

HOUSE BILL No. 1241

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-25; IC 34-30-2-32.3.

Synopsis: Evidence of financial responsibility. Requires the bureau of motor vehicles (bureau) to request evidence of financial responsibility from the insurance company of each person identified in an accident report (report) as an operator of a motor vehicle (operator) following an accident. Allows each person identified in a report as an operator to voluntarily provide evidence of financial responsibility to the bureau. Specifies that the bureau's obligation to request evidence of financial responsibility from the insurance company of each operator is not: (1) contingent upon; or (2) excused by; a person's decision to voluntarily provide the bureau with evidence of financial responsibility. Requires any bureau issued notice to an operator concerning: (1) a request for evidence of financial responsibility; or (2) notice of a possible license suspension; following a motor vehicle accident to be sent via certified mail. Provides that the bureau is immune from civil liability and all associated damages, including punitive damages, when the bureau makes a good faith effort to timely obtain evidence of financial responsibility from an operator's insurance company. Makes conforming amendments.

Effective: July 1, 2019.

Pryor

January 10, 2019, read first time and referred to Committee on Roads and Transportation.



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

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1241

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

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

1 SECTION 1. IC 9-25-5-2, AS AMENDED BY P.L.125-2012,
2 SECTION 249, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) Not more than forty-five (45)
4 days after the bureau receives a copy of an accident report under
5 IC 9-26, the bureau shall ~~send to each person~~ **request from the**
6 **insurance company of each person** identified in the **accident** report
7 as an operator of a motor vehicle involved in the accident ~~a request for~~
8 evidence of financial responsibility ~~under described in~~ **section 3** of this
9 chapter, unless the evidence has already been filed with the bureau.
10 The request for evidence of financial responsibility shall be sent to **the**
11 **insurance company of** each person identified in the report as an
12 operator of a motor vehicle involved in the accident regardless of fault.
13 (b) **Notwithstanding subsection (a), a person identified in an**
14 **accident report as an operator of a motor vehicle involved in an**
15 **accident may voluntarily provide evidence of financial**
16 **responsibility to the bureau not later than forty-five (45) days after**
17 **the completion of the accident report.**



1 (c) **The bureau's obligation to request evidence of financial**
2 **responsibility under subsection (a) is not:**

3 **(1) contingent upon; or**

4 **(2) excused by;**

5 **a person's decision to provide evidence of financial responsibility**
6 **to the bureau.**

7 SECTION 2. IC 9-25-5-3, AS AMENDED BY P.L.149-2015,
8 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2019]: Sec. 3. (a) A request for evidence of financial
10 responsibility must do the following:

11 (1) Direct the ~~person~~ **insurance company of a person described**
12 **in section 2(a) of this chapter** to provide the bureau with
13 evidence that financial responsibility was in effect with respect to
14 the motor vehicle, or the operation of the motor vehicle, operated
15 by the person on the date requested.

16 (2) Instruct the ~~person~~ **insurance company of a person**
17 **described in section 2(a) of this chapter** on how to furnish the
18 bureau with evidence of financial responsibility in compliance
19 with this article.

20 (3) Inform ~~the~~ **a person described in section 2(a) of this chapter**
21 **that:**

22 **(A) evidence of financial responsibility has been requested**
23 **from the person's insurance company;**

24 **(B) evidence of financial responsibility may be voluntarily**
25 **provided to the bureau by the person not later than**
26 **forty-five (45) days after the completion of the accident**
27 **report; and**

28 **(C) failure to furnish evidence of financial responsibility to the**
29 **bureau; the bureau's inability to timely obtain evidence of**
30 **financial responsibility, if not already provided, will result in**
31 **suspension of the person's current driving privileges or motor**
32 **vehicle registration, or both, under this article.**

33 (b) ~~The bureau shall mail a~~ **A bureau issued** request for evidence
34 of financial responsibility **described in subsection (a)(3) must be sent**
35 **to:**

36 **(1) a person described in section 2(a) of this chapter by**
37 **certified mail; and**

38 **(2) the insurance company of a person described in section**
39 **2(a) of this chapter** by first class mail;

40 **to the mailing address of the person or insurance company, as**
41 **applicable, appearing in the records of the bureau.**

42 SECTION 3. IC 9-25-5-4, AS AMENDED BY P.L.120-2017,



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

15 (b) Proof that the bureau **made a timely request for evidence of**
 16 **financial responsibility from the insurance company of a person**
 17 **described in section 2(a) of this chapter and:**

18 (1) did not receive a certificate of compliance **from the**
 19 **insurance company of a person described in section 2(a) of**
 20 **this chapter** during the applicable compliance response period
 21 ~~for a person presented with for~~ a request for evidence of financial
 22 responsibility under section 2 of this chapter;

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

27 (3) suspended the driving privileges or motor vehicle registration,
 28 or both, under IC 9-25-6-3 after ~~presenting a person with a~~
 29 ~~request for requesting~~ evidence of financial responsibility **from**
 30 **the insurance company of a person described** under section ~~2~~
 31 **2(a)** of this chapter;

32 is prima facie evidence in a civil action that ~~the a person presented with~~
 33 ~~the request for evidence of financial responsibility described in section~~
 34 **2(a) of this chapter** did not have an operator's or a motor vehicle
 35 liability policy in effect with respect to the motor vehicle that the
 36 person was operating on the date of the accident described in the
 37 accident report.

