driver of the motor vehicle shall do the following:~~

~~(1) Notify either the sheriff's department of the county in which the damaged property is located or a member of the state police department.~~

~~(2) Give the sheriff's department or state police department the information required by this section.~~

SECTION 108. IC 9-26-1-8 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 8. (a) A person who knowingly or intentionally fails to stop or comply with section 1(1) or 1(2) of this chapter after causing injury to a person commits a Class A misdemeanor. However, the offense is:~~

~~(1) a Level 6 felony if:~~

~~(A) the accident involves serious bodily injury to a person; or~~

~~(B) within the five (5) years preceding the commission of the offense, the person had a previous conviction of any of the offenses listed in IC 9-30-10-4(a);~~

~~(2) a Level 5 felony if the accident involves the death of a person; and~~

~~(3) a Level 4 felony if the person knowingly or intentionally fails to stop or comply with section 1(1) or 1(2) of this chapter after committing operating while intoxicated causing serious bodily injury (IC 9-30-5-4).~~

~~(b) A person who knowingly or intentionally fails to stop or comply with section 3 or 4 of this chapter after causing damage to the property of another person commits a Class B misdemeanor.~~

SECTION 109. IC 9-26-1-9 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 9. A person who intentionally, knowingly, or recklessly violates section 1(3), 1.5, 2(1), or 2(2) of this chapter commits a Class C misdemeanor.~~

SECTION 110. IC 9-26-6-0.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 0.5. Section 1 of this chapter applies to a person removing a wrecked or damaged golf cart or off-road vehicle from a street or highway.~~

SECTION 111. IC 9-26-6-1, AS AMENDED BY P.L.125-2012,

SECTION 302, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. A person removing a wrecked or damaged motor vehicle, **including a wrecked or damaged golf cart or off-road vehicle,** from a street or highway must remove any glass or other foreign material dropped upon the street or highway from the motor vehicle.

SECTION 112. IC 9-26-6-2, AS AMENDED BY P.L.125-2012, SECTION 303, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) This section does not apply to the removal of a motor vehicle that constitutes a traffic hazard.

(b) The ~~driver~~ **operator** of a motor vehicle that is used to remove a motor vehicle that caused damage to real or personal property, except a motor vehicle of another person as described in ~~IC 9-26-1-4,~~ **IC 9-26-1-1.1,** shall give the notification required by ~~IC 9-26-1-4~~ **IC 9-26-1-1.1** before removing the motor vehicle that caused the damage.

(c) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 113. IC 9-26-6-4 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 4. A person who violates section 2 of this chapter commits a Class B misdemeanor.~~

SECTION 114. IC 9-26-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A law enforcement officer may, without a warrant, arrest a person for a violation of ~~IC 9-26-1-1(1), IC 9-26-1-1(2), IC 9-26-1-2(1), IC 9-26-1-2(2), IC 9-26-1-3, or IC 9-26-1-4~~ **IC 9-26-1-1.1** if the law enforcement officer has ~~reasonable~~ **probable** cause to believe that the violation was committed by the person.

SECTION 115. IC 9-28-2-9, AS AMENDED BY P.L.125-2012, SECTION 306, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) Upon written notification from a jurisdiction that is a party to an agreement entered into under this chapter, the bureau shall take appropriate action against a licensed driver for failure to meet the conditions set out in the citation of the jurisdiction in which the traffic offense occurred.

(b) The bureau shall notify the driver by first class mail of the request by the respective jurisdiction to have the driver's driving privileges suspended. For the purposes of this chapter, a written notice sent to the driver's last registered address with the bureau meets the conditions of due notice.

(c) The driver has fifteen (15) days from the date of notice to satisfy the conditions of the citation issued by the jurisdiction or to request a

hearing before a bureau hearing officer to show evidence or present information why the bureau should not suspend the driver's driving privileges for failure to meet the terms of the citation.

(d) Upon holding the hearing, the bureau may suspend the driver's driving privileges until the conditions of the citation are met or a release from the citing jurisdiction is obtained.

(e) If the bureau does not receive information from the driver concerning the notification, the bureau shall suspend the driver's driving privileges until the conditions of the citation are met or a release is obtained.

~~(f) A driver whose driving privileges have been suspended for failure to meet the conditions of a citation is not eligible for a hardship license under IC 9-24-15.~~

~~(g)~~ **(f)** The bureau may not suspend driving privileges under this section for a nonmoving traffic offense occurring in another jurisdiction.

SECTION 116. IC 9-29-1-2, AS AMENDED BY P.L.259-2013, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Money from the increases in fees levied by the 1969 regular session of the general assembly in IC 9-18-2, IC 9-18-5, IC 9-18-6, IC 9-18-7, IC 9-18-9, IC 9-18-10, IC 9-18-16, IC 9-24-3, IC 9-24-4, IC 9-24-5, IC 9-24-7, IC 9-24-8, IC 9-24-10, IC 9-24-11, IC 9-24-12, IC 9-24-13, IC 9-24-14, and IC 9-29-9-15 (IC 9-1-4 before its repeal on July 1, 1991) shall be deposited daily with the treasurer of state and credited to the highway, road, and street fund established under IC 8-14-2-2.1.

(b) For the purpose of providing adequate and sufficient funds for the crossroads 2000 fund established under IC 8-14-10-9, and subject to subsection (c), after June 30, 1997, with the approval of the bureau of motor vehicles commission the bureau of motor vehicles may adopt rules under IC 4-22-2 to increase, by an amount that is in addition to the fees specified by statute, the fees under the following:

IC 9-29-4-3
IC 9-29-5 (excluding fees under IC 9-29-5-44)
IC 9-29-9-1
IC 9-29-9-2
IC 9-29-9-3
IC 9-29-9-4
IC 9-29-9-5
IC 9-29-9-7
IC 9-29-9-8
IC 9-29-9-9

IC 9-29-9-11
IC 9-29-9-13
~~IC 9-29-9-14~~
IC 9-29-15-1
IC 9-29-15-2
IC 9-29-15-3
IC 9-29-15-4
IC 9-29-17-1
IC 9-29-17-2
IC 9-29-17-3
IC 9-29-17-4.

The amount of fees increased under this section shall first be deposited into the crossroads 2000 fund established under IC 8-14-10-9.

(c) The bureau's authority to adopt rules under subsection (b) is subject to the condition that a fee increase must be uniform throughout all license branches and at all partial service locations in Indiana.

(d) If a fee imposed by a statute listed in subsection (b) is eliminated, the amount of the fee increase set forth in a rule adopted under this section before July 1, 2007, with respect to the fee must be:

(1) collected by the bureau notwithstanding the elimination of the underlying fee;

(2) collected in addition to all other fees collected at the time of the underlying transaction; and

(3) deposited in the crossroads 2000 fund established under IC 8-14-10-9.

However, this subsection does not apply to a fee imposed under IC 9-29-5-14, IC 9-29-5-14.5, IC 9-29-5-15, or IC 9-29-5-39, which were repealed by legislation enacted in 2013.

SECTION 117. IC 9-29-9-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. The fee for a ~~restricted~~ **specialized** driving **privilege** permit issued under IC 9-24-15 is ten dollars ($10).

SECTION 118. IC 9-30-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. A law enforcement officer may, without a warrant, arrest a person in case of violations of:

(1) ~~IC 9-26-1-1(1), IC 9-26-1-1(2), IC 9-26-1-2(1), IC 9-26-1-2(2), IC 9-26-1-3, or IC 9-26-1-4;~~ **IC 9-26-1-1.1;** and

(2) IC 9-30-5 if the violation of IC 9-30-5 is coupled with an accident;

when the law enforcement officer has ~~reasonable~~ **probable** cause to believe that the violation was committed by the person. The procedure prescribed in this section is not the only method prescribed by law for

the arrest and prosecution of a person for an offense of similar grade.

SECTION 119. IC 9-30-4-1, AS AMENDED BY P.L.85-2013, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. **(a)** Upon any reasonable ground appearing on the records of the bureau **and specified in rules adopted under subsection (b),** the bureau may do the following:

(1) Suspend or revoke the current driving privileges or driver's license of any person.

(2) Suspend or revoke the certificate of registration and license plate for any motor vehicle.

(b) The bureau shall adopt rules under IC 4-22-2 to specify reasonable grounds for suspension or revocation permitted under subsection (a).

SECTION 120. IC 9-30-4-3, AS AMENDED BY P.L.125-2012, SECTION 329, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person aggrieved by an order or act of the bureau under section ~~1 or~~ 2 of this chapter may, within fifteen (15) days after notice is given, file a petition in the circuit or superior court of the county in which the person resides. If the person is a nonresident, the person may file a petition for review in the Marion County circuit court.

(b) The petitioner must state facts showing how the order or act of the bureau is wrongful or unlawful, but the filing of a petition does not suspend the order or act unless a stay is allowed by a judge of the court pending final determination of the review on a showing of reasonable probability that the order or act is wrongful or unlawful.

(c) The court shall, within six (6) months of the date of the filing of the petition, hear the petition, take testimony, and examine the facts of the case. The court may, in disposing of the issues, modify, affirm, or reverse the order or act of the bureau in whole or in part and shall make an appropriate order. If the petition has not been heard within six (6) months from the date of the filing, the original order or act of the bureau shall be reinstated in full force and effect.

SECTION 121. IC 9-30-4-6, AS AMENDED BY P.L.85-2013, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) Whenever the bureau suspends or revokes the current driver's license or driving privileges upon receiving a record of the conviction of a person for any offense under the motor vehicle laws, ~~not enumerated under subsection (b),~~ the bureau may also suspend any of the certificates of registration and license plates issued for any motor vehicle registered in the name of the person so convicted. However, the bureau may not suspend the evidence of registration,

unless otherwise required by law, if the person has given or gives and maintains during the three (3) years following the date of suspension or revocation proof of financial responsibility in the future in the manner specified in this section.

(b) The bureau shall suspend or revoke ~~without notice or hearing~~ the current driver's license or driving privileges and all certificates of registration and license plates issued or registered in the name of a person who is convicted of any of the following:

(1) Manslaughter or reckless homicide resulting from the operation of a motor vehicle.

(2) Perjury or knowingly making a false affidavit to the department under this chapter or any other law requiring the registration of motor vehicles or regulating motor vehicle operation upon the highways.

~~(3) A felony under Indiana motor vehicle laws or felony in the commission of which a motor vehicle is used.~~

~~(4)~~ **(3)** Three (3) charges of criminal recklessness involving the use of a motor vehicle within the preceding twelve (12) months.

~~(5)~~ **(4)** Failure to stop and give information or assistance or failure to stop and disclose the person's identity at the scene of an accident that has resulted in death, personal injury, or property damage in excess of two hundred dollars ($200).

~~(6) Possession, distribution, manufacture, cultivation, transfer, use, or sale of a controlled substance or counterfeit substance, or attempting or conspiring to possess, distribute, manufacture, cultivate, transfer, use, or sell a controlled substance or counterfeit substance.~~

(c) The **bureau shall suspend a** driver's license or driving privileges of a person ~~shall also be suspended~~ upon conviction in another jurisdiction for ~~any offense described in subsection (b)(1), (b)(2), (b)(3), (b)(4), and (b)(5),~~ **the following:**

(1) Manslaughter or reckless homicide resulting from the operation of a motor vehicle.

(2) Perjury or knowingly making a false affidavit to the department under this chapter or any other law requiring the registration of motor vehicles or regulating motor vehicle operation upon the highways.

(3) Three (3) charges of criminal recklessness involving the use of a motor vehicle within the preceding twelve (12) months.

(4) Failure to stop and give information or assistance or failure to stop and disclose the person's identity at the scene

of an accident that has resulted in death, personal injury, or property damage in excess of two hundred dollars ($200).

~~except~~ **However,** if property damage is less than two hundred dollars ($200), the bureau may determine whether the driver's license or driving privileges and certificates of registration and license plates shall be suspended or revoked. ~~The license of a person shall also be suspended upon conviction in another jurisdiction for any offense described in subsection (b)(6).~~

(d) A person whose driving privileges are suspended under this chapter is eligible for specialized driving privileges under IC 9-30-16.

~~(d)~~ **(e)** A suspension or revocation remains in effect and a new or renewal license may not be issued to the person and a motor vehicle may not be registered in the name of the person as follows:

(1) Except as provided in ~~subdivisions~~ **subdivision** (2), ~~(3), (4), and (5), and subject to section 6.5 of this chapter,~~ for six (6) months from the date of conviction or on the date on which the person is otherwise eligible for a license, whichever is later. ~~Except as provided in IC 35-48-4-15, this includes a person convicted of a crime for which the person's driving privilege or driver's license is suspended or revoked under subsection (b)(6).~~

(2) ~~Subject to section 6.5 of this chapter,~~ Upon conviction of an offense described in subsection (b)(1) **or (c)(1), or (b)(4) or (c)(4) when the accident has resulted in death,** for a fixed period of not less than two (2) years and not more than five (5) years, to be fixed by the bureau based upon recommendation of the court entering a conviction. ~~If the court fails to recommend a fixed term of suspension, or recommends a fixed term that is less than the minimum term required by statute, the bureau shall impose the minimum period of suspension required under this chapter.~~ A new or reinstated driver's license or driving privileges may not be issued to the person unless that person, within the three (3) years following the expiration of the suspension or revocation, gives and maintains in force at all times during the effective period of a new or reinstated license proof of financial responsibility in the future in the manner specified in this chapter. However, the liability of the insurance carrier under a motor vehicle liability policy that is furnished for proof of financial responsibility in the future as set out in this chapter becomes absolute whenever loss or damage covered by the policy occurs, and the satisfaction by the insured of a final judgment for loss or damage is not a condition precedent to the right or obligation of

the carrier to make payment on account of loss or damage, but the insurance carrier has the right to settle a claim covered by the policy. If the settlement is made in good faith, the amount shall be deductive from the limits of liability specified in the policy. A policy may not be canceled or annulled with respect to a loss or damage by an agreement between the carrier and the insured after the insured has become responsible for the loss or damage, and a cancellation or annulment is void. The policy may provide that the insured or any other person covered by the policy shall reimburse the insurance carrier for payment made on account of any loss or damage claim or suit involving a breach of the terms, provisions, or conditions of the policy. If the policy provides for limits in excess of the limits specified in this chapter, the insurance carrier may plead against any plaintiff, with respect to the amount of the excess limits of liability, any defenses that the carrier may be entitled to plead against the insured. The policy may further provide for prorating of the insurance with other applicable valid and collectible insurance. An action does not lie against the insurance carrier by or on behalf of any claimant under the policy until a final judgment has been obtained after actual trial by or on behalf of any claimant under the policy.

~~(3) Subject to section 6.5 of this chapter, for the period ordered by a court under IC 35-48-4-15.~~

~~(4) Subject to section 6.5 of this chapter, if the person is convicted of a felony involving the use of a motor vehicle under IC 35-44.1-3-1(b) and the person:~~

~~(A) exceeded the speed limit by at least twenty (20) miles per hour;~~

~~(B) committed criminal recklessness with a vehicle (IC 35-42-2-2); or~~

~~(C) engaged in aggressive driving (as defined in IC 9-21-8-55(b)),~~

~~while committing the felony, for one (1) year after the date the person was convicted. The convicted person has the burden of applying for a new or renewal license and establishing that the one (1) year period described in this subdivision and subject to section 6.5 of this chapter has elapsed.~~

~~(5) Subject to section 6.5 of this chapter, if the person is convicted of a felony involving the use of a motor vehicle under IC 35-44.1-3-1(b), the person:~~

~~(A) exceeded the speed limit by at least twenty (20) miles per hour;~~

~~(B) committed criminal recklessness with a vehicle (IC 35-42-2-2); or~~

~~(C) engaged in aggressive driving (as defined in IC 9-21-8-55(b));~~

~~while committing the felony, and the person has a prior unrelated conviction for a felony under IC 35-44.1-3-1(b), for two (2) years after the date the person was convicted. The convicted person has the burden of applying for a new or renewal license and establishing that the two (2) year period described in this subdivision and subject to section 6.5 of this chapter has elapsed.~~

~~(e)~~ **(f)** The bureau may take action as required in this section upon receiving satisfactory evidence of a conviction of a person in another state.

~~(f)~~ **(g)** For the purpose of this chapter, "conviction" includes any of the following:

(1) A conviction upon a plea of guilty.

(2) A determination of guilt by a jury or court, even if:

(A) no sentence is imposed; or

(B) a sentence is suspended.

(3) A forfeiture of bail, bond, or collateral deposited to secure the defendant's appearance for trial, unless the forfeiture is vacated.

(4) A payment of money as a penalty or as costs in accordance with an agreement between a moving traffic violator and a traffic violations bureau.

~~(g)~~ **(h)** A suspension or revocation under this section or under IC 9-30-13-0.5 stands pending appeal of the conviction to a higher court and may be set aside or modified only upon the receipt by the bureau of the certificate of the court reversing or modifying the judgment that the cause has been reversed or modified. However, if the suspension or revocation follows a conviction in a court of no record in Indiana, the suspension or revocation is stayed pending appeal of the conviction to a court of record.

~~(h)~~ **(i)** A person aggrieved by an order or act of the bureau under this section or IC 9-30-13-0.5 may file a petition for a court review.

SECTION 122. IC 9-30-4-7 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 7. (a) A person whose:~~

~~(1) driver's license; or~~

~~(2) certificate of registration or license plate;~~

~~has been suspended or revoked and has not been reinstated shall immediately return the driver's license, certificate of registration, and license plate to the bureau. A person who knowingly fails to comply with this requirement commits a Class C misdemeanor.~~

~~(b) The bureau may:~~

~~(1) take possession of a license, certificate of registration, or license plate upon the suspension or revocation; or~~

~~(2) direct a law enforcement officer to take possession and return the license, certificate, or license plate to the office of the bureau.~~

~~(c) All law enforcement officers are authorized as agents of the bureau to seize the license, certificate of registration, and license plate of a person who fails to surrender the license, certificate, or license plate. A law enforcement officer shall notify the bureau of the seizure.~~

SECTION 123. IC 9-30-4-8, AS AMENDED BY P.L.125-2012, SECTION 332, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. ~~(a)~~ A person whose certificate of registration has been suspended or revoked, with restoration or the issuance of a new certificate being contingent upon the furnishing of proof of financial responsibility, and who, during the suspension or revocation or in the absence of full authorization from the bureau, operates the motor vehicle upon a highway or knowingly permits the motor vehicle to be operated by another person upon a highway except as permitted under this chapter commits a Class C misdemeanor.

~~(b) A person with restricted driving privileges who operates a motor vehicle upon a highway in violation of the terms and conditions specified for the restricted driving privileges commits a Class C misdemeanor.~~

SECTION 124. IC 9-30-5-10, AS AMENDED BY P.L.85-2013, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) In addition to a criminal penalty imposed for an offense under this chapter, IC 35-46-9, or IC 14-15-8 (before its repeal), the court shall, after reviewing the person's bureau driving record and other relevant evidence, recommend the suspension of the person's driving privileges for the fixed period of time specified under this section. The court may require that a period of suspension recommended under this section be imposed, if applicable, before a period of incarceration or after a period of incarceration, or both before and after a period of incarceration, as long as the suspension otherwise complies with the periods established in this section.

(b) If the person:

(1) does not have a previous conviction of operating a vehicle or a motorboat while intoxicated; or

(2) has a previous conviction of operating a vehicle or a motorboat while intoxicated that occurred at least ten (10) years before the conviction under consideration by the court;

the court ~~shall~~ **may** recommend the suspension of the person's driving

privileges for ~~at least ninety (90) days but~~ not more than two (2) years.

(c) If the person has a previous conviction of operating a vehicle or a motorboat while intoxicated and the previous conviction occurred more than five (5) years but less than ten (10) years before the conviction under consideration by the court, the court ~~shall~~ **may** recommend the suspension of the person's driving privileges for ~~at least one hundred eighty (180) days but~~ not more than two (2) years. The court may stay the execution of ~~that~~ part of the suspension ~~that exceeds the minimum period of suspension~~ and grant the person ~~probationary~~ **specialized** driving privileges for a period of time equal to the length of the stay.

(d) If the person has a previous conviction of operating a vehicle or a motorboat while intoxicated and the previous conviction occurred less than five (5) years before the conviction under consideration by the court, the court ~~shall~~ **may** recommend the suspension of the person's driving privileges for ~~at least one (1) year but~~ not more than two (2) years. The court may stay the execution of ~~that~~ part of the suspension ~~that exceeds the minimum period of suspension~~ and grant the person ~~probationary~~ **specialized** driving privileges for a period of time equal to the length of the stay. If the court grants ~~probationary~~ **specialized** driving privileges under this subsection, the court shall order that the ~~probationary~~ **specialized** driving privileges include the requirement that the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8. However, the court may grant ~~probationary~~ **specialized** driving privileges under this subsection without requiring the installation of an ignition interlock device if the person is successfully participating in a court supervised alcohol treatment program in which the person is taking disulfiram or a similar substance that the court determines is effective in treating alcohol abuse. The person granted ~~probationary~~ **specialized** driving privileges under this subsection shall pay all costs associated with the installation of an ignition interlock device unless the sentencing court determines that the person is indigent.

(e) If the conviction under consideration by the court is for an offense under:

(1) section 4 of this chapter;
(2) section 5 of this chapter;
(3) IC 14-15-8-8(b) (before its repeal);
(4) IC 14-15-8-8(c) (before its repeal);
(5) IC 35-46-9-6(b); or
(6) IC 35-46-9-6(c);

the court ~~shall~~ **may** recommend the suspension of the person's driving privileges for ~~at least two (2) years but~~ not more than five (5) years.

(f) If the conviction under consideration by the court is for an offense involving the use of a controlled substance listed in schedule I, II, III, IV, or V of IC 35-48-2, in which a vehicle was used in the offense, the court shall recommend the suspension or revocation of the person's driving privileges for at least six (6) months.

(g) The bureau shall fix the period of suspension in accordance with the recommendation of the court under this section and in accordance with IC 9-30-6-9. ~~If the court fails to recommend a fixed period of suspension, or recommends a fixed period that is less than the minimum period required by statute, the bureau shall impose the minimum period of suspension required under this section.~~

SECTION 125. IC 9-30-5-11 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 11. (a) If a court grants a person probationary driving privileges under section 12 of this chapter, the person may operate a vehicle only as follows:~~

~~(1) To and from the person's place of employment.~~

~~(2) For specific purposes in exceptional circumstances.~~

~~(3) To and from a court-ordered treatment program.~~

~~(b) If the court grants the person probationary driving privileges under section 12(a) of this chapter, that part of the court's order granting probationary driving privileges does not take effect until the person's driving privileges have been suspended for at least thirty (30) days under IC 9-30-6-9.~~

~~(c) The court shall notify a person who is granted probationary driving privileges of the following:~~

~~(1) That the probationary driving period commences when the bureau issues the probationary driving privileges.~~

~~(2) That the bureau may not issue probationary driving privileges until the bureau receives a reinstatement fee from the person, if applicable, and the person otherwise qualifies for valid driving privileges.~~

SECTION 126. IC 9-30-5-12 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 12. (a) If:~~

~~(1) a court recommends suspension of a person's driving privileges under section 10(b) of this chapter for an offense committed under this chapter; and~~

~~(2) the person did not refuse to submit to a chemical test offered under IC 9-30-6-2 during the investigation of the offense;~~

~~the court may stay the execution of the suspension of the person's driving privileges and grant the person probationary driving privileges~~

~~for one hundred eighty (180) days.~~

~~(b) An order for probationary privileges must be issued in accordance with sections 11 and 13 of this chapter.~~

~~(c) If:~~

~~(1) a court recommends suspension of a person's driving privileges under section 10(c), 10(d), or 10(e) of this chapter for an offense committed under this chapter; and~~

~~(2) the period of suspension recommended by the court exceeds the minimum permissible fixed period of suspension specified under section 10 of this chapter;~~

~~the court may stay the execution of that part of the suspension that exceeds the minimum fixed period of suspension and grant the person probationary driving privileges for a period of time equal to the length of the stay.~~

~~(d) In addition to the other requirements of this section, if a person's driving privileges are suspended or revoked under section 10(f) of this chapter, a court must find that compelling circumstances warrant the issuance of probationary driving privileges.~~

~~(e) Before a court may grant probationary driving privileges under this section, the person to whom the probationary driving privileges will be granted must meet the burden of proving eligibility to receive probationary driving privileges.~~

~~(f) An order for probationary driving privileges issued under subsection (a) or (c) must comply with section 16 of this chapter.~~

SECTION 127. IC 9-30-5-13 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 13. (a) An order for probationary driving privileges granted under this chapter must include the following:~~

~~(1) A requirement that the person may not violate a traffic law.~~

~~(2) A restriction of a person's driving privileges providing for automatic execution of the suspension of driving privileges if an order is issued under subsection (b).~~

~~(3) A written finding by the court that the court has reviewed the person's driving record and other relevant evidence and found that the person qualifies for probationary driving privileges under this chapter.~~

~~(4) Other reasonable terms of probation.~~

~~(b) If the court finds that the person has violated the terms of the order granting probationary driving privileges, the court shall order execution of that part of the sentence concerning the suspension of the person's driving privileges.~~

SECTION 128. IC 9-30-5-14 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 14. (a) A person whose driving privileges are suspended~~

~~under section 10 of this chapter:~~

~~(1) is entitled to credit for any days during which the license was suspended under IC 9-30-6-9(c); and~~

~~(2) may not receive any credit for days during which the person's driving privileges were suspended under IC 9-30-6-9(b).~~

~~(b) A period of suspension of driving privileges imposed under section 10 of this chapter must be consecutive to any period of suspension imposed under IC 9-30-6-9(b). However, if the court finds in the sentencing order that it is in the best interest of society, the court may terminate all or any part of the remaining suspension under IC 9-30-6-9(b).~~

~~(c) The bureau shall designate a period of suspension of driving privileges imposed under section 10 of this chapter as consecutive to any period of suspension imposed under IC 9-30-6-9(b) unless the sentencing order of the court, under subsection (b), in the best interest of society, terminates all or part of the remaining suspension under IC 9-30-6-9(b).~~

SECTION 129. IC 9-30-5-16, AS AMENDED BY P.L.172-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) Except as provided in subsections (b) and (c) and section 10 of this chapter, the court may, in granting ~~probationary~~ **specialized** driving privileges under this chapter, also order that the ~~probationary~~ **specialized** driving privileges include the requirement that a person may not operate a motor vehicle unless the vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8.

(b) An order granting ~~probationary~~ **specialized** driving privileges **under IC 9-30-16**

~~(1) under:~~

~~(A) section 12(a) of this chapter, if the person has a previous conviction that occurred at least ten (10) years before the conviction under consideration by the court; or~~

~~(B) section 12(c) of this chapter; or~~

~~(2) to a person who has a prior unrelated conviction for an offense under this chapter of which the consumption of alcohol is an element;~~

must prohibit the person from operating a motor vehicle unless the vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8. However, a court is not required to order the installation of an ignition interlock device for a person ~~described in subdivision (1) or (2)~~ if the person is successfully participating in a court supervised alcohol treatment program in which the person is

taking disulfiram or a similar substance that the court determines is effective in treating alcohol abuse.

(c) A court may not order the installation of an ignition interlock device on a vehicle operated by an employee to whom any of the following apply:

(1) Has been convicted of violating section 1 or 2 of this chapter.

(2) Is employed as the operator of a vehicle owned, leased, or provided by the employee's employer.

(3) Is subject to a labor agreement that prohibits an employee who is convicted of an alcohol related offense from operating the employer's vehicle.

SECTION 130. IC 9-30-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. **(a)** The ~~bureau~~ **director of the state department of toxicology, based on the recommendation of the governor's council on impaired and dangerous driving,** shall adopt rules under IC 4-22-2 to establish standards and specifications for ~~an~~ **a certified** ignition interlock device. ~~the installation of which the courts may mandate under IC 9-30-5-16.~~ The standards and specifications must require at a minimum that the device meets the following requirements:

(1) Is accurate.

(2) Does not impede the safe operation of a vehicle.

(3) Provides a minimum opportunity to be bypassed.

(4) Shows evidence of tampering if tampering is attempted.

(5) Has a label affixed warning ~~that~~ a person **that** tampering with or misusing the device is **a crime and may** subject **that person** to ~~a~~ **criminal and** civil ~~penalty.~~ **penalties.**

(6) Provides the ability to accurately identify the user.

(b) After July 1, 2015, all ignition interlock devices used in Indiana must be certified under rules adopted by the state department of toxicology.

(c) A vendor or provider may submit an application for approval of an ignition interlock device in a form prescribed by the director of the state department of toxicology.

(d) The director of the state department of toxicology shall:

(1) have tests conducted concerning the ignition interlock device with standards set forth by the state department of toxicology; and

(2) have the results of the tests evaluated by a person or entity designated by the state department of toxicology.

(e) The tests required under this section must be performed by an independent laboratory designated by the state department of

toxicology. The vendor shall pay any testing expenses under this section.

(f) If the director of the state department of toxicology finds that the ignition interlock device complies with the standards of the state department of toxicology, the director may approve the ignition interlock device as a certified ignition interlock device.

(g) The director of the state department of toxicology shall provide periodic reports to the governor's council on impaired and dangerous driving, including, but not limited to:

(1) the number of ignition interlock devices certified by the state department of toxicology;

(2) the number of ignition interlock devices currently installed in Indiana; and

(3) the number of ignition interlock devices rejected by the state department of toxicology.

(h) The state department of toxicology shall consider all recommendations made by the governor's council on impaired and dangerous driving.

(i) The governor's council on impaired and dangerous driving shall meet once a year to:

(1) evaluate reports submitted by the state department of toxicology;

(2) evaluate and study ignition interlock issues;

(3) make recommendations to the state department of toxicology; and

(4) make recommendations to the general assembly in an electronic format under IC 5-14-6.

SECTION 131. IC 9-30-8-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 6. (a) A vendor or provider whose ignition interlock device is certified under section 3 of this chapter shall provide a report to the court that ordered the device or the court's designee within two (2) weeks if any of the following occur:**

(1) Any attempt to start the vehicle with a breath alcohol concentration of four hundredths (.04) grams or higher if the person does not register a test result indicating a breath alcohol concentration of four hundredths (.04) grams or lower within ten (10) minutes of the initial test.

(2) Absent a documented failure of the ignition interlock device, failure to take or pass any required test.

(3) Failure of the person ordered to use an ignition interlock device to appear at the ignition interlock vendor or provider

for maintenance, repair, calibration, monitoring, inspection, or replacement of the ignition interlock device.

(4) Any violations or restrictions imposed by the court.

(b) Any person who is required to have an ignition interlock device installed as part of probation, a specialized driving permit, or any other order of a court is required to pay for the installation, leasing, maintenance, and removal of the ignition interlock device, as well as any additional expenses ordered by the court or the court's designee.

(c) An ignition interlock vendor or provider shall provide any reports or data requested by the state department of toxicology.

SECTION 132. IC 9-30-10-4, AS AMENDED BY P.L.85-2013, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person who has accumulated at least two (2) judgments within a ten (10) year period for any of the following violations, singularly or in combination, and not arising out of the same incident, is a habitual violator:

(1) Reckless homicide resulting from the operation of a motor vehicle.

(2) Voluntary or involuntary manslaughter resulting from the operation of a motor vehicle.

(3) Failure of the ~~driver~~ **operator** of a motor vehicle involved in an accident resulting in death or injury to any person to stop at the scene of the accident and give the required information and assistance.

(4) Operation of a vehicle while intoxicated resulting in death.

(5) Before July 1, 1997, operation of a vehicle with at least ten-hundredths percent (0.10%) alcohol in the blood resulting in death.

(6) After June 30, 1997, and before July 1, 2001, operation of a vehicle with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath;

resulting in death.

(7) After June 30, 2001, operation of a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath;

resulting in death.

(b) A person who has accumulated at least three (3) judgments

within a ten (10) year period for any of the following violations, singularly or in combination, and not arising out of the same incident, is a habitual violator:

(1) Operation of a vehicle while intoxicated.

(2) Before July 1, 1997, operation of a vehicle with at least ten-hundredths percent (0.10%) alcohol in the blood.

(3) After June 30, 1997, and before July 1, 2001, operation of a vehicle with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath.

(4) After June 30, 2001, operation of a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath.

~~(5) Operating a motor vehicle while the person's license to do so has been suspended or revoked as a result of the person's conviction of an offense under IC 9-1-4-52 (repealed July 1, 1991), IC 9-24-18-5(b) (repealed July 1, 2000), IC 9-24-19-2, IC 9-24-19-3, or IC 9-24-19-4.~~

~~(6) Operating a motor vehicle without ever having obtained a license to do so.~~

~~(7)~~ **(5)** Reckless driving.

~~(8)~~ **(6)** Criminal recklessness **as a felony** involving the operation of a motor vehicle.

~~(9)~~ **(7)** Drag racing or engaging in a speed contest in violation of law.

~~(10)~~ **(8)** Violating IC 9-4-1-40 (repealed July 1, 1991), IC 9-4-1-46 (repealed July 1, 1991), ~~IC 9-26-1-1(1), IC 9-26-1-1(2), IC 9-26-1-2(1), IC 9-26-1-2(2), IC 9-26-1-3,~~ or ~~IC 9-26-1-4.~~ **IC 9-26-1-1.1.**

(9) Resisting law enforcement under IC 35-44.1-3-1.

~~(11)~~ **(10)** Any felony under an Indiana motor vehicle statute or any felony in **which** the ~~commission~~ **operation** of ~~which~~ a motor vehicle is ~~used.~~ **an element of the offense.**

A judgment for a violation enumerated in subsection (a) shall be added to the violations described in this subsection for the purposes of this subsection.

(c) A person who has accumulated at least ten (10) judgments within a ten (10) year period for any traffic violation, except a parking or an equipment violation, of the type required to be reported to the

bureau, singularly or in combination, and not arising out of the same incident, is a habitual violator. However, at least one (1) of the judgments must be for:

(1) a violation enumerated in subsection (a); ~~or~~

(2) a violation enumerated in subsection (b);

(3) operating a motor vehicle while the person's license to do so has been suspended or revoked as a result of the person's conviction of an offense under IC 9-1-4-52 (repealed July 1, 1991), IC 9-24-18-5(b) (repealed July 1, 2000), IC 9-24-19-2, or IC 9-24-19-3; or

(4) operating a motor vehicle without ever having obtained a license to do so.

A judgment for a violation enumerated in subsection (a) or (b) shall be added to the judgments described in this subsection for the purposes of this subsection.

(d) For purposes of this section, a judgment includes a judgment in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of the offenses described in subsections (a), (b), and (c).

(e) For purposes of this section, the offense date is used when determining the number of judgments accumulated within a ten (10) year period.

SECTION 133. IC 9-30-10-5, AS AMENDED BY P.L.85-2013, SECTION 101, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) If it appears from the records maintained by the bureau that a person's driving record makes the person a habitual violator under section 4 of this chapter, the bureau shall mail a notice to the person's last known address that informs the person that the person's driving privileges will be suspended in thirty (30) days because the person is a habitual violator according to the records of the bureau.

(b) Thirty (30) days after the bureau has mailed a notice under this section, the bureau shall suspend the person's driving privileges for:

(1) except as provided in subdivision (2), ten (10) years if the person is a habitual violator under section 4(a) of this chapter;

(2) life if the person is a habitual violator under section 4(a) of this chapter and has at least two (2) violations under section 4(a)(4) through 4(a)(7) of this chapter;

(3) ten (10) years if the person is a habitual violator under section 4(b) of this chapter; or

(4) five (5) years if the person is a habitual violator under section 4(c) of this chapter.

(c) The notice must inform the person that the person may be entitled to relief under section 6 of this chapter or may seek judicial review of the person's suspension under this chapter.

(d) Notwithstanding subsection (b), if the bureau does not discover that a person's driving record makes the person a habitual violator under section 4 of this chapter for more than ~~three (3)~~ **two (2)** years after the bureau receives the person's final qualifying conviction, the bureau ~~upon notice to the person,~~ shall **not** suspend the person's driving privileges for ~~the remaining applicable~~ **any** period. ~~under subsection (b). A reduction in a period of suspension under this subsection does not affect the requirements under section 9 of this chapter concerning probation and restricted driving privileges.~~

SECTION 134. IC 9-30-10-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 6.5. If a court finds by clear and convincing evidence that a person is a habitual traffic violator under IC 9-30-10-4, the court:**

(1) shall order:

(A) that the person is a habitual traffic violator; and

(B) the bureau to suspend the person's driving license; and

(2) may order that the person is eligible for specialized driving privileges under IC 9-30-16.

SECTION 135. IC 9-30-10-8, AS AMENDED BY P.L.125-2012, SECTION 351, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) If a person files a petition for judicial review under section 6 of this chapter, the court shall promptly hold a hearing. The petition must be filed and the hearing must be held in accordance with section 7 of this chapter.

(b) If the court finds that the petitioner is not a habitual violator, the court shall order the bureau to reinstate the driving privileges of the person.

(c) If the court finds that the petitioner is a habitual violator, the person's driving privileges remain suspended. ~~unless the court places the person on probation under section 9 of this chapter.~~

(d) The findings of the court under this section constitute a final judgment from which either party may appeal. An appeal does not act as a stay of the findings and orders of the court.

SECTION 136. IC 9-30-10-9 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 9. (a) This section does not apply to a person who:~~

~~(1) holds a commercial driver's license; and~~

~~(2) has been charged with an offense involving the operation of a motor vehicle in accordance with the federal Motor Carrier~~

~~Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159.113 Stat. 1748).~~

~~(b) If a court finds that a person:~~

~~(1) is a habitual violator under section 4(c) of this chapter;~~

~~(2) has not been previously placed on probation under this section by a court;~~

~~(3) operates a vehicle for commercial or business purposes, and the person's mileage for commercial or business purposes:~~

~~(A) is substantially in excess of the mileage of an average driver; and~~

~~(B) may have been a factor that contributed to the person's poor driving record;~~

~~(4) does not have:~~

~~(A) a judgment for a violation enumerated in section 4(a) of this chapter; or~~

~~(B) at least three (3) judgments (singularly or in combination and not arising out of the same incident) of the violations enumerated in section 4(b) of this chapter; and~~

~~(5) has not violated the terms of the person's suspension by operating a vehicle;~~

~~the court may place the person on probation in accordance with subsection (d).~~

~~(c) If a court finds that a person:~~

~~(1) is a habitual violator under section 4(b) of this chapter;~~

~~(2) has not been previously placed on probation under this section by a court;~~

~~(3) does not have a judgment for any violation listed in section 4(a) of this chapter;~~

~~(4) has had the person's driving privileges suspended under this chapter for at least five (5) consecutive years; and~~

~~(5) has not violated the terms of the person's suspension by operating a vehicle;~~

~~the court may place the person on probation in accordance with subsection (d). However, if the person has any judgments for operation of a vehicle before July 1, 2001, while intoxicated or with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per one hundred (100) milliliters of the blood or two hundred ten (210) liters of the breath, or for the operation of a vehicle after June 30, 2001, while intoxicated or with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per one hundred (100) milliliters of the blood or two hundred ten (210) liters of the breath, the court, before the court places a person on probation under~~

~~subsection (d), must find that the person has successfully fulfilled the requirements of a rehabilitation program certified by the division of mental health and addiction or the Indiana judicial center.~~

~~(d) Whenever a court places a habitual violator on probation, the court:~~

~~(1) shall record each of the court's findings under this section in writing;~~

~~(2) shall order the bureau to issue the person probationary driving privileges for a fixed period of not more than the applicable remaining period of suspension;~~

~~(3) shall attach restrictions to the person's driving privileges, including restrictions limiting the person's driving to:~~

~~(A) commercial or business purposes or other employment related driving;~~

~~(B) specific purposes in exceptional circumstances;~~

~~(C) rehabilitation programs; and~~

~~(D) specified hours during which the person may drive;~~

~~(4) shall require the person to submit to reasonable monitoring requirements;~~

~~(5) shall order the person to file proof of future financial responsibility for three (3) years following the date of being placed on probation; and~~

~~(6) shall impose other appropriate conditions of probation, which must include one (1) or more of the following conditions if the person was convicted of an offense described in IC 9-30-10-4(b)(1) through IC 9-30-10-4(b)(4):~~

~~(A) An order prohibiting the person from operating a motor vehicle or motorized bicycle with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:~~

~~(i) one hundred (100) milliliters of the person's blood; or~~

~~(ii) two hundred ten (210) liters of the person's breath;~~

~~or while under the influence of any other intoxicating substance.~~

~~(B) An order that the person submit to a method to monitor the person's compliance with the prohibition against operating a motor vehicle or motorized bicycle with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:~~

~~(i) one hundred (100) milliliters of the person's blood; or~~

~~(ii) two hundred ten (210) liters of the person's breath;~~

~~or while intoxicated (as defined under IC 9-13-2-86).~~

~~(C) The court shall determine the appropriate monitoring method, which may include one (1) or more of the following:~~

~~(i) The person may operate only a motor vehicle equipped with an ignition interlock device.~~

~~(ii) The person must submit to a chemical test if a law enforcement officer lawfully stops the person while operating a motor vehicle or motorized bicycle and the law enforcement officer requests that the person submit to a chemical test.~~

~~(iii) The person must wear a device that detects and records the person's use of alcohol.~~

~~(iv) The person must submit to any other reasonable monitoring requirement as determined by the court.~~

~~(e) If a court finds that a person:~~

~~(1) is a habitual violator under section 4(b) or 4(c) of this chapter;~~

~~(2) does not have any judgments for violations under section 4(a) of this chapter;~~

~~(3) does not have any judgments or convictions for violations under section 4(b) of this chapter, except for judgments or convictions under section 4(b)(5) of this chapter that resulted from driving on a suspended license that was suspended for:~~

~~(A) the commission of infractions only; or~~

~~(B) previously driving on a suspended license;~~

~~(4) has not been previously placed on probation under this section by a court; and~~

~~(5) has had the person's driving privileges suspended under this chapter for at least three (3) consecutive years and has not violated the terms of the person's suspension by operating a vehicle for at least three (3) consecutive years;~~

~~the court may place the person on probation under the conditions described in subsection (d)(1) through (d)(5).~~

~~(f) If the bureau receives an order granting probationary driving privileges to a person who, according to the records of the bureau, does not qualify under this chapter, the bureau shall do the following:~~

~~(1) Issue the person probationary driving privileges and notify the prosecuting attorney of the county from which the order was received that the person is not eligible for the rescission and reinstatement.~~

~~(2) Send a certified copy of the person's driving record to the prosecuting attorney.~~

~~The prosecuting attorney shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order. If the bureau does not~~

~~receive a corrected order within sixty (60) days, the bureau shall notify the attorney general, who shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order.~~

SECTION 137. IC 9-30-10-11 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 11. A petition for revocation of probation granted under section 9 of this chapter must:~~

~~(1) be filed in the court that placed the person on probation;~~

~~(2) be filed by the prosecuting attorney for the county in which the court is located;~~

~~(3) state the alleged violation; and~~

~~(4) be served upon the probationer in the manner provided for the service of summons in a civil action.~~

SECTION 138. IC 9-30-10-12 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 12. (a) Upon the filing of a petition for revocation of probation, the court shall do the following:~~

~~(1) Set a date for a hearing upon the petition that is not earlier than twenty (20) days nor later than forty-five (45) days from the date of the filing of the petition for review.~~

~~(2) Hold a hearing on the date set, unless the proceeding is continued by order of the court.~~

~~(3) Cause notice of the hearing date to be sent to all parties.~~

~~(b) At the hearing, the prosecuting attorney must bear the burden of proof by a preponderance of the evidence to prevail.~~

~~(c) If the court finds that the person has violated any terms of the probation, the court shall do the following:~~

~~(1) Record each of its findings in writing.~~

~~(2) Obtain the person's driver's license.~~

~~(3) Order the bureau to suspend the person's driving privileges for a period equal to the period of suspension originally imposed under section 5 of this chapter.~~

~~(4) Not place the person on probation under section 9 of this chapter.~~

~~(d) If the court finds that the person has not violated any of the terms of the person's probation, the court shall do the following:~~

~~(1) Record each of the court's findings in writing.~~

~~(2) Continue the person on probation for the remainder of the probationary period.~~

~~(e) The court's findings under subsection (c) or (d) constitute a final judgment from which either party may appeal. An appeal does not act as a stay of the court's findings and orders.~~

SECTION 139. IC 9-30-10-13 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 13. (a) The bureau may issue driving privileges to a~~

~~habitual violator whose driving privileges were suspended under section 5(b) of this chapter if the following conditions exist:~~

~~(1) The time specified for the person's probation or the restriction or suspension of the person's driving privileges has elapsed.~~

~~(2) The person has met all the requirements of all applicable statutes and rules relating to the licensing of motor vehicle operators.~~

~~(3) The person files with the bureau and maintains, for three (3) years after termination of probation, restriction, or suspension of driving privileges, proof of future financial responsibility in accordance with IC 9-25.~~

~~(4) If the person has a prior conviction for operating while intoxicated, the bureau places a restriction on the person's driver's license and driving record that indicates the person is prohibited from operating a motor vehicle or motorized bicycle with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:~~

~~(A) one hundred (100) milliliters of the person's blood; or~~

~~(B) two hundred ten (210) liters of the person's breath;~~

~~for three (3) years after termination of probation, restriction, or suspension of driving privileges.~~

~~(5) The person signs a bureau form by which the person agrees that as a condition to obtaining the driving privileges the person will submit to a chemical test at any time during the period three (3) years after termination of probation, restriction, or suspension of driving privileges if a law enforcement officer lawfully stops the person while operating a motor vehicle or motorized bicycle and the law enforcement officer requests that the person submit to a chemical test.~~

~~(b) The bureau may issue driving privileges to operate a motor vehicle to a habitual violator whose driving privileges have been suspended for life if the following conditions exist:~~

~~(1) The bureau has received an order for rescission of suspension and reinstatement issued under section 15 of this chapter.~~

~~(2) The person to whom the driving privileges are to be issued has never been convicted of a violation described in section 4(a) or 17 of this chapter.~~

~~(3) The person has not been convicted of an offense under section 16 of this chapter more than one (1) time.~~

~~(4) The person has met all the requirements of all applicable statutes and rules relating to the licensing of motor vehicle operators.~~

~~(5) The person:~~

~~(A) files with the bureau; and~~

~~(B) maintains for three (3) years after rescission of the suspension;~~

~~proof of future financial responsibility in accordance with IC 9-25.~~

~~(6) If the person has a prior conviction for operating while intoxicated, the bureau places a restriction on the person's driver's license and driving record that indicates the person is prohibited from operating a motor vehicle or motorized bicycle with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:~~

~~(A) one hundred (100) milliliters of the person's blood; or~~

~~(B) two hundred ten (210) liters of the person's breath;~~

~~or while intoxicated (as defined under IC 9-13-2-86) for three (3) years after termination of probation, restriction, or suspension of driving privileges.~~

~~(7) The person signs a bureau form by which the person agrees that as a condition to obtaining the driving privileges the person will submit to a chemical test at any time during the period three (3) years after termination of probation, restriction, or suspension of driving privileges if a law enforcement officer lawfully stops the person while operating a motor vehicle or motorized bicycle and the law enforcement officer requests that the person submit to a chemical test.~~

~~(c) A habitual violator is not eligible for relief under the hardship provisions of IC 9-24-15.~~

~~(d) The bureau shall not issue driving privileges to a person who does not satisfy all of the requirements set forth in subsections (a) and (b).~~

SECTION 140. IC 9-30-10-14 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 14. (a) Except as provided in subsection (e), a person whose driving privileges have been suspended for life may petition a court in a civil action for a rescission of the suspension order and reinstatement of driving privileges if the following conditions exist:~~

~~(1) Ten (10) years have elapsed since the date on which an order for the lifetime suspension of the person's driving privileges was issued.~~

~~(2) The person has never been convicted of a violation described in section 4(a) of this chapter.~~

~~(3) The person has never been convicted of an offense under section 17 of this chapter.~~

~~(4) The person has not been convicted of an offense under section 16 of this chapter more than one (1) time.~~

~~(b) A petition for rescission and reinstatement under this section must meet the following conditions:~~

~~(1) Be verified by the petitioner.~~

~~(2) State the petitioner's age, date of birth, and place of residence.~~

~~(3) Describe the circumstances leading up to the lifetime suspension of the petitioner's driving privileges.~~

~~(4) Aver a substantial change in the petitioner's circumstances of the following:~~

~~(A) That indicates the petitioner would no longer pose a risk to the safety of others if the petitioner's driving privileges are reinstated.~~

~~(B) That makes the lifetime suspension of the petitioner's driving privileges unreasonable.~~

~~(C) Indicates it is in the best interests of society for the petitioner's driving privileges to be reinstated.~~

~~(5) Aver that the requisite amount of time has elapsed since the date on which the order for the lifetime suspension of the person's driving privileges was issued as required under subsections (a) and (c).~~

~~(6) Aver that the petitioner has never been convicted of an offense under section 17 of this chapter.~~

~~(7) Aver that the petitioner has not been convicted of an offense under section 16 of this chapter more than one (1) time.~~

~~(8) Aver that the petitioner has never been convicted of a violation described in section 4(a) of this chapter.~~

~~(9) Be filed in a circuit or superior court having jurisdiction in the county where the petitioner resides.~~

~~(10) If the petition is being filed under subsection (c), aver the existence of the conditions listed in subsection (c)(1) through (c)(3).~~

~~(c) The petitioner shall serve the prosecuting attorney of the county where the petitioner resides and the bureau with a copy of the petition described in subsection (b). A responsive pleading is not required.~~

~~(d) The prosecuting attorney of the county where the petitioner resides shall represent the state in the matter.~~

~~(e) A person whose driving privileges have been suspended for life may petition a court in a civil action for a rescission of the suspension order and reinstatement of driving privileges if all of the following conditions exist:~~

~~(1) Three (3) years have elapsed since the date on which the order~~

~~for lifetime suspension of the petitioner's driving privileges was issued.~~

~~(2) The petitioner's lifetime suspension was the result of driving on a suspended license that was suspended for commission of infractions only or for driving on a suspended license.~~

~~(3) The petitioner has never been convicted of a violation described in section 4(a) or 4(b) of this chapter, with the exception of a judgment or conviction under section 4(b)(5) of this chapter.~~

~~(4) The petitioner has never been convicted of an offense under section 17 of this chapter.~~

~~(5) The petitioner has not been convicted of an offense under section 16 of this chapter more than one (1) time.~~

SECTION 141. IC 9-30-10-15 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 15. (a) Upon receiving a petition filed under section 14 of this chapter, a court shall set a date for hearing the matter and direct the clerk of the court to provide notice of the hearing date to the following:~~

~~(1) The petitioner.~~

~~(2) The prosecuting attorney of the county where the petitioner resides.~~

~~(3) The bureau.~~

~~(b) A court may order the rescission of the order that required the suspension of the petitioner's driving privileges for life and may order the bureau to reinstate the driving privileges of a petitioner whose driving privileges have been suspended for life if, after the hearing of the matter, the court makes the following written findings and conclusions, based on clear and convincing evidence:~~

~~(1) That the petitioner has never been convicted of a violation described in section 4(a) of this chapter.~~

~~(2) That the petitioner has never been convicted of an offense under section 17 of this chapter.~~

~~(3) That the petitioner has not been convicted of an offense under section 16 of this chapter more than one (1) time.~~

~~(4) If the person is petitioning the court under section 14(a) of this chapter that ten (10) years have elapsed since the date on which an order was issued that required the suspension of the petitioner's driving privileges for life.~~

~~(5) That there has been a substantial change in the petitioner's circumstances indicating the petitioner would no longer pose a risk to the safety of others if the petitioner's driving privileges were reinstated.~~

~~(6) That there has been a substantial change in the petitioner's circumstances indicating that the suspension of the petitioner's driving privileges for life has become unreasonable.~~

~~(7) That it is in the best interests of society for the petitioner's driving privileges to be reinstated.~~

~~(8) If the person is petitioning the court under section 14(e) of this chapter:~~

~~(A) that three (3) years have elapsed since the date the order was issued that required the suspension of the petitioner's driving privileges for life; and~~

~~(B) that the conditions listed under section 14(e) of this chapter are satisfied.~~

~~(c) The petitioner has the burden of proof under this section and an order issued under subsection (b) is a final order, appealable by any party to the action.~~

~~(d) In an order for reinstatement of driving privileges issued under this section, the court may require the bureau to issue the prevailing petitioner:~~

~~(1) driving privileges under section 13(b) of this chapter; or~~

~~(2) restricted driving privileges for a time and subject to conditions specified by the court, which must include one (1) or more of the following conditions if the person was determined to be a habitual violator under IC 9-30-10-4(a)(4) through IC 9-30-10-4(a)(7) or IC 9-30-10-4(b)(1) through IC 9-30-10-4(b)(4):~~

~~(A) Specified hours during which the person may drive.~~

~~(B) An order prohibiting the person from operating a motor vehicle or motorized bicycle with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:~~

~~(i) one hundred (100) milliliters of the person's blood; or~~

~~(ii) two hundred ten (210) liters of the person's breath;~~

~~or while intoxicated (as defined under IC 9-13-2-86).~~

~~(C) An order that the person submit to a method to monitor the person's compliance with the prohibition against operating a motor vehicle or motorized bicycle with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:~~

~~(i) one hundred (100) milliliters of the person's blood; or~~

~~(ii) two hundred ten (210) liters of the person's breath;~~

~~or while intoxicated (as defined under IC 9-13-2-86).~~

~~(D) The court shall determine the appropriate monitoring~~

~~method, which may include one (1) or more of the following:~~

~~(i) The person may operate only a motor vehicle equipped with an ignition interlock device.~~

~~(ii) The person must submit to a chemical test if a law enforcement officer lawfully stops the person while operating a motor vehicle or motorized bicycle and the law enforcement officer requests that the person submit to a chemical test.~~

~~(iii) The person must wear a device that detects and records the person's use of alcohol.~~

~~(iv) The person must submit to any other reasonable monitoring requirement as determined by the court.~~

~~(e) If a court orders the bureau to issue restricted or probationary driving privileges to a petitioner under subsection (d), the court shall specify the conditions under which the petitioner may be issued driving privileges to operate a motor vehicle under section 13(b) of this chapter. After the expiration date of the restricted or probationary driving privileges and upon:~~

~~(1) fulfillment by the petitioner of the conditions specified by the court; and~~

~~(2) the expiration of the restricted driving privileges issued under subsection (d)(2);~~

~~the bureau shall issue the petitioner driving privileges to operate a motor vehicle under section 13(b) of this chapter.~~

~~(f) If the bureau receives an order granting a rescission of the suspension order and reinstatement of driving privileges to a person who, according to the records of the bureau, does not qualify under this chapter, the bureau shall do the following:~~

~~(1) Issue the person probationary driving privileges and notify the prosecuting attorney of the county from which the order was received that the person is not eligible for the rescission and reinstatement.~~

~~(2) Send a certified copy of the person's driving record to the prosecuting attorney.~~

~~The prosecuting attorney shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order. If the bureau does not receive a corrected order within sixty (60) days, the bureau shall notify the attorney general, who shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order.~~

SECTION 142. IC 9-30-10-17, AS AMENDED BY P.L.158-2013, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) A person who operates a

motor vehicle after the person's driving privileges are forfeited for life under section 16 of this chapter, IC 9-4-13-14 (repealed April 1, 1984), or IC 9-12-3-1 (repealed July 1, 1991) **is a habitual traffic violator under this chapter and commits an offense involving the person's operation of a motor vehicle and the offense causes serious bodily injury or death** commits a Level 5 felony.

(b) In addition to any criminal penalties imposed for a conviction of an offense described in subsection (a), **if the new offense caused death,** the bureau shall suspend the person's driving privileges for the life of the person.

SECTION 143. IC 9-30-10-17.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 17.5. A person who operates a vehicle or motorized bicycle in violation of conditions of restricted driving privileges ordered by a court under section 9(d)(6) or 15(d)(2) of this chapter commits a Class A misdemeanor.~~

SECTION 144. IC 9-30-10-18, AS AMENDED BY P.L.28-2010, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. In a criminal action brought under section 16 **or** 17 ~~or 17.5~~ of this chapter, it is a defense that the operation of a motor vehicle or motorized bicycle was necessary to save life or limb in an extreme emergency. The defendant must bear the burden of proof by a preponderance of the evidence to establish this defense.

SECTION 145. IC 9-30-13-1 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 1. For a person who uses a motor vehicle to commit recklessness under IC 35-42-2-2, the judge of the court in which the person is convicted shall recommend that the driving privileges of the person be suspended for not less than sixty (60) days and not more than two (2) years. If the court fails to recommend a fixed term of suspension, or recommends a fixed term that is less than the minimum term required by statute, the bureau shall impose the minimum period of suspension required under this section.~~

SECTION 146. IC 9-30-13-2 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 2. For a person who uses a motor vehicle to commit obstruction of traffic under IC 35-44.1-2-13, the judge of the court in which the person is convicted may recommend that the driving privileges of the person be suspended for not less than sixty (60) days and not more than two (2) years. If the court recommends a fixed term of suspension that is less than the minimum term required by statute, the bureau shall impose the minimum period of suspension under this section.~~

SECTION 147. IC 9-30-13-3 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 3. For a person who uses a motor vehicle to commit~~

~~criminal mischief under IC 35-43-1-2, the judge of the court in which the person is convicted may recommend that the driving privileges of the person be suspended for not less than sixty (60) days and not more than two (2) years. If the court recommends a fixed term of suspension that is less than the minimum term required by statute, the bureau shall impose the minimum period of suspension under this section.~~

SECTION 148. IC 9-30-13-4 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 4. (a) If a person commits any of the following offenses, the court that convicted the person shall recommend the suspension of the person's driving privileges for a fixed period of at least two (2) years and not more than five (5) years:~~

~~(1) Involuntary manslaughter resulting from the operation of a motor vehicle (IC 35-42-1-4).~~

~~(2) Reckless homicide resulting from the operation of a motor vehicle (IC 35-42-1-5).~~

~~(b) If the court fails to recommend a fixed term of suspension, or recommends a fixed term that is less than the minimum term required by statute, the bureau shall impose the minimum period of suspension required under this section.~~

SECTION 149. IC 9-30-13-6, AS AMENDED BY P.L.207-2013, SECTION 9, AS AMENDED BY P.L.207-2013, SECTION 10, AND AS AMENDED BY P.L.85-2013, SECTION 111, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) The bureau shall, upon receiving an order of a court issued under ~~*IC 31-14-12-4 or*~~ IC 31-16-12-7 *(or IC 31-14-12-4 before its repeal),* suspend the driving privileges of the person who is the subject of the order.

(b) The bureau may not reinstate driving privileges suspended under this section until the bureau receives an order allowing reinstatement from the court that issued the order for suspension.

(c) Upon receiving an order for suspension under subsection (a), the bureau shall promptly mail a notice to the last known address of the person who is the subject of the order, stating the following:

(1) That the person's driving privileges are suspended, beginning ~~*five (5)*~~ *eighteen (18)* business days after the date the notice is mailed, and that the suspension will terminate ten (10) business days after the bureau receives an order allowing reinstatement from the court that issued the suspension order.

(2) That the person has the right to petition for reinstatement of driving privileges to the court that issued the order for suspension.

~~(3) That the person may be granted specialized driving privileges under IC 9-24-15-6.7 if the person otherwise qualifies and can~~

~~prove that public transportation is unavailable for travel by the person:~~

~~(A) to and from the person's regular place of employment;~~

~~(B) in the course of the person's regular employment;~~

~~(C) to and from the person's place of worship; or~~

~~(D) to participate in parenting time with the petitioner's children consistent with a court order granting parenting time.~~

(d) A person who operates a motor vehicle in violation of this section commits a Class A infraction, unless:

(1) the person's driving privileges are suspended under this section; and

(2) the person has been granted ~~restricted~~ **specialized** driving privileges under ~~IC 9-24-15~~ **IC 9-30-16** as a result of the suspension under this section.

~~*(e) The bureau shall, upon receiving a record of conviction of a person upon a charge of driving a motor vehicle while the driving privileges, permit, or license of the person is suspended, fix the period of suspension in accordance with the recommendation of the court. If the court fails to recommend a term of suspension, or recommends a fixed term that is not prescribed by statute, the bureau shall impose the applicable period of suspension required by statute.*~~

SECTION 150. IC 9-30-13-7, AS AMENDED BY P.L.85-2013, SECTION 112, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) If the bureau is advised by the Title IV-D agency that the obligor (as defined in IC 31-25-4-4) either requested a hearing under IC 31-25-4-33 and failed to appear or appeared and was found to be delinquent, the bureau shall promptly mail a notice to the obligor stating the following:

(1) That the obligor's driving privileges are suspended, beginning eighteen (18) business days after the date the notice is mailed, and that the suspension will terminate after the bureau receives a notice from the Title IV-D agency that the obligor has:

(A) paid the obligor's child support arrearage in full; or

(B) established a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-0.5 or IC 31-16-15-2.5.

(2) That the obligor may be granted ~~restricted~~ **specialized** driving privileges under ~~IC 9-24-15-6.7~~ **IC 9-30-16.** ~~if the obligor can prove that public transportation is unavailable for travel by the obligor:~~

~~(A) to and from the obligor's regular place of employment;~~

~~(B) in the course of the obligor's regular employment;~~

~~(C) to and from the obligor's place of worship; or~~

~~(D) to participate in parenting time with the petitioner's children consistent with a court order granting parenting time.~~

(b) The bureau may not reinstate driving privileges suspended under this section until the bureau receives a notice from the Title IV-D agency that the obligor has:

(1) paid the obligor's child support arrearage in full; or

(2) established a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-0.5 or IC 31-16-15-2.5.

(c) An obligor who operates a motor vehicle in violation of this section commits a Class A infraction, unless:

(1) the obligor's driving privileges are suspended under this section; and

(2) the obligor has been granted ~~restricted~~ **specialized** driving privileges under ~~IC 9-24-15~~ **IC 9-30-16** as a result of the suspension under this section.

~~(d) The bureau shall, upon receiving a record of conviction of a person upon a charge of driving a motor vehicle while the driving privileges, permit, or license of the person is suspended, fix the period of suspension in accordance with the recommendation of the court. If the court fails to recommend a term of suspension, or recommends a fixed term that is not prescribed by statute, the bureau shall impose the applicable period of suspension required by statute.~~

SECTION 151. IC 9-30-13-8, AS AMENDED BY P.L.85-2013, SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) Upon receiving an order issued by a court under IC 35-43-4-8(b) concerning a person convicted of fuel theft, the bureau shall do the following:

(1) Suspend under subsection (b) the driving privileges of the person who is the subject of the order, whether or not the person's current driver's license accompanies the order.

(2) Mail to the last known address of the person who is the subject of the order a notice:

(A) stating that the person's driving privileges are being suspended for fuel theft;

(B) setting forth the date on which the suspension takes effect and the date on which the suspension terminates; and

(C) stating that the person may be granted ~~restricted~~ **specialized** driving privileges under ~~IC 9-24-15-6.7~~ **IC 9-30-16** if the person meets the conditions for obtaining ~~restricted~~ **specialized** driving privileges.

(b) The suspension of the driving privileges of a person who is the subject of an order issued under IC 35-43-4-8(b):

(1) begins five (5) business days after the date on which the bureau mails the notice to the person under subsection (a)(2); and

(2) terminates thirty (30) days after the suspension begins.

(c) A person who operates a motor vehicle during a suspension of the person's driving privileges under this section commits a Class A infraction unless the person's operation of the motor vehicle is authorized by ~~restricted~~ **specialized** driving privileges granted to the person under ~~IC 9-24-15-6.7.~~ **IC 9-30-16.**

(d) The bureau shall, upon receiving a record of conviction of a person upon a charge of driving a motor vehicle while the driving privileges, permit, or license of the person is suspended, fix the period of suspension in accordance with the ~~recommendation~~ **order** of the court. ~~If the court fails to recommend a term of suspension, or recommends a fixed term that is not prescribed by statute, the bureau shall impose the applicable period of suspension required by statute.~~

SECTION 152. IC 9-30-15.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 15.5. Habitual Vehicular Substance Offender

Sec. 1. As used in this chapter, "vehicular substance offense" means any misdemeanor or felony in which operation of a motor vehicle while intoxicated, operation of a motor vehicle in excess of the statutory limit for alcohol, or operation of a motor vehicle with a controlled substance or its metabolite in the person's body, is a material element. The term includes an offense under IC 9-30-5, IC 9-24-6-15, and an offense under IC 9-11-2 (before its repeal).

Sec. 2. (a) The state may seek to have a person sentenced as a habitual vehicular substance offender for any vehicular substance offense by alleging, on a page separate from the rest of the charging instrument, that the person has accumulated two (2) prior unrelated vehicular substance offense convictions.

(b) For purposes of subsection (a), a person has accumulated two (2) prior unrelated vehicular substance offense convictions if the person is convicted and sentenced for a vehicular substance offense committed after sentencing for a prior unrelated vehicular substance offense conviction. However, if the person has only two (2) prior unrelated vehicular substance offense convictions, the earlier prior unrelated offense cannot have occurred more than ten (10) years before the date of the more recent prior unrelated offense. If the person has at least three (3) prior unrelated

convictions, the person has accumulated the convictions regardless of when the offenses occurred. However, a conviction does not count for purposes of subsection (a) and this subsection if:

(1) it has been set aside; or

(2) it is a conviction for which the person has been pardoned.

(c) If the person is convicted of a vehicular substance offense in a jury trial, the jury shall reconvene for the sentencing hearing. If the trial is to the court, or the judgment is entered on a guilty plea, the court alone shall conduct the sentencing hearing, under IC 35-38-1-3.

(d) A person is a habitual vehicular substance offender if the jury (if the hearing is by jury) or the court (if the hearing is to the court alone) finds that the state has proved beyond a reasonable doubt that the person has accumulated four (4) unrelated vehicular substance offense convictions or three (3) unrelated vehicular substance offense convictions within a ten (10) year period.

(e) The court shall sentence a person found to be a habitual vehicular substance offender to an additional fixed term of at least one (1) year but not more than eight (8) years of imprisonment, to be added to the term of imprisonment imposed under IC 35-50-2 or IC 35-50-3.

SECTION 153. IC 9-30-16 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 16. Driver's License Suspension Penalties

Sec. 1. (a) Except as provided in subsection (b), the following are ineligible for a specialized driving permit under this chapter:

(1) A person who has never had a valid Indiana driver's license.

(2) A person who holds a commercial driver's license.

(3) A person who has refused to submit to a chemical test offered under IC 9-30-6.

(b) In addition to applying to a person who held an operator's, a public passenger chauffeur's, or a chauffeur's license at the time of the criminal conviction for which the operation of a motor vehicle is an element of the offense, this chapter applies to an individual who:

(1) held a commercial driver's license at the time the individual committed an offense for which the operation of a motor vehicle was an element of the offense;

(2) no longer holds a commercial driver's license; and

(3) subsequently was issued an operator's license, chauffeur's

license, or public passenger chauffeur's license.

(c) Except as specifically provided in this chapter, for any criminal conviction in which the operation of a motor vehicle is an element of the offense, a court may suspend the person's driving privileges for a period up to the maximum allowable period of incarceration under the penalty for the offense.

(d) A suspension of driving privileges under this chapter may begin before the conviction. Multiple suspensions of driving privileges ordered by a court that are part of the same episode of criminal conduct shall be served concurrently. A suspension of driving privileges is stayed during any period of incarceration.

(e) If a person has had an ignition interlock device installed as a condition of specialized driving privileges, the period of the installation shall be credited as part of the suspension of driving privileges.

Sec. 2. (a) If a person is convicted of an offense that includes the element of causing serious bodily injury of another person and the offense involved the operation of a motor vehicle, the court shall order that the person's driving privileges are suspended for a period of at least one (1) year and not more than the maximum allowable period of incarceration of the criminal penalty for the offense. A person whose driving privileges are suspended under this section is eligible for specialized driving privileges under section 3 of this chapter.

(b) If a person is convicted of an offense that includes the element of causing the death of another person and the offense involved the operation of a motor vehicle, the court shall order that the person's driving privileges are suspended for a period of at least two (2) years and not more than the maximum allowable period of incarceration of the criminal penalty for the offense. A person whose driving privileges are suspended under this section is not eligible for specialized driving privileges under section 3 of this chapter.

Sec. 3. (a) A court imposing a suspension of driving privileges under this chapter may stay the suspension and grant a specialized driving privilege as set forth in this section.

(b) Regardless of the underlying offense, specialized driving privileges granted under this section shall be granted for at least one hundred eighty (180) days.

(c) Specialized driving privileges must be determined by a court and may include, but are not limited to:

(1) requiring the use of ignition interlock devices; and

(2) restricting a person to being allowed to operate a motor vehicle:

(A) during certain hours of the day; or

(B) between specific locations and the person's residence.

(d) A stay of a conviction and specialized driving privileges may not be granted to a person who has previously been granted specialized driving privileges and the person has more than one (1) conviction under section 5 of this chapter.

(e) A person who has been granted specialized driving privileges shall:

(1) maintain proof of future financial responsibility insurance during the period of specialized driving privileges;

(2) carry a copy of the order granting specialized driving privileges or have the order in the vehicle being operated by the person; and

(3) produce the copy of the order granting specialized driving privileges upon the request of a police officer.

Sec. 4. (a) A person whose driving privileges have been suspended by the bureau may petition a court for specialized driving privileges.

(b) A petition filed under this section must:

(1) be verified by the petitioner;

(2) state the petitioner's age, date of birth, and address;

(3) state the grounds for relief and the relief sought;

(4) be filed in the county in which the petitioner resides;

(5) be filed in a circuit or superior court; and

(6) be served on the bureau and the prosecuting attorney.

(c) A prosecuting attorney may appear on behalf of the bureau to respond to a petition filed under this section.

Sec. 5. (a) A person who knowingly or intentionally violates a condition imposed by a court under section 2 of this chapter commits a Class C misdemeanor.

(b) For a person convicted of an offense under subsection (a), the court may modify or revoke specialized driving privileges. The court may order the bureau to lift the stay of a suspension of driving privileges and suspend the person's driving license as originally ordered.

SECTION 154. IC 9-31-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) Except as provided in section 5 of this chapter, a person may not transfer ownership of a watercraft that was acquired by the person after January 1, 1986, without delivering to the transferee of the watercraft a

certificate of title with an assignment on the certificate of title that shows title in the transferee.

(b) A person who acquires ownership of a watercraft after January 1, 1986, must obtain a certificate of title for the watercraft under section 6 of this chapter.

(c) A person who violates this section commits a Class A infraction.

SECTION 155. IC 9-31-2-5, AS AMENDED BY P.L.125-2012, SECTION 379, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A manufacturer, importer, dealer, or other person may not sell or otherwise dispose of a new watercraft to a dealer, to be used by the dealer for purposes of display and resale, without delivering to the dealer a manufacturer's or importer's certificate executed under this section and with those assignments on the certificate as are necessary to show title in the purchaser of the watercraft. A dealer may not purchase or acquire a new watercraft without obtaining from the seller of the watercraft the manufacturer's or importer's certificate.

(b) A manufacturer's or importer's certificate of the origin of a watercraft must contain the following information along with any additional information the bureau requires:

(1) A description of the watercraft, including, if applicable, the make, year, length, dry weight, series or model, horsepower rating, hull type, and hull identification number.

(2) Certification of the date of transfer of the watercraft to a distributor, dealer, or other transferee and the name and address of the transferee.

(3) Certification that this is the first transfer of the new watercraft in ordinary trade and commerce.

(4) The signature and address of a representative of the transferor.

(c) An assignment of a manufacturer's or importer's certificate shall be printed on the reverse side of the manufacturer's or importer's certificate. The assignment form must include the following:

(1) The name and address of the transferee.

(2) A certification that the watercraft is new.

(3) A warranty that the title at the time of delivery is subject only to the liens and encumbrances that are set forth and described in full in the assignment.

(d) A person who violates this section commits a Class A infraction.

SECTION 156. IC 9-31-2-6, AS AMENDED BY P.L.125-2012, SECTION 380, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2014]: Sec. 6. (a) Except as provided in subsection (b), an application for a certificate of title shall be filed with the bureau within thirty-one (31) days after the date of purchase or transfer. The application must be accompanied by the fee prescribed in IC 9-29-15-1.

(b) This subsection applies only to a watercraft acquired by a conveyance subject to section 30 of this chapter. An application for a certificate of title shall be filed with the bureau within sixty (60) days after the date of the transfer under section 30 of this chapter. The application must be accompanied by the fee prescribed in IC 9-29-15-1 and any other applicable fees and service charges.

(c) A person who violates this section commits a Class A infraction.

SECTION 157. IC 9-31-2-9, AS AMENDED BY P.L.125-2012, SECTION 383, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. **(a)** If a certificate of title was not previously issued in Indiana for the watercraft, the application must be accompanied by one (1) of the following:

(1) A manufacturer's or importer's certificate.

(2) A certificate of registration issued under IC 9-31-3, if purchased by the applicant before January 1, 1986.

(3) A certificate of title or bill of sale.

(4) Other evidence of ownership required by the law of another state from which the watercraft is brought into Indiana.

(b) A person who violates this section commits a Class C infraction.

SECTION 158. IC 9-31-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. **(a)** Evidence of ownership of a watercraft for which an Indiana certificate of title was not previously issued and that does not have permanently affixed to the watercraft a hull identification number shall be accompanied by the certificate of hull identification number assigned by the bureau under section 8 of this chapter.

(b) A person who violates this section commits a Class A infraction.

SECTION 159. IC 9-31-2-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 26. A person who does any of the following commits a Class A ~~misdemeanor:~~ **infraction:**

(1) ~~Operates~~ **Allows a watercraft that the person owns to be operated** in Indiana ~~a watercraft for which a certificate of title is required~~ without having a certificate as prescribed by this chapter.

~~(2) Operates in Indiana a watercraft for which a certificate of title~~

~~is required for which the certificate of title is canceled.~~

~~(3)~~ **(2)** Fails to surrender a certificate of title upon cancellation of the certificate by the bureau and notice of the cancellation as prescribed in this chapter.

~~(4)~~ **(3)** Fails to surrender a certificate of title to the bureau, as provided in this chapter, if the watercraft is destroyed, dismantled, or changed in a manner that the watercraft is not the watercraft described in the certificate of title.

SECTION 160. IC 9-31-2-27 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 27. A person who does any of the following commits a Level 6 felony:~~

~~(1) Alters or forges a certificate of title or a manufacturer's or importer's certificate to a watercraft, an assignment of either, or a cancellation of a lien on a watercraft.~~

~~(2) Holds or uses a certificate, assignment, or cancellation, knowing the document is altered or forged.~~

~~(3) Procures or attempts to procure a certificate of title to a watercraft or passes or attempts to pass a certificate of title or an assignment of title to a watercraft knowing or having reason to believe that the watercraft is stolen.~~

~~(4) Sells or offers for sale in Indiana a watercraft on which the manufacturer's or assigned hull identification number is destroyed, removed, covered, altered, or defaced, with knowledge of the destruction, removal, covering, alteration, or defacement of the manufacturer's or assigned hull identification number.~~

~~(5) Destroys, removes, alters, or defaces the manufacturer's or assigned hull identification number of a watercraft.~~

~~(6) Uses a false or fictitious name, gives a false or fictitious address, or makes a false statement in an application or certificate required under this chapter or in a bill of sale or sworn statement of ownership, or otherwise commits fraud in an application.~~

~~(7) Sells or transfers a watercraft without delivering to the purchaser or transferee of the watercraft a certificate of title or a manufacturer's or importer's certificate to the watercraft assigned to the purchaser as provided for in this chapter.~~

SECTION 161. IC 9-31-2-28 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 28. A person who violates section 2, 3, 5, 6, 9, 10, or 11 of this chapter commits a Class C misdemeanor.~~

SECTION 162. IC 9-32-4-1, AS ADDED BY P.L.262-2013, SECTION 139, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) If a vehicle for which a certificate of title has been issued is sold or if the ownership of the

vehicle is transferred in any manner other than by a transfer on death conveyance under IC 9-17-3-9, in addition to complying with IC 9-17-3-3.4, the person who holds the certificate of title must do the following:

(1) In the case of a sale or transfer between vehicle dealers licensed by this state or another state, deliver the certificate of title within twenty-one (21) days after the date of the sale or transfer.

(2) Deliver the certificate of title to the purchaser or transferee within twenty-one (21) days after the date of sale or transfer to the purchaser or transferee of the vehicle, if all the following conditions exist:

(A) The seller or transferor is a vehicle dealer licensed by the state under this article.

(B) The vehicle dealer is not able to deliver the certificate of title at the time of sale or transfer.

(C) The vehicle dealer provides the purchaser or transferee with an affidavit under section 2 of this chapter.

(D) The purchaser or transferee has made all agreed upon initial payments for the vehicle, including delivery of a trade-in vehicle without hidden or undisclosed statutory liens.

(b) A licensed dealer may offer for sale a vehicle for which the dealer does not possess a certificate of title, if the dealer can comply with subsection (a)(1) or (a)(2) at the time of the sale.

(c) A vehicle dealer who fails to deliver a certificate of title within the time specified under this section is subject to the following civil penalties:

(1) One hundred dollars ($100) for the first violation in a calendar year.

(2) Two hundred fifty dollars ($250) for the second violation in a calendar year.

(3) Five hundred dollars ($500) for all subsequent violations in a calendar year.

Payment shall be made to the secretary of state and deposited in the dealer enforcement account established under IC 9-32-7-2.

(d) If a purchaser or transferee does not receive a valid certificate of title within the time specified by this section, the purchaser or transferee has the right to return the vehicle to the vehicle dealer ten (10) days after giving the vehicle dealer written notice demanding delivery of a valid certificate of title and the dealer's failure to deliver a valid certificate of title within that ten (10) day period. Upon return of the vehicle to the dealer in the same or similar condition as delivered

to the purchaser or transferee under this section, the vehicle dealer shall pay to the purchaser or transferee the purchase price plus sales taxes, finance expenses, insurance expenses, and any other amount paid to the dealer by the purchaser or transferee.

(e) For purposes of this subsection, "timely deliver", with respect to a third party, means to deliver to the purchaser or transferee with a postmark dated or hand delivered not more than ten (10) business days after there is no obligation secured by the vehicle. If the dealer's inability to timely deliver a valid certificate of title results from the acts or omissions of a third party who has failed to timely deliver a valid certificate of title to the dealer, the dealer is entitled to claim against the third party one hundred dollars ($100). If:

(1) the dealer's inability to timely deliver a valid certificate of title results from the acts or omissions of a third party who has failed to timely deliver the certificate of title in the third party's possession to the dealer; and

(2) the failure continues for ten (10) business days after the dealer gives the third party written notice of the failure;

the dealer is entitled to claim against the third party all damages sustained by the dealer in rescinding the dealer's sale with the purchaser or transferee, including the dealer's reasonable attorney's fees.

(f) If a vehicle for which a certificate of title has been issued by another state is sold or delivered, the person selling or delivering the vehicle shall deliver to the purchaser or receiver of the vehicle a proper certificate of title with an assignment of the certificate of title in a form prescribed by the bureau.

(g) A dealer shall make payment to a third party to satisfy any obligation secured by the vehicle within ten (10) days after the date of sale.

(h) Except as provided in subsection (i), a person who violates this section commits a Class C infraction.

(i) A person who knowingly or intentionally violates subsection (a)(1), (a)(2), or (d) commits a Class B misdemeanor.

SECTION 163. IC 9-32-6-7, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) Except as provided in sections 8 and 9 of this chapter, dealer-new, dealer-used, manufacturer, and wholesale license plates may be used only on motor vehicles in the:

(1) dealer's inventory being held for sale;

(2) usual operation of the manufacturer's or dealer's business;

(3) movement of the manufacturer's or dealer's inventory; or

(4) inventory of a manufacturer or dealer that is unattended by the manufacturer or dealer or the dealer's agent for a maximum of ten (10) days by a prospective buyer or a service customer.

(b) The license plates referenced in subsection (a) must be:

(1) primarily used or stored at an address within Indiana; or

(2) displayed on a vehicle being transported for purposes of sale by a licensed Indiana dealer.

(c) A person who violates this section commits a Class A infraction.

SECTION 164. IC 9-32-6-10, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. **(a)** Dealer-new, dealer-used, manufacturer, and wholesale license plates may not be used on a vehicle that:

(1) is required to be registered; and

(2) has a fee charged by dealers to others for the use of the vehicle.

(b) A person who violates this section commits a Class A infraction.

SECTION 165. IC 9-32-6-11, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) The secretary may issue an interim license plate to a dealer or manufacturer who is licensed and has been issued a license plate under section 2 of this chapter.

(b) The secretary shall prescribe the form of an interim license plate issued under this section. However, an interim license plate must bear the assigned registration number and provide sufficient space for the expiration date as provided in subsection (c).

(c) Whenever a dealer or manufacturer sells or leases a motor vehicle, the dealer or manufacturer may provide the buyer or lessee with an interim license plate. The dealer shall, in the manner provided by the secretary, affix on the plate in numerals and letters at least three (3) inches high the date on which the interim license plate expires.

(d) An interim license plate authorizes a motor vehicle owner or lessor to operate the vehicle for a maximum period of thirty-one (31) days after the date of sale or lease of the vehicle to the vehicle's owner or lessor or until a regular license plate is issued, whichever occurs first. **A person who violates this subsection commits a Class A infraction.**

(e) A motor vehicle that is required by law to display license plates on the front and rear of the vehicle is required to display only a single interim license plate.

(f) An interim license plate shall be displayed:

(1) in the same manner required in IC 9-18-2-26; or

(2) in a location on the left side of a window facing the rear of the motor vehicle that is clearly visible and unobstructed. The plate must be affixed to the window of the motor vehicle.

(g) The dealer must provide an ownership document to the purchaser at the time of issuance of the interim license plate that must be kept in the motor vehicle during the period an interim license plate is used.

(h) All interim license plates not issued by the dealer must be retained in the possession of the dealer at all times.

SECTION 166. IC 9-32-6-12, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. A dealer ~~may not~~ **that** knowingly or intentionally ~~issue~~ **issues** an altered interim license plate or an interim license plate with false or fictitious information **commits a Class A infraction.**

SECTION 167. IC 9-32-6-13, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. **(a)** A person ~~may not~~ **who** knowingly or intentionally ~~operate~~ **operates** a vehicle displaying an altered interim license plate issued under section 11 of this chapter **commits a Class C misdemeanor.**

(b) A person who knowingly and with the intent to defraud obtains an altered interim license plate issued under section 11 of this chapter commits a Class C misdemeanor.

SECTION 168. IC 9-32-9-1, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. **(a)** A disposal facility, a used parts dealer, or an automotive salvage rebuilder must be licensed by the secretary under this chapter before the facility, dealer, or rebuilder may do any of the following:

(1) Sell a used major component part of a vehicle.

(2) Wreck or dismantle a vehicle for resale of the major component parts of the vehicle.

(3) Rebuild a wrecked or dismantled vehicle.

(4) Possess more than two (2) inoperable vehicles subject to registration for more than thirty (30) days unless the facility, dealer, or rebuilder holds a mechanic's lien on each vehicle over the quantity of two (2).

(5) Engage in the business of storing, disposing, salvaging, or recycling of vehicles, vehicle hulks, or parts of vehicles.

(b) A person who violates this section commits a Class A

infraction.

SECTION 169. IC 9-32-9-2, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. **(a)** A disposal facility, a used parts dealer, or an automotive salvage rebuilder licensed in Indiana must have a principal place of business in Indiana conducting the business that is the basis for the license. A place of business that performs only ministerial tasks is not considered to be conducting business.

(b) A disposal facility, a used parts dealer, or an automotive salvage rebuilder who violates this section commits a Class A infraction.

SECTION 170. IC 9-32-9-10, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. **(a)** A licensee shall post a license granted to the licensee under this chapter in a conspicuous place at the licensed place of business.

(b) A licensee that violates this section commits a Class A infraction.

SECTION 171. IC 9-32-11-1, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The following persons must be licensed under this article to engage in the business of buying or selling motor vehicles or semitrailers:

(1) An automobile auctioneer.
(2) A converter manufacturer.
(3) A dealer.
(4) A distributor.
(5) A distributor representative.
(6) A factory branch.
(7) A factory representative.
(8) A manufacturer.
(9) A transfer dealer.
(10) A wholesale dealer.
(11) An automotive mobility dealer.

(b) An automotive mobility dealer who engages in the business of:

(1) selling, installing, or servicing;
(2) offering to sell, install, or service; or
(3) soliciting or advertising the sale, installation, or servicing of;

equipment or modifications specifically designed to facilitate use or operation of a vehicle by an individual who is disabled or aged must be licensed under this article.

(c) An automotive mobility dealer that fails to be licensed under

this article and engages in the businesses described in subsection (b) commits a Class A infraction.

SECTION 172. IC 9-32-11-12, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. **(a)** A license issued under this chapter is valid for a one (1) year period in accordance with the following schedule:

(1) A person whose business name begins with the letters A through B, inclusive, shall register before March 1 of each year.

(2) A person whose business name begins with the letters C through D, inclusive, shall register before April 1 of each year.

(3) A person whose business name begins with the letters E through G, inclusive, shall register before May 1 of each year.

(4) A person whose business name begins with the letters H through I, inclusive, shall register before June 1 of each year.

(5) A person whose business name begins with the letters J through L, inclusive, shall register before July 1 of each year.

(6) A person whose business name begins with the letters M through O, inclusive, shall register before August 1 of each year.

(7) A person whose business name begins with the letters P through R, inclusive, shall register before September 1 of each year.

(8) A person whose business name begins with the letters S through T, inclusive, shall register before October 1 of each year.

(9) A person whose business name begins with the letters U through Z, inclusive, shall register before November 1 of each year.

(b) A sole proprietor shall register based upon the name of the sole proprietorship.

(c) A sole proprietor who does not register based upon the name of the sole proprietorship commits a Class A infraction.

(d) A person required to be licensed under this chapter that fails to register in accordance with the schedule set forth in subsection (a) commits a Class A infraction.

SECTION 173. IC 9-32-13-31 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 31. A person that performs an act that is an unfair practice under this chapter commits a Class A infraction.**

SECTION 174. IC 9-32-17-2 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 2. (a) Except as provided in subsections (b) and (c), a person who violates IC 9-32-4 commits a Class C infraction.~~

~~(b) A person who knowingly or intentionally violates~~

~~IC 9-32-4-1(a)(1), IC 9-32-4-1(a)(2), IC 9-32-4-1(a)(4), IC 9-32-4-1(a)(5), or IC 9-32-4-1(d) commits a Class B misdemeanor.~~

~~(c) A person who knowingly or intentionally violates IC 9-32-4-1(a)(3) commits a:~~

~~(1) Class A misdemeanor for the first violation; and~~

~~(2) Class D felony for a second or subsequent unrelated violation.~~

SECTION 175. IC 9-32-17-3 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 3. (a) Except as provided in subsection (b), a person who knowingly or intentionally violates any of the following commits a Class A misdemeanor:~~

~~(1) IC 9-32-6-7.~~

~~(2) IC 9-32-6-10.~~

~~(3) IC 9-32-6-11(d).~~

~~(4) IC 9-32-6-12.~~

~~(b) A person who knowingly or intentionally violates IC 9-32-6-13 commits a Class A misdemeanor.~~

SECTION 176. IC 9-32-17-4 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 4. A person who knowingly or intentionally violates any of the following commits a Class A misdemeanor:~~

~~(1) IC 9-32-9-1.~~

~~(2) IC 9-32-9-2.~~

~~(3) IC 9-32-9-10.~~

SECTION 177. IC 9-32-17-5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 5. A person who knowingly or intentionally violates:~~

~~(1) IC 9-32-11-1; or~~

~~(2) IC 9-32-11-12;~~

~~commits a Class A misdemeanor.~~

SECTION 178. IC 9-32-17-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 6. A person who knowingly or intentionally violates IC 9-32-13 commits a Class A misdemeanor.~~

SECTION 179. IC 10-11-2-26, AS AMENDED BY P.L.135-2013, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 26. (a) The superintendent may assign qualified persons who are not state police officers to supervise or operate permanent or portable weigh stations. A person assigned under this section may stop, inspect, and issue citations to operators of trucks and trailers having a declared gross weight of at least ten thousand one (10,001) pounds and buses at a permanent or portable weigh station or while operating a clearly marked Indiana state police vehicle for violations of the following:

(1) IC 6-1.1-7-10.

(2) IC 6-6-1.1-1202.

(3) IC 6-6-2.5.
(4) IC 6-6-4.1-12.
(5) IC 8-2.1.
(6) IC 9-18.
(7) IC 9-19.
(8) IC 9-20.
(9) IC 9-21-7-2 through IC 9-21-7-11.
(10) IC 9-21-8-41 pertaining to the duty to obey an official traffic control device for a weigh station.
(11) IC 9-21-8-45 through IC 9-21-8-48.
(12) IC 9-21-9.
(13) IC 9-21-15.
(14) IC 9-21-21.
(15) IC 9-24-1-1 through IC 9-24-1-1.5.
(16) IC 9-24-1-7.
(17) Except as provided in subsection (c), IC 9-24-1-6, ~~IC 9-24-6-16,~~ IC 9-24-6-17, and IC 9-24-6-18, commercial driver's license.
(18) IC 9-24-4.
(19) IC 9-24-5.
(20) IC 9-24-11-4.
(21) IC 9-24-13-3.
(22) IC 9-24-18-1 through IC 9-24-18-2.
(23) IC 9-25-4-3.
(24) IC 9-28-4.
(25) IC 9-28-5.
(26) IC 9-28-6.
(27) IC 9-29-5-11 through IC 9-29-5-13.
(28) IC 9-29-5-42.
~~(29) IC 9-29-6-1.~~
~~(30)~~ **(29)** IC 10-14-8.
~~(31)~~ **(30)** IC 13-17-5-1, IC 13-17-5-2, IC 13-17-5-3, or IC 13-17-5-4.
~~(32)~~ **(31)** IC 13-30-2-1.

(b) For the purpose of enforcing this section, a person assigned under this section may detain a person in the same manner as a law enforcement officer under IC 34-28-5-3.

(c) A person assigned under this section may not enforce IC 9-24-6-14 or IC 9-24-6-15.

~~(d) Subsection (a)(29) expires on the date that IC 9-29-6-1 expires.~~

SECTION 180. IC 14-15-11-11, AS AMENDED BY P.L.114-2012, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2014]: Sec. 11. (a) Except as provided in subsection (b), a person who operates a motorboat upon public waters while the person's Indiana driver's license is suspended or revoked commits a Class A infraction. However, if:

(1) a person knowingly or intentionally violates this subsection; and

(2) less than ten (10) years have elapsed between the date a judgment was entered against the person for a prior unrelated violation of this subsection, IC 9-1-4-52 (repealed July 1, 1991), IC 9-24-18-5 (repealed July 1, 2000), or IC 9-24-19 and the date the violation described in subdivision (1) was committed;

the person commits a Class A misdemeanor.

(b) If:

(1) a person operates a motorboat upon public waters while the person's Indiana driver's license is suspended or revoked; and

(2) the person's suspension or revocation was a result of the person's conviction of an offense (as defined in IC 35-31.5-2-215);

the person commits a Class A misdemeanor. However, notwithstanding IC 35-50-3-2, a person who violates this subsection shall be imprisoned for a fixed term of not less than sixty (60) days and not more than one (1) year. Notwithstanding IC 35-50-3-1, the court may not suspend any part of the sentence except that part of the sentence exceeding sixty (60) days.

(c) In addition to any other penalty imposed for a conviction under this section, the court ~~shall~~ **may** recommend that the person's privileges to operate a motorboat upon public waters be suspended for a fixed period of not ~~less than ninety (90) days and not~~ more than two (2) years.

(d) The bureau, upon receiving a record of conviction of a person on a charge of operating a motorboat while the person's driver's license was suspended, shall extend the period of suspension ~~for a fixed period of not less than ninety (90) days and not more than two (2) years. The bureau shall fix this period~~ in accordance with the recommendation of the court that entered the conviction.

(e) In a prosecution under this section, the burden is on the defendant to prove by a preponderance of the evidence that, at the time of the alleged offense, the defendant held a valid Indiana driver's license.

SECTION 181. IC 14-15-11-14, AS AMENDED BY P.L.40-2012, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. (a) ~~The bureau~~ **A court** may suspend or

revoke the driver's license of a person upon the conviction of the person of a crime based on a violation of IC 14-15-3, IC 14-15-8 (before its repeal), IC 35-46-9, or IC 14-15-12.

(b) In suspending or revoking a driver's license under this section, **the court shall notify** the bureau **of the driver's license suspension or revocation, and the bureau** shall follow the procedure set forth in IC 9-30-4.

SECTION 182. IC 31-37-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) If a child is alleged to have committed an act that would be an offense under IC 9-30-5 if committed by an adult, a juvenile court shall recommend the immediate suspension of the child's driving privileges as provided in IC 9-30-5. If a court recommends suspension of a child's driving privileges under this section, the bureau of motor vehicles shall comply with the recommendation of suspension as provided in IC 9-30-6-12.

(b) If a court recommends suspension of a child's driving privileges under this section, the court may order the bureau of motor vehicles to reinstate the child's driving privileges as provided in IC 9-30-6-11.

(c) If a juvenile court orders the bureau of motor vehicles to reinstate a child's driving privileges under subsection (b), the bureau shall comply with the order. Unless the order for reinstatement is issued as provided under IC 9-30-6-11(a)(2) because of a violation of the speedy trial provisions applicable to the juvenile court, the bureau shall also do the following:

(1) Remove any record of the suspension from the bureau's record keeping system.

(2) Reinstate the privileges without cost to the person.

(d) If a juvenile court orders a suspension under this section and the child did not refuse to submit to a chemical test offered under IC 9-30-6-2 during the investigation of the delinquent act that would have been an offense under IC 9-30-5 if committed by an adult, the juvenile court may grant the child ~~probationary~~ **specialized** driving privileges ~~for one hundred eighty (180) days~~ in conformity with the procedures in ~~IC 9-30-5-12.~~ **IC 9-30-16.** ~~The standards and procedures in IC 9-30-5-11 and IC 9-30-5-13 apply to an action under this subsection.~~

(e) If a proceeding described in this section is terminated in favor of the child and the child did not refuse to submit to a chemical test offered as provided under IC 9-30-6-2 during the investigation of the delinquent act that would be an offense under IC 9-30-5 if committed by an adult, the bureau shall remove any record of the suspension, including the reasons for the suspension, from the child's official

driving record.

(f) The bureau of motor vehicles may adopt rules under IC 4-22-2 to carry out this section.

SECTION 183. IC 31-37-19-17.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17.3. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be an offense under IC 9-30-5.

(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, recommend the suspension of the child's driving privileges as provided in IC 9-30-5. If a court recommends suspension of a child's driving privileges under this section, the bureau of motor vehicles shall comply with the recommendation of suspension as provided in IC 9-30-6-12.

(c) If a court recommends suspension of a child's driving privileges under this section, the court may order the bureau of motor vehicles to reinstate the child's driving privileges as provided in IC 9-30-6-11.

(d) If a juvenile court orders the bureau of motor vehicles to reinstate a child's driving privileges under subsection (c), the bureau shall comply with the order. Unless the order for reinstatement is issued as provided under IC 9-30-6-11(a)(2) because of a violation of the speedy trial provisions applicable to the juvenile court, the bureau shall also do the following:

(1) Remove any record of the suspension from the bureau's record keeping system.

(2) Reinstate the privileges without cost to the person.

(e) If:

(1) a juvenile court recommends suspension of a child's driving privileges under this section; and

(2) the child did not refuse to submit to a chemical test offered as provided under IC 9-30-6-2 during the investigation of the delinquent act that would be an offense under IC 9-30-5 if committed by an adult;

the juvenile court may stay the execution of the suspension of the child's driving privileges and grant the child probationary driving privileges for one hundred eighty (180) days.

(f) If a juvenile court orders a suspension under this section and the child did not refuse to submit to a chemical test offered under IC 9-30-6-2 during the investigation of the delinquent act that would have been an offense under IC 9-30-5 if committed by an adult, the juvenile court may grant the child ~~probationary~~ **specialized** driving privileges ~~for one hundred eighty (180) days~~ in conformity with the

procedures in ~~IC 9-30-5-12.~~ **IC 9-30-16.** ~~The standards and procedures in IC 9-30-5-11 and IC 9-30-5-13 apply to an action under this subsection.~~

(g) A child whose driving privileges are suspended under this section is entitled to credit for any days during which the license was suspended under IC 31-37-5-7, if the child did not refuse to submit to a chemical test offered as provided under IC 9-30-6-2 during the investigation of the delinquent act that would be an offense under IC 9-30-5 if committed by an adult.

(h) A period of suspension of driving privileges imposed under this section must be consecutive to any period of suspension imposed under IC 31-37-5-7. However, if the juvenile court finds in the sentencing order that it is in the best interest of society, the juvenile court may terminate all or any part of the remaining suspension under IC 31-37-5-7.

(i) The bureau of motor vehicles may adopt rules under IC 4-22-2 to carry out this section.

SECTION 184. IC 31-40-2-1.7, AS AMENDED BY P.L.125-2012, SECTION 407, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.7. (a) A person may pay a monthly probation user's fee under section 1 or 1.5 of this chapter before the date the payment is required to be made without obtaining the prior approval of a court or a probation department. However, if a delinquent child is discharged from probation before the date the delinquent child was scheduled to be released from probation, any monthly probation user's fee paid in advance for the delinquent child may not be refunded.

(b) A probation department may petition a court to:

(1) impose a probation user's fee on a person; or

(2) increase a person's probation user's fee;

under section 1 or 1.5 of this chapter if the financial ability of the person to pay a probation user's fee changes while the person is on probation.

(c) An order to pay a probation user's fee under section 1 or 1.5 of this chapter:

(1) is a judgment lien that:

(A) attaches to the property of the person subject to the order;

(B) may be perfected;

(C) may be enforced to satisfy any payment that is delinquent under section 1 or 1.5 of this chapter; and

(D) expires;

in the same manner as a judgment lien created in a civil

proceeding;

(2) is not discharged by the completion of the person's probationary period or other sentence imposed on the person; and

(3) is not discharged by the liquidation of a person's estate by a receiver under IC 32-30-5.

(d) A delinquent child placed on probation for more than one (1) delinquent act:

(1) may be required to pay more than one (1) initial probation user's fee; and

(2) may not be required to pay more than one (1) monthly probation user's fee per month;

to either the probation department or the clerk of the court.

(e) If a court orders a person to pay a probation user's fee under section 1 or 1.5 of this chapter, the court may garnish the wages, salary, and other income earned by the person to enforce the order.

~~(f) If:~~

~~(1) a person is delinquent in paying the person's probation user's fees required under section 1 or 1.5 of this chapter; and~~

~~(2) the person's driving privileges or driver's license or permit has been suspended or revoked or the person has never been issued a driver's license or permit;~~

~~the court may order the bureau of motor vehicles to not issue a driver's license or permit to the person until the person has paid the person's delinquent probation user's fees.~~

SECTION 185. IC 33-39-1-8, AS AMENDED BY P.L.158-2013, SECTION 342, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) After June 30, 2005, this section does not apply to a person who:

(1) holds a commercial driver's license; and

(2) has been charged with an offense involving the operation of a motor vehicle in accordance with the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159.113 Stat. 1748).

(b) This section does not apply to a person arrested for or charged with:

(1) an offense under IC 9-30-5-1 through IC 9-30-5-5; or

(2) if a person was arrested or charged with an offense under IC 9-30-5-1 through IC 9-30-5-5, an offense involving:

(A) intoxication; or

(B) the operation of a vehicle;

if the offense involving intoxication or the operation of a vehicle was part of the same episode of criminal conduct as the offense under

IC 9-30-5-1 through IC 9-30-5-5.

(c) This section does not apply to a person:

(1) who is arrested for or charged with an offense under:

(A) ~~IC 7.1-5-7-7(a),~~ **IC 7.1-5-7-7,** if the alleged offense occurred while the person was operating a motor vehicle;

(B) IC 9-30-4-8(a), if the alleged offense occurred while the person was operating a motor vehicle;

(C) IC 35-42-2-2(c)(1);

(D) IC 35-44.1-2-13(b)(1); or

(E) IC 35-43-1-2(a), if the alleged offense occurred while the person was operating a motor vehicle; and

(2) who held a probationary license (as defined in IC 9-24-11-3.3(b)) and was less than eighteen (18) years of age at the time of the alleged offense.

(d) A prosecuting attorney may withhold prosecution against an accused person if:

(1) the person is charged with a misdemeanor;

(2) the person agrees to conditions of a pretrial diversion program offered by the prosecuting attorney;

(3) the terms of the agreement are recorded in an instrument signed by the person and the prosecuting attorney and filed in the court in which the charge is pending; and

(4) the prosecuting attorney electronically transmits information required by the prosecuting attorneys council concerning the withheld prosecution to the prosecuting attorneys council, in a manner and format designated by the prosecuting attorneys council.

(e) An agreement under subsection (d) may include conditions that the person:

(1) pay to the clerk of the court an initial user's fee and monthly user's fees in the amounts specified in IC 33-37-4-1;

(2) work faithfully at a suitable employment or faithfully pursue a course of study or career and technical education that will equip the person for suitable employment;

(3) undergo available medical treatment or counseling and remain in a specified facility required for that purpose;

(4) support the person's dependents and meet other family responsibilities;

(5) make restitution or reparation to the victim of the crime for the damage or injury that was sustained;

(6) refrain from harassing, intimidating, threatening, or having any direct or indirect contact with the victim or a witness;

(7) report to the prosecuting attorney at reasonable times;

(8) answer all reasonable inquiries by the prosecuting attorney and promptly notify the prosecuting attorney of any change in address or employment; and

(9) participate in dispute resolution either under IC 34-57-3 or a program established by the prosecuting attorney.

(f) An agreement under subsection (d)(2) may include other provisions reasonably related to the defendant's rehabilitation, if approved by the court.

(g) The prosecuting attorney shall notify the victim when prosecution is withheld under this section.

(h) All money collected by the clerk as user's fees under this section shall be deposited in the appropriate user fee fund under IC 33-37-8.

(i) If a court withholds prosecution under this section and the terms of the agreement contain conditions described in subsection (e)(6):

(1) the clerk of the court shall comply with IC 5-2-9; and

(2) the prosecuting attorney shall file a confidential form prescribed or approved by the division of state court administration with the clerk.

SECTION 186. IC 34-24-1-1, AS AMENDED BY P.L.196-2013, SECTION 15, AND AS AMENDED BY P.L.293-2013(ts), SECTION 42, AND AS AMENDED BY P.L.158-2013, SECTION 349, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The following may be seized:

(1) All vehicles (as defined by IC 35-31.5-2-346), if they are used or are intended for use by the person or persons in possession of them to transport or in any manner to facilitate the transportation of the following:

(A) A controlled substance for the purpose of committing, attempting to commit, or conspiring to commit any of the following:

(i) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).

(ii) Dealing in methamphetamine (IC 35-48-4-1.1).

(iii) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(iv) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

(v) Dealing in a schedule V controlled substance (IC 35-48-4-4).

(vi) Dealing in a counterfeit substance (IC 35-48-4-5).

(vii) Possession of cocaine or a narcotic drug (IC 35-48-4-6).

(viii) Possession of methamphetamine (IC 35-48-4-6.1).
(ix) Dealing in paraphernalia (IC 35-48-4-8.5).
(x) Dealing in marijuana, hash oil, hashish, *or* salvia ~~*or a synthetic cannabinoid*~~ (IC 35-48-4-10).
(xi) Dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its amendment in 2013).

(B) Any stolen (IC 35-43-4-2) or converted property (IC 35-43-4-3) if the retail or repurchase value of that property is one hundred dollars ($100) or more.
(C) Any hazardous waste in violation of IC 13-30-10-1.5.
(D) A bomb (as defined in IC 35-31.5-2-31) or weapon of mass destruction (as defined in IC 35-31.5-2-354) used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism (as defined by IC 35-31.5-2-329).

(2) All money, negotiable instruments, securities, weapons, communications devices, or any property used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism or commonly used as consideration for a violation of IC 35-48-4 (other than items subject to forfeiture under IC 16-42-20-5 or IC 16-6-8.5-5.1, before its repeal):
(A) furnished or intended to be furnished by any person in exchange for an act that is in violation of a criminal statute;
(B) used to facilitate any violation of a criminal statute; or
(C) traceable as proceeds of the violation of a criminal statute.

(3) Any portion of real or personal property purchased with money that is traceable as a proceed of a violation of a criminal statute.

(4) A vehicle that is used by a person to:
(A) commit, attempt to commit, or conspire to commit;
(B) facilitate the commission of; or
(C) escape from the commission of;
murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense under IC 35-47 as part of or in furtherance of an act of terrorism.

(5) Real property owned by a person who uses it to commit any of the following as a ~~*Class A felony, a Class B felony,*~~ *Level 1, Level 2, Level 3, Level 4,* or ~~a *Class C*~~ *Level 5* felony:

(A) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).

(B) Dealing in methamphetamine (IC 35-48-4-1.1).

(C) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(D) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

(E) Dealing in marijuana, hash oil, hashish, *or* salvia ~~*or a synthetic cannabinoid*~~ (IC 35-48-4-10).

(F) Dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its amendment in 2013).

(6) Equipment and recordings used by a person to commit fraud under IC 35-43-5-4(10).

(7) Recordings sold, rented, transported, or possessed by a person in violation of IC 24-4-10.

(8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as defined by IC 35-45-6-1) that is the object of a corrupt business influence violation (IC 35-45-6-2).

(9) Unlawful telecommunications devices (as defined in IC 35-45-13-6) and plans, instructions, or publications used to commit an offense under IC 35-45-13.

(10) Any equipment, including computer equipment and cellular telephones, used for or intended for use in preparing, photographing, recording, videotaping, digitizing, printing, copying, or disseminating matter in violation of IC 35-42-4.

(11) Destructive devices used, possessed, transported, or sold in violation of IC 35-47.5.

(12) Tobacco products that are sold in violation of IC 24-3-5, tobacco products that a person attempts to sell in violation of IC 24-3-5, and other personal property owned and used by a person to facilitate a violation of IC 24-3-5.

(13) Property used by a person to commit counterfeiting or forgery in violation of IC 35-43-5-2.

(14) After December 31, 2005, if a person is convicted of an offense specified in IC 25-26-14-26(b) or IC 35-43-10, the following real or personal property:

(A) Property used or intended to be used to commit, facilitate, or promote the commission of the offense.

(B) Property constituting, derived from, or traceable to the gross proceeds that the person obtained directly or indirectly as a result of the offense.

(15) Except as provided in subsection (e), a vehicle used by a person who operates the vehicle:

(A) while intoxicated, in violation of IC 9-30-5-1 through IC 9-30-5-5, if in the previous five (5) years the person has two (2) or more prior unrelated convictions:

(i) for operating a motor vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or

(ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction; or

(B) on a highway while the person's driving privileges are suspended in violation of IC 9-24-19-2 through ~~IC 9-24-19-4,~~ **IC 9-24-19-3,** if in the previous five (5) years the person has two (2) or more prior unrelated convictions:

(i) for operating a vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or

(ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction.

If a court orders the seizure of a vehicle under this subdivision, the court shall transmit an order to the bureau of motor vehicles recommending that the bureau not permit a vehicle to be registered in the name of the person whose vehicle was seized until the person possesses a current driving license (as defined in IC 9-13-2-41).

(16) The following real or personal property:

(A) Property used or intended to be used to commit, facilitate, or promote the commission of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or IC 30-2-13-38(f).

(B) Property constituting, derived from, or traceable to the gross proceeds that a person obtains directly or indirectly as a result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or IC 30-2-13-38(f).

(17) An automated sales suppression device (as defined in IC 35-43-5-4.6(a)(1) or phantom-ware (as defined in IC 35-43-5-4.6(a)(3)).

(b) A vehicle used by any person as a common or contract carrier in the transaction of business as a common or contract carrier is not subject to seizure under this section, unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a).

(c) Equipment under subsection (a)(10) may not be seized unless it

can be proven by a preponderance of the evidence that the owner of the equipment knowingly permitted the equipment to be used to engage in conduct that subjects it to seizure under subsection (a)(10).

(d) Money, negotiable instruments, securities, weapons, communications devices, or any property commonly used as consideration for a violation of IC 35-48-4 found near or on a person who is committing, attempting to commit, or conspiring to commit any of the following offenses shall be admitted into evidence in an action under this chapter as prima facie evidence that the money, negotiable instrument, security, or other thing of value is property that has been used or was to have been used to facilitate the violation of a criminal statute or is the proceeds of the violation of a criminal statute:

(1) IC 35-48-4-1 (dealing in or manufacturing cocaine or a narcotic drug).

(2) IC 35-48-4-1.1 (dealing in methamphetamine).

(3) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled substance).

(4) IC 35-48-4-3 (dealing in a schedule IV controlled substance).

(5) IC 35-48-4-4 (dealing in a schedule V controlled substance) as a ~~*Class B*~~ *Level 4* felony.

(6) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a ~~*Class A felony, Class B*~~ *Level 3, Level 4,* ~~*felony,*~~ or ~~*Class C*~~ *Level 5* felony.

(7) IC 35-48-4-6.1 (possession of methamphetamine) as a ~~*Class A felony, Class B felony,*~~ *Level 3, Level 4,* or ~~*Class C*~~ *Level 5* felony.

(8) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, *or* salvia) ~~*or a synthetic cannabinoid)*~~ as a ~~*Class C*~~ *Level 5* felony.

(9) IC 35-48-4-10.5 (dealing in a synthetic drug or synthetic drug lookalike substance) as a ~~*Class C*~~ **Level 5** *felony or* ~~*Class D*~~ **Level 6** *felony (or as a Class C felony or Class D felony under IC 35-48-4-10 before its amendment in 2013).*

(e) A vehicle operated by a person who is not:

(1) an owner of the vehicle; or

(2) the spouse of the person who owns the vehicle;

is not subject to seizure under subsection (a)(15) unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a)(15).

SECTION 187. IC 35-33-1-1, AS AMENDED BY P.L.171-2011, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A law enforcement officer may arrest a

person when the officer has:

(1) a warrant commanding that the person be arrested;

(2) probable cause to believe the person has committed or attempted to commit, or is committing or attempting to commit, a felony;

(3) probable cause to believe the person has violated the provisions of ~~IC 9-26-1-1(1), IC 9-26-1-1(2), IC 9-26-1-2(1), IC 9-26-1-2(2), IC 9-26-1-3, IC 9-26-1-4,~~ **IC 9-26-1-1.1** or IC 9-30-5;

(4) probable cause to believe the person is committing or attempting to commit a misdemeanor in the officer's presence;

(5) probable cause to believe the person has committed a:

(A) battery resulting in bodily injury under IC 35-42-2-1; or

(B) domestic battery under IC 35-42-2-1.3.

The officer may use an affidavit executed by an individual alleged to have direct knowledge of the incident alleging the elements of the offense of battery to establish probable cause;

(6) probable cause to believe that the person violated IC 35-46-1-15.1 (invasion of privacy);

(7) probable cause to believe that the person violated IC 35-47-2-1 (carrying a handgun without a license) or IC 35-47-2-22 (counterfeit handgun license);

(8) probable cause to believe that the person is violating or has violated an order issued under IC 35-50-7;

(9) probable cause to believe that the person is violating or has violated IC 35-47-6-1.1 (undisclosed transport of a dangerous device);

(10) probable cause to believe that the person is:

(A) violating or has violated IC 35-45-2-5 (interference with the reporting of a crime); and

(B) interfering with or preventing the reporting of a crime involving domestic or family violence (as defined in IC 34-6-2-34.5);

(11) a removal order issued for the person by an immigration court;

(12) a detainer or notice of action for the person issued by the United States Department of Homeland Security; or

(13) probable cause to believe that the person has been indicted for or convicted of one (1) or more aggravated felonies (as defined in 8 U.S.C. 1101(a)(43)).

(b) A person who:

(1) is employed full time as a federal enforcement officer;

(2) is empowered to effect an arrest with or without warrant for a violation of the United States Code; and

(3) is authorized to carry firearms in the performance of the person's duties;

may act as an officer for the arrest of offenders against the laws of this state where the person reasonably believes that a felony has been or is about to be committed or attempted in the person's presence.

SECTION 188. IC 35-33-8-3.3, AS ADDED BY P.L.173-2006, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.3. (a) This section does not apply to a defendant charged in a city or town court.

(b) If a defendant who has a prior unrelated conviction for any offense is charged with a new offense and placed under the supervision of a probation officer or pretrial services agency, the court may order the defendant to pay the pretrial services fee prescribed under subsection (e) if:

(1) the defendant has the financial ability to pay the fee; and

(2) the court finds by clear and convincing evidence that supervision by a probation officer or pretrial services agency is necessary to ensure the:

(A) defendant's appearance in court; or

(B) physical safety of the community or of another person.

(c) If a clerk of a court collects a pretrial services fee, the clerk may retain not more than three percent (3%) of the fee to defray the administrative costs of collecting the fee. The clerk shall deposit amounts retained under this subsection in the clerk's record perpetuation fund established under IC 33-37-5-2.

(d) If a clerk of a court collects a pretrial services fee from a defendant, upon request of the county auditor, the clerk shall transfer not more than three percent (3%) of the fee to the county auditor for deposit in the county general fund.

(e) The court may order a defendant who is supervised by a probation officer or pretrial services agency and charged with an offense to pay:

(1) an initial pretrial services fee of at least twenty-five dollars ($25) and not more than one hundred dollars ($100);

(2) a monthly pretrial services fee of at least fifteen dollars ($15) and not more than thirty dollars ($30) for each month the defendant remains on bail and under the supervision of a probation officer or pretrial services agency; and

(3) an administrative fee of one hundred dollars ($100);

to the probation department, pretrial services agency, or clerk of the

court if the defendant meets the conditions set forth in subsection (b).

(f) The probation department, pretrial services agency, or clerk of the court shall collect the administrative fee under subsection (e)(3) before collecting any other fee under subsection (e). Except for the money described in subsections (c) and (d), all money collected by the probation department, pretrial services agency, or clerk of the court under this section shall be transferred to the county treasurer, who shall deposit fifty percent (50%) of the money into the county supplemental adult probation services fund and fifty percent (50%) of the money into the county supplemental public defender services fund (IC 33-40-3-1). The fiscal body of the county shall appropriate money from the county supplemental adult probation services fund:

(1) to the county, superior, or circuit court of the county that provides probation services or pretrial services to adults to supplement adult probation services or pretrial services; and

(2) to supplement the salary of:

(A) an employee of a pretrial services agency; or

(B) a probation officer in accordance with the schedule adopted by the county fiscal body under IC 36-2-16.5.

(g) The county supplemental adult probation services fund may be used only to supplement adult probation services or pretrial services and to supplement salaries for probation officers or employees of a pretrial services agency. A supplemental probation services fund may not be used to replace other probation services or pretrial services funding. Any money remaining in the fund at the end of a fiscal year does not revert to any other fund but continues in the county supplemental adult probation services fund.

(h) A defendant who is charged with more than one (1) offense and who is supervised by the probation department or pretrial services agency as a condition of bail may not be required to pay more than:

(1) one (1) initial pretrial services fee; and

(2) one (1) monthly pretrial services fee per month.

(i) A probation department or pretrial services agency may petition a court to:

(1) impose a pretrial services fee on a defendant; or

(2) increase a defendant's pretrial services fee;

if the financial ability of the defendant to pay a pretrial services fee changes while the defendant is on bail and supervised by a probation officer or pretrial services agency.

(j) An order to pay a pretrial services fee under this section:

(1) is a judgment lien that, upon the defendant's conviction:

(A) attaches to the property of the defendant;

(B) may be perfected;
(C) may be enforced to satisfy any payment that is delinquent under this section; and
(D) expires;
in the same manner as a judgment lien created in a civil proceeding;
(2) is not discharged by the disposition of charges against the defendant or by the completion of a sentence, if any, imposed on the defendant;
(3) is not discharged by the liquidation of a defendant's estate by a receiver under IC 32-30-5; and
(4) is immediately terminated if a defendant is acquitted or if charges against the defendant are dropped.

(k) If a court orders a defendant to pay a pretrial services fee, the court may, upon the defendant's conviction, enforce the order by garnishing the wages, salary, and other income earned by the defendant.

~~(l) If a defendant is delinquent in paying the defendant's pretrial services fee and has never been issued a driver's license or permit, upon the defendant's conviction, the court may order the bureau of motor vehicles to not issue a driver's license or permit to the defendant until the defendant has paid the defendant's delinquent pretrial services fee. If a defendant is delinquent in paying the defendant's pretrial services fee and the defendant's driver's license or permit has been suspended or revoked, the court may order the bureau of motor vehicles to not reinstate the defendant's driver's license or permit until the defendant has paid the defendant's delinquent pretrial services fee.~~

~~(m)~~ **(l)** In addition to other methods of payment allowed by law, a probation department or pretrial services agency may accept payment of a pretrial services fee by credit card (as defined in IC 14-11-1-7(a)). The liability for payment is not discharged until the probation department or pretrial services agency receives payment or credit from the institution responsible for making the payment or credit.

~~(n)~~ **(m)** The probation department or pretrial services agency may contract with a bank or credit card vendor for acceptance of a bank or credit card. However, if there is a vendor transaction charge or discount fee, whether billed to the probation department or pretrial services agency, or charged directly to the account of the probation department or pretrial services agency, the probation department or pretrial services agency may collect a credit card service fee from the person using the bank or credit card. The fee collected under this subsection is a permitted additional charge to the fee or fees the defendant may be

required to pay under subsection (e).

~~(o)~~ **(n)** The probation department or pretrial services agency shall forward a credit card service fee collected under subsection ~~(n)~~ **(m)** to the county treasurer in accordance with subsection (f). These funds may be used without appropriation to pay the transaction charge or discount fee charged by the bank or credit card vendor.

SECTION 189. IC 35-38-1-32 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 32. A sentencing court shall inform a person who is convicted of or pleads guilty to the following offenses that the offense could qualify them as a habitual violator under IC 9-30-10:**

(1) Reckless homicide resulting from the operation of a motor vehicle.

(2) Voluntary or involuntary manslaughter resulting from the operation of a motor vehicle.

(3) Failure of the driver of a motor vehicle involved in an accident resulting in death or injury to any person to stop at the scene of the accident and give the required information and assistance.

(4) Operation of a vehicle while intoxicated resulting in death.

(5) Operation of a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath;

resulting in death.

(6) Operation of a vehicle while intoxicated.

(7) Operation of a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath.

(8) Reckless driving.

(9) Criminal recklessness as a felony involving the operation of a motor vehicle.

(10) Drag racing or engaging in a speed contest in violation of law.

(11) Violating IC 9-26-1-1.1

(12) Any felony under an Indiana motor vehicle statute.

(13) Operating a motor vehicle while the person's license to do so has been suspended or revoked as a result of the person's

conviction of an offense under IC 9-1-4-52 (repealed July 1, 1991), IC 9-24-18-5(b) (repealed July 1, 2000), IC 9-24-19-2, or IC 9-24-19-3.

(14) Operating a motor vehicle without ever having obtained a license to do so.

SECTION 190. IC 35-38-2-1.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.7. (a) A person may pay a monthly probation user's fee under section 1 or 1.5 of this chapter before the date the payment is required to be made without obtaining the prior approval of a court or a probation department. However, if the person is discharged from probation before the date the person was scheduled to be released from probation, any monthly probation user's fee paid in advance by the person may not be refunded.

(b) A probation department may petition a court to:

(1) impose a probation user's fee on a person; or

(2) increase a person's probation user's fee;

under section 1 or 1.5 of this chapter if the financial ability of the person to pay a probation user's fee changes while the person is on probation.

(c) An order to pay a probation user's fee under section 1 or 1.5 of this chapter:

(1) is a judgment lien that:

(A) attaches to the property of the person subject to the order;

(B) may be perfected;

(C) may be enforced to satisfy any payment that is delinquent under section 1 or 1.5 of this chapter; and

(D) expires;

in the same manner as a judgment lien created in a civil proceeding;

(2) is not discharged by the completion of the person's probationary period or other sentence imposed on the person; and

(3) is not discharged by the liquidation of a person's estate by a receiver under IC 32-30-5.

(d) If a court orders a person to pay a probation user's fee under section 1 or 1.5 of this chapter, the court may garnish the wages, salary, and other income earned by the person to enforce the order.

~~(e) If:~~

~~(1) a person is delinquent in paying the person's probation user's fees required under section 1 or 1.5 of this chapter; and~~

~~(2) the person's driver's license or permit has been suspended or revoked or the person has never been issued a driver's license or permit;~~

~~the court may order the bureau of motor vehicles to not issue a driver's license or permit to the person until the person has paid the person's delinquent probation user's fees.~~

SECTION 191. IC 35-43-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 6.5. Motor Vehicle and Watercraft Fraud

Sec. 1. (a) A person who sells or offers for sale a vehicle, a vehicle part, or a watercraft knowing that an identification number or certificate of title of the vehicle, vehicle part, or watercraft has been:

(1) destroyed;

(2) removed;

(3) altered;

(4) covered; or

(5) defaced;

commits a Class A misdemeanor.

(b) A person who counterfeits or falsely reproduces a certificate of title for a motor vehicle, semitrailer, or recreational vehicle with intent to:

(1) use the certificate of title; or

(2) permit another person to use the certificate of title;

commits a Class B misdemeanor.

Sec. 2. (a) A person who, with the intent to defraud:

(1) advertises for sale;

(2) sells;

(3) uses; or

(4) installs;

any device that causes an odometer to register mileage other than the mileage driven by the vehicle as registered by the odometer within the manufacturer's designed tolerance commits a Level 6 felony.

(b) A person who, with the intent to defraud:

(1) disconnects, resets, or alters the odometer of any motor vehicle with intent to change the number of miles or kilometers indicated on the odometer; or

(2) sells a motor vehicle that has a broken odometer or an odometer that is not displaying correct mileage of the vehicle;

commits a Level 6 felony.

SECTION 192. IC 35-45-19-1, AS ADDED BY P.L.68-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. This chapter does not:

(1) apply to the driver of a vehicle involved in an accident that:
(A) results in the death of a person; and
(B) must be reported under ~~IC 9-26-1-1;~~ **IC 9-26-1-1.1;** or
(2) supersede any law governing the reporting of a death by a hospital, health care facility, or provider.

SECTION 193. IC 35-48-4-15, AS AMENDED BY P.L.125-2012, SECTION 415, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. ~~(a)~~ If a person is convicted of an offense under section 1, **1.1,** 2, 3, 4, ~~5, 6, 7,~~ **or** 10 ~~or 11~~ of this chapter, ~~or conspiracy to commit an offense under section 1, 2, 3, 4, 5, 6, 7, 10, or 11 of this chapter,~~ and the court finds that a motor vehicle was used in the commission of the offense, the court ~~shall,~~ **may,** in addition to any other order the court enters, order that the person's

~~(1) driver's license~~ **driving privileges** be suspended
~~(2) existing motor vehicle registrations be suspended; and~~
~~(3) ability to register motor vehicles be suspended;~~

by the bureau of motor vehicles for a period specified by the court of ~~at least six (6) months but~~ not more than two (2) years.

~~(b) If a person is convicted of an offense described in subsection (a) and the person does not hold a driver's license or a learner's permit, the court shall order that the person may not receive a driver's license or a learner's permit from the bureau of motor vehicles for a period of not less than six (6) months.~~

SECTION 194. IC 35-51-9-1, AS AMENDED BY P.L.262-2013, SECTION 143, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. The following statutes define crimes in IC 9:

IC 9-14-3.5-15 (Concerning bureau of motor vehicles).
IC 9-14-5-9 (Concerning parking placards for persons with physical disabilities).
IC 9-17-2-15 (Concerning certificates of title).
~~IC 9-17-2-16 (Concerning certificates of title).~~
~~IC 9-17-3-3.2 (Concerning certificates of title).~~
~~IC 9-17-3-7 (Concerning certificates of title).~~
~~IC 9-17-4-14 (Concerning special identification numbers).~~
~~IC 9-17-4-15 (Concerning special identification numbers).~~
~~IC 9-17-4-16 (Concerning special identification numbers).~~
~~IC 9-17-4-17 (Concerning identification numbers).~~
~~IC 9-17-4-18 (Concerning identification numbers).~~
~~IC 9-18-2-42 (Concerning motor vehicle registration and license plates).~~
IC 9-18-2-44 (Concerning motor vehicle registration and license

plates).
IC 9-18-2-45 (Concerning motor vehicle registration and license plates).
IC 9-18-2.5-12 (Concerning off-road vehicles and snowmobiles).
~~IC 9-18-2.5-16 (Concerning off-road vehicles and snowmobiles).~~
~~IC 9-18-4-8 (Concerning motor vehicle registration and license plates).~~
~~IC 9-18-13-9 (Concerning motor vehicle registration and license plates).~~
IC 9-18-22-6 (Concerning motor vehicle registration and license plates).
~~IC 9-19-9-5 (Concerning motor vehicle equipment).~~
~~IC 9-19-10.5-4~~ **IC 9-19-10.5-2** (Concerning motor vehicle equipment).
~~IC 9-19-10.5-5~~ **IC 9-19-10.5-3** (Concerning motor vehicle equipment).
~~IC 9-20-18-4 (Concerning motor vehicle size and weight regulation).~~
IC 9-21-5-13 (Concerning traffic regulation).
IC 9-21-6-3 (Concerning traffic regulation).
IC 9-21-8-50 (Concerning traffic regulation).
IC 9-21-8-52 (Concerning traffic regulation).
IC 9-21-8-55 (Concerning traffic regulation).
IC 9-21-8-56 (Concerning traffic regulation).
IC 9-21-8-58 (Concerning traffic regulation).
~~IC 9-21-12-9 (Concerning traffic regulation).~~
~~IC 9-21-12-11~~ **IC 9-21-12-5** (Concerning traffic regulation).
IC 9-21-12-13 (Concerning traffic regulation).
IC 9-21-12-14 (Concerning traffic regulation).
IC 9-21-12-15 (Concerning traffic regulation).
IC 9-21-12-16 (Concerning traffic regulation).
IC 9-21-12-18 (Concerning traffic regulation).
IC 9-22-3-31 (Concerning abandoned, salvaged, and scrap vehicles).
~~IC 9-22-3-32 (Concerning abandoned, salvaged, and scrap vehicles).~~
~~IC 9-22-3-33 (Concerning abandoned, salvaged, and scrap vehicles).~~
IC 9-22-5-18 (Concerning scrapping and dismantling vehicles).
IC 9-22-5-18.2 (Concerning buying a motor vehicle without a

certificate of title).
IC 9-22-5-19 (Concerning scrapping and dismantling vehicles).
~~IC 9-22-6-3 (Concerning mechanic's liens for vehicles).~~
~~IC 9-24-1-8~~ **IC 9-24-1-6** (Concerning driver's licenses).
~~IC 9-24-6-16 (Concerning driver's licenses).~~
IC 9-24-6-17 (Concerning driver's licenses).
IC 9-24-11-8 (Concerning driver's licenses).
~~IC 9-24-15-11 (Concerning driver's licenses).~~
IC 9-24-16-12 (Concerning ~~driver's licenses).~~ **identification cards).**
IC 9-24-16-12.5 (Concerning identification cards).
~~IC 9-24-16-13 (Concerning driver's licenses).~~
IC 9-24-18-1 (Concerning driver's licenses).
IC 9-24-18-2 (Concerning driver's licenses).
~~IC 9-24-18-7 (Concerning driver's licenses)~~.
IC 9-24-19-2 (Concerning driver's licenses).
IC 9-24-19-3 (Concerning driver's licenses).
~~IC 9-24-19-4 (Concerning driver's licenses).~~
~~IC 9-25-6-18 (Concerning financial responsibility).~~
IC 9-25-8-2 (Concerning financial responsibility).
~~IC 9-26-1-8~~ **IC 9-26-1-1.1** (Concerning accidents and accident reports).
~~IC 9-26-1-9 (Concerning accidents and accident reports).~~
~~IC 9-26-6-4~~ **IC 9-26-6-2** (Concerning accidents and accident reports).
~~IC 9-30-4-7 (Concerning licenses and registrations).~~
IC 9-30-4-8 (Concerning licenses and registrations).
~~IC 9-30-4-13 (Concerning licenses and registrations~~).
IC 9-30-5-1 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-2 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-3 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-4 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-5 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-7 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-8 (Concerning operating a vehicle while intoxicated).
IC 9-30-6-8.7 (Concerning implied consent).
IC 9-30-9-7.5 (Concerning alcohol abuse deterrent programs).
IC 9-30-10-16 (Concerning habitual violator of traffic laws).
IC 9-30-10-17 (Concerning habitual violator of traffic laws).
~~IC 9-30-10-17.5 (Concerning habitual violator of traffic laws).~~
IC 9-30-16-5 (Concerning driving privileges).
~~IC 9-31-2-26 (Concerning watercraft titling and registration).~~

1 ~~IC 9-31-2-27 (Concerning watercraft titling and registration).~~
2 ~~IC 9-31-2-28 (Concerning watercraft titling and registration).~~
3 **IC 9-32-4-1 (Concerning certificates of title).**
4 **IC 9-32-6-13 (Concerning interim license plates).**
5 ~~IC 9-32-17-2 (Concerning certificates of title).~~
6 ~~IC 9-32-17-3 (Concerning dealer license plates).~~
7 ~~IC 9-32-17-4 (Concerning licensing of vehicle salvaging).~~
8 ~~IC 9-32-17-5 (Concerning regulation of vehicle merchandising).~~
9 ~~IC 9-32-17-6 (Concerning unfair practices by dealers).~~

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1279, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, delete lines 22 through 24, begin a new paragraph and insert:

"SECTION 5. IC 9-13-2-75, AS AMENDED BY P.L.262-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 75. "Identification number" ~~for purposes of IC 9-17-4-18, has the meaning set forth in IC 9-17-4-18.~~ **means a set of numbers, letters, or both numbers and letters that is assigned to a motor vehicle or motor vehicle part by:**

(1) a manufacturer of motor vehicles or motor vehicle parts; or

(2) a governmental entity to replace an original identification number that is destroyed, removed, altered, or defaced.".

Page 11, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 36. IC 9-19-9-7, AS AMENDED BY P.L.54-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. A person who

~~(1) violates this chapter; or~~

~~(2)~~ violates 49 U.S.C. 32709 (as in effect January 1, 1995)

commits a deceptive act and is subject to a civil penalty of not more than one thousand five hundred dollars ($1,500) for each violation in addition to other remedies available under this chapter and IC 24-5-0.5. The attorney general, acting in the name of the state, has the exclusive right to petition for recovery of such a penalty, and the penalty may be recovered only in an action brought under IC 24-5-0.5-4(c).".

Page 13, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 45. IC 9-21-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) The Indiana department of transportation shall place and, except as otherwise provided in this section **and IC 8-23-2-15,** maintain traffic control devices conforming to the state manual and specifications upon all state highways, including the state maintained routes through a city or town, as necessary to indicate and to carry out this article or to regulate, warn, or guide traffic.

(b) A local authority may not place or maintain a traffic control device upon a highway in the state highway system or the state maintained routes through a city or town until the authority has

received written permission from the Indiana department of transportation.

(c) If the department determines, upon the basis of an engineering and traffic investigation, that any traffic control signal is not necessary for the safe, convenient, economical, and orderly movement of traffic, the signal shall be removed by the Indiana department of transportation and be returned to the authority responsible for the signal's erection. If the Indiana department of transportation determines, based on an engineering and traffic investigation, that a traffic control signal now in place is necessary for the safe, convenient, economical, and orderly movement of traffic, the signal must remain in place, and the Indiana department of transportation shall affix a tag or seal to the signal showing that the signal has been approved by the Indiana department of transportation.".

Page 14, line 25, reset in roman "misdemeanor.".

Page 14, line 25, delete "infraction.".

Page 17, line 30, after "department," insert "**including a volunteer fire department,**".

Page 25, reset in roman line 37.

Page 25, line 38, reset in roman "(2)".

Page 25, line 38, delete "(1)".

Page 25, line 40, reset in roman "(3)".

Page 25, line 40, delete "(2)".

Page 28, line 37, delete "issued under IC 9-24-16".

Page 28, line 37, after "issued" insert "**under IC 9-24**".

Page 28, delete lines 39 through 42.

Page 29, delete lines 1 through 2.

Page 29, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 81. IC 9-24-8-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 6. In addition to any other penalty, the bureau:~~

~~(1) shall revoke the motorcycle learner's permit of a person who is convicted of operating a motorcycle under the influence of alcohol; and~~

~~(2) may not issue a motorcycle learner's permit or motorcycle endorsement to a person referred to in subdivision (1) for at least (1) year after the date of the person's conviction.~~".

Page 29, line 10, delete "IC 9-24-16" and insert "**IC 9-24**".

Page 29, line 13, delete "IC 9-24-16" and insert "**IC 9-24**".

Page 30, line 3, strike "at least ninety (90) days and".

Page 31, line 38, delete "license" and insert "**privileges**".

Page 43, delete lines 24 through 26, begin a new paragraph and insert:

"SECTION 117. IC 9-29-9-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. The fee for a ~~restricted~~ **specialized** driving **privilege** permit issued under IC 9-24-15 is ten dollars ($10).".

Page 43, line 34, strike "reasonable" and insert "**probable**".

Page 43, delete lines 38 through 42, begin a new paragraph and insert:

"SECTION 119. IC 9-30-4-1, AS AMENDED BY P.L.85-2013, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. **(a)** Upon any reasonable ground appearing on the records of the bureau **and specified in rules adopted under subsection (b),** the bureau may do the following:

(1) Suspend or revoke the current driving privileges or driver's license of any person.

(2) Suspend or revoke the certificate of registration and license plate for any motor vehicle.

(b) The bureau shall adopt rules under IC 4-22-2 to specify reasonable grounds for suspension or revocation permitted under subsection (a).".

Page 44, delete lines 1 through 2.

Page 44, line 36, reset in roman "(b) The bureau shall suspend or revoke".

Page 44, line 36, after "hearing" reset in roman "the".

Page 44, reset in roman lines 37 through 42.

Page 45, reset in roman lines 1 through 3.

Page 45, line 6, after "(4)" insert "**(3)**".

Page 45, line 6, reset in roman "Three (3) charges of criminal recklessness involving the use".

Page 45, reset in roman line 7.

Page 45, line 8, after "(5)" insert "**(4)**".

Page 45, line 8, reset in roman "Failure to stop and give information or assistance or failure to".

Page 45, reset in roman lines 9 through 11.

Page 45, line 17, reset in roman "(c)".

Page 45, line 17, delete "(b)".

Page 45, line 40, delete "(c)" and insert "**(d)**".

Page 46, line 1, strike "(d)" and insert "**(e)**".

Page 47, line 41, strike "(e)" and insert "**(f)**".

Page 48, line 2, strike "(f)" and insert "**(g)**".

Page 48, line 13, strike "(g)" and insert "**(h)**".

Page 48, line 21, strike "(h)" and insert "**(i)**".

Page 49, line 39, strike "probationary" and insert "**specialized**".

Page 50, line 5, strike "probationary" and insert "**specialized**".

Page 50, line 7, strike "probationary" and insert "**specialized**".

Page 50, line 8, strike "probationary" and insert "**specialized**".

Page 50, line 11, strike "probationary" and insert "**specialized**".

Page 50, line 17, strike "probationary" and insert "**specialized**".

Page 53, line 7, strike "probationary" and insert "**specialized**".

Page 53, line 8, strike "probationary" and insert "**specialized**".

Page 55, between lines 16 and 17, insert "**(9) Resisting law enforcement under IC 35-44.1-3-1.**".

Page 55, line 17, delete "(9)" and insert "**(10)**".

Page 67, line 24, reset in roman "operates a".

Page 67, reset in roman lines 25 through 26.

Page 67, line 27, reset in roman "or IC 9-12-3-1 (repealed July 1, 1991)".

Page 68, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 141. IC 9-30-13-1 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 1. For a person who uses a motor vehicle to commit recklessness under IC 35-42-2-2, the judge of the court in which the person is convicted shall recommend that the driving privileges of the person be suspended for not less than sixty (60) days and not more than two (2) years. If the court fails to recommend a fixed term of suspension, or recommends a fixed term that is less than the minimum term required by statute, the bureau shall impose the minimum period of suspension required under this section.~~

SECTION 142. IC 9-30-13-2 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 2. For a person who uses a motor vehicle to commit obstruction of traffic under IC 35-44.1-2-13, the judge of the court in which the person is convicted may recommend that the driving privileges of the person be suspended for not less than sixty (60) days and not more than two (2) years. If the court recommends a fixed term of suspension that is less than the minimum term required by statute, the bureau shall impose the minimum period of suspension under this section.~~

SECTION 143. IC 9-30-13-3 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 3. For a person who uses a motor vehicle to commit criminal mischief under IC 35-43-1-2, the judge of the court in which the person is convicted may recommend that the driving privileges of the person be suspended for not less than sixty (60) days and not more than two (2) years. If the court recommends a fixed term of suspension that is less than the minimum term required by statute, the bureau shall impose the minimum period of suspension under this section.~~

SECTION 144. IC 9-30-13-4 IS REPEALED [EFFECTIVE JULY

1, 2014]. ~~Sec. 4. (a) If a person commits any of the following offenses, the court that convicted the person shall recommend the suspension of the person's driving privileges for a fixed period of at least two (2) years and not more than five (5) years:~~

~~(1) Involuntary manslaughter resulting from the operation of a motor vehicle (IC 35-42-1-4).~~

~~(2) Reckless homicide resulting from the operation of a motor vehicle (IC 35-42-1-5).~~

~~(b) If the court fails to recommend a fixed term of suspension, or recommends a fixed term that is less than the minimum term required by statute, the bureau shall impose the minimum period of suspension required under this section.~~".

Page 68, strike line 26.

Page 68, line 27, strike "under".

Page 68, line 27, delete "IC 9-30-16".

Page 68, line 27, strike "if the person otherwise qualifies".

Page 68, strike lines 28 through 34.

Page 68, strike line 42.

Page 69, strike lines 1 through 2.

Page 69, line 3, strike "of suspension in accordance with the".

Page 69, line 3, delete "order".

Page 69, line 3, strike "of the".

Page 69, line 4, strike "court.".

Page 71, line 7, delete "section," and insert "**chapter,**".

Page 72, line 12, delete "The suspension of driving privileges under this" and insert "**Except as provided in subsection (b), the following are ineligible for a specialized driving permit under this chapter:**

(1) A person who has never had a valid Indiana driver's license.

(2) A person who holds a commercial driver's license.

(3) A person who has refused to submit to a chemical test offered under IC 9-30-6.".

Page 72, delete line 13, begin a new paragraph and insert:

"**(b) This chapter applies to an individual who:**

(1) held a commercial driver's license at the time the individual committed an offense for which the operation of a motor vehicle was an element of the offense;

(2) no longer holds a commercial driver's license; and

(3) subsequently was issued an operator's license, chauffeur's license, or public passenger chauffeur's license.".

Page 72, line 14, delete "(b)" and insert "**(c)**".

Page 72, line 19, delete "(c)" and insert "**(d)**".

Page 72, line 24, delete "(d)" and insert "**(e)**".

Page 73, between lines 3 and 4, begin a new paragraph and insert:

"**(c) If a court fails to suspend a person's driving privileges for at least one (1) year under this section, the bureau shall suspend the person's driving privileges for one (1) year.**".

Page 73, line 23, delete "SR-16" and insert "**proof of future financial responsibility**".

Page 73, line 29, delete "law enforcement officer." and insert "**police officer.**".

Page 83, between lines 4 and 5, begin a new paragraph and insert:

"**(d) A person required to be licensed under this chapter that fails to register in accordance with the schedule set forth in subsection (a) commits a Class A infraction.**".

Page 101, line 29, after "1." insert "**(a)**".

Page 101, line 29, delete "motor".

Page 101, line 30, delete "motor".

Page 101, line 31, delete "motor vehicle, motor vehicle" and insert "**vehicle, vehicle**".

Page 101, between lines 38 and 39, begin a new paragraph and insert:

"**(b) A person who counterfeits or falsely reproduces a certificate of title for a motor vehicle, semitrailer, or recreational vehicle with intent to:**

(1) use the certificate of title; or

(2) permit another person to use the certificate of title;

commits a Class B misdemeanor.".

Page 102, line 29, strike "driver's license" and insert "**driving privileges**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1279 as introduced.)

SOLIDAY, Chair

Committee Vote: yeas 12, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1279 be amended to read as follows:

Page 31, line 5, strike "shall" and insert "**may**".

Page 47, line 15, strike "subdivisions" and insert "**subdivision**".

Page 47, line 15, after "(2)" insert ",".

Page 47, line 15, delete "and".

Page 47, line 15, strike "(3),".

Page 47, line 23, delete "," and insert "**or (c)(1), or (b)(4) or (c)(4) when the accident has resulted in death,**".

Page 50, line 41, strike "shall" and insert "**may**".

Page 51, line 4, strike "shall" and insert "**may**".

Page 51, line 14, strike "shall" and insert "**may**".

Page 51, line 42, strike "shall" and insert "**may**".

Page 56, line 33, delete "statute." and insert "statute".

Page 56, line 33, reset in roman "or".

Page 56, line 34, reset in roman "any felony in".

Page 56, line 34, after "in" insert "**which**".

Page 56, line 34, reset in roman "the".

Page 56, line 34, after "commission" insert "**operation**".

Page 56, line 34, reset in roman "of".

Page 56, line 34, reset in roman "a motor vehicle is".

Page 56, line 34, after "used." insert "**an element of the offense.**".

Page 74, line 31, delete "This" and insert **"In addition to applying to a person who held an operator's, a public passenger chauffeur's, or a chauffeur's license at the time of the criminal conviction for which the operation of a motor vehicle is an element of the offense, this**".

Page 75, line 7, delete "restricted" and insert "**specialized**".

Page 75, line 23, delete "one (1) year" and insert "**two (2) years**".

Page 75, delete lines 28 through 30.

Page 87, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 178. IC 14-15-11-11, AS AMENDED BY P.L.114-2012, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) Except as provided in subsection (b), a person who operates a motorboat upon public waters while the person's Indiana driver's license is suspended or revoked commits a Class A infraction. However, if:

(1) a person knowingly or intentionally violates this subsection; and

(2) less than ten (10) years have elapsed between the date a

judgment was entered against the person for a prior unrelated violation of this subsection, IC 9-1-4-52 (repealed July 1, 1991), IC 9-24-18-5 (repealed July 1, 2000), or IC 9-24-19 and the date the violation described in subdivision (1) was committed;

the person commits a Class A misdemeanor.

(b) If:

(1) a person operates a motorboat upon public waters while the person's Indiana driver's license is suspended or revoked; and

(2) the person's suspension or revocation was a result of the person's conviction of an offense (as defined in IC 35-31.5-2-215);

the person commits a Class A misdemeanor. However, notwithstanding IC 35-50-3-2, a person who violates this subsection shall be imprisoned for a fixed term of not less than sixty (60) days and not more than one (1) year. Notwithstanding IC 35-50-3-1, the court may not suspend any part of the sentence except that part of the sentence exceeding sixty (60) days.

(c) In addition to any other penalty imposed for a conviction under this section, the court ~~shall~~ **may** recommend that the person's privileges to operate a motorboat upon public waters be suspended for a fixed period of not ~~less than ninety (90) days and not~~ more than two (2) years.

(d) The bureau, upon receiving a record of conviction of a person on a charge of operating a motorboat while the person's driver's license was suspended, shall extend the period of suspension ~~for a fixed period of not less than ninety (90) days and not more than two (2) years. The bureau shall fix this period~~ in accordance with the recommendation of the court that entered the conviction.

(e) In a prosecution under this section, the burden is on the defendant to prove by a preponderance of the evidence that, at the time of the alleged offense, the defendant held a valid Indiana driver's license.".

Page 105, line 10, strike "shall," and insert "**may,**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1279 as printed January 27, 2014.)

MCMILLIN

HOUSE MOTION

Mr. Speaker: I move that House Bill 1279 be amended to read as follows:

Page 55, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 130. IC 9-30-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. **(a)** The ~~bureau~~ **director of the state department of toxicology, based on the recommendation of the governor's council on impaired and dangerous driving,** shall adopt rules under IC 4-22-2 to establish standards and specifications for ~~an~~ **a certified** ignition interlock device. ~~the installation of which the courts may mandate under IC 9-30-5-16.~~ The standards and specifications must require at a minimum that the device meets the following requirements:

(1) Is accurate.

(2) Does not impede the safe operation of a vehicle.

(3) Provides a minimum opportunity to be bypassed.

(4) Shows evidence of tampering if tampering is attempted.

(5) Has a label affixed warning ~~that~~ a person **that** tampering with or misusing the device is **a crime and may** subject **that person** to ~~a~~ **criminal and** civil ~~penalty.~~ **penalties.**

(6) Provides the ability to accurately identify the user.

(b) After July 1, 2015, all ignition interlock devices used in Indiana must be certified under rules adopted by the state department of toxicology.

(c) A vendor or provider may submit an application for approval of an ignition interlock device in a form prescribed by the director of the state department of toxicology.

(d) The director of the state department of toxicology shall:

(1) have tests conducted concerning the ignition interlock device with standards set forth by the state department of toxicology; and

(2) have the results of the tests evaluated by a person or entity designated by the state department of toxicology.

(e) The tests required under this section must be performed by an independent laboratory designated by the state department of toxicology. The vendor shall pay any testing expenses under this section.

(f) If the director of the state department of toxicology finds that the ignition interlock device complies with the standards of the state department of toxicology, the director may approve the ignition interlock device as a certified ignition interlock device.

(g) The director of the state department of toxicology shall

provide periodic reports to the governor's council on impaired and dangerous driving, including, but not limited to:

(1) the number of ignition interlock devices certified by the state department of toxicology;

(2) the number of ignition interlock devices currently installed in Indiana; and

(3) the number of ignition interlock devices rejected by the state department of toxicology.

(h) The state department of toxicology shall consider all recommendations made by the governor's council on impaired and dangerous driving.

(i) The governor's council on impaired and dangerous driving shall meet once a year to:

(1) evaluate reports submitted by the state department of toxicology;

(2) evaluate and study ignition interlock issues;

(3) make recommendations to the state department of toxicology; and

(4) make recommendations to the general assembly in an electronic format under IC 5-14-6.

SECTION 131. IC 9-30-8-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 6. (a) A vendor or provider whose ignition interlock device is certified under section 3 of this chapter shall provide a report to the court that ordered the device or the court's designee within two (2) weeks if any of the following occur:**

(1) Any attempt to start the vehicle with a breath alcohol concentration of four hundredths (.04) grams or higher if the person does not register a test result indicating a breath alcohol concentration of four hundredths (.04) grams or lower within ten (10) minutes of the initial test.

(2) Absent a documented failure of the ignition interlock device, failure to take or pass any required test.

(3) Failure of the person ordered to use an ignition interlock device to appear at the ignition interlock vendor or provider for maintenance, repair, calibration, monitoring, inspection, or replacement of the ignition interlock device.

(4) Any violations or restrictions imposed by the court.

(b) Any person who is required to have an ignition interlock device installed as part of probation, a specialized driving permit, or any other order of a court is required to pay for the installation, leasing, maintenance, and removal of the ignition interlock device,

as well as any additional expenses ordered by the court or the court's designee.

(c) An ignition interlock vendor or provider shall provide any reports or data requested by the state department of toxicology.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1279 as printed January 27, 2014.)

MCMILLIN