38 SECTION 4. IC 9-25-5-5, AS AMENDED BY P.L.59-2013,
 39 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2019]: Sec. 5. (a) A person ~~who~~ **or an insurance company,**
 41 **as applicable, that** receives a **notice of a** request for evidence of
 42 financial responsibility under section 3 of this chapter shall ensure that



1 the insurance company of the person set forth in the certificate of
 2 compliance provides to the bureau the following information
 3 concerning the form of financial responsibility that was in effect on the
 4 date in question **is accurate and up to date:**

5 (1) If an operator's or a motor vehicle liability policy was in effect,
 6 the following:

7 (A) The name of the insurer.

8 (B) The identification number applying to the policy.

9 (C) Dates of coverage of the policy.

10 (D) Confirmation that financial responsibility covering the
 11 motor vehicle or operator, as applicable, was in effect on the
 12 date in question.

13 (E) ~~Other~~ **Any other** information requested by the bureau.

14 (2) If a bond was in effect, the following:

15 (A) The name and address of the bond company or surety.

16 (B) The face amount of the bond.

17 (C) Dates the bond was in effect.

18 (D) Other information requested by the bureau.

19 (3) If self-insurance was in effect under IC 9-25-4-11, the
 20 following:

21 (A) The date on which the certificate of self-insurance was
 22 issued by the bureau.

23 (B) The name of the person to whom the certificate of
 24 self-insurance was issued.

25 (C) Other information requested by the bureau.

26 (b) A person who requests information or verification of coverage
 27 to complete a certificate of compliance under subsection (a) from:

28 (1) an insurance company; or

29 (2) an insurance producer;

30 is not required to give the company or the producer a reason for
 31 requesting the information unless the person has been involved in an
 32 accident.

33 SECTION 5. IC 9-25-5-5.5 IS ADDED TO THE INDIANA CODE
 34 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 35 1, 2019]: **Sec. 5.5. (a) The bureau's good faith attempt to timely
 36 obtain a certificate of compliance or evidence of financial
 37 responsibility as required under this chapter shall immunize the
 38 bureau from civil liability and all associated damages, including
 39 punitive damages, related to the bureau's attempt to obtain a
 40 certificate of compliance or evidence of financial responsibility.**

41 **(b) If the bureau is not liable for an act or omission under this
 42 chapter, no other person may incur liability by reason of an agency**



1 **relationship with the bureau.**

2 SECTION 6. IC 9-25-5-7, AS AMENDED BY P.L.10-2014,
3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2019]: Sec. 7. Whenever a ~~person~~ **the insurance company of**
5 **a person described in section 2(a) of this chapter** is required to give
6 proof of financial responsibility under this article **and the person**
7 **described in section 2(a) of this chapter** is not the owner of a motor
8 vehicle, the following apply:

9 (1) If the person seeks only to reinstate the person's suspended
10 driver's license or driving privileges, the person is not required to
11 give proof of financial responsibility.

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

14 SECTION 7. IC 9-25-6-1, AS AMENDED BY P.L.120-2017,
15 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2019]: Sec. 1. (a) If:

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

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

24 the bureau may not suspend the person's driving privileges.

25 (b) If:

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

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

35 the bureau may not suspend the person's driving privileges.

36 (c) If:

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

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



1 the bureau may not suspend the driving privileges of the person.

2 SECTION 8. IC 9-25-6-3, AS AMENDED BY P.L.120-2017,
3 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2019]: Sec. 3. (a) If the bureau:

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

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

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

14 (b) If the bureau:

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

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

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

25 (c) If the bureau:

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

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

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

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

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

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



- 1 owner.
- 2 (2) The cancellation or expiration of the registration of the motor
- 3 vehicle.
- 4 (3) An assertion by the person that the person did not own the
- 5 motor vehicle and therefore had no control over whether financial
- 6 responsibility was in effect with respect to the motor vehicle.
- 7 (f) The bureau shall not suspend the driving privileges of a person
- 8 to which subsection (a), (b), or (c) applies if the person, through a
- 9 certificate of compliance or another communication with the bureau,
- 10 establishes to the satisfaction of the bureau that the motor vehicle that
- 11 the person was operating when the accident referred to in subsection
- 12 (a) took place or when the violation referred to in subsection (b) or (c)
- 13 was committed was:
- 14 (1) rented from a rental company; or
- 15 (2) owned by the person's employer and operated by the person in
- 16 the normal course of the person's employment.
- 17 SECTION 9. IC 34-30-2-32.3 IS ADDED TO THE INDIANA
- 18 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 19 [EFFECTIVE JULY 1, 2019]: **Sec. 32.3. IC 9-25-5-5.5 (Concerning**
- 20 **actions taken by the bureau of motor vehicles to obtain evidence of**
- 21 **financial responsibility).**

