



January 29, 2016

HOUSE BILL No. 1249

DIGEST OF HB 1249 (Updated January 27, 2016 3:18 pm - DI 103)

Citations Affected: IC 9-21; IC 9-30.

Synopsis: Driving privileges suspensions. Provides that when judgment has been imposed for committing two worksite speed limit violations within one year, an additional penalty of the suspension of the person's driving privileges for 60 days may be imposed by the court imposing the sentence for the second violation. Provides that specialized driving privileges may be granted to the person by the court for the purpose of operating a motor vehicle between the place of employment and residence of the person.

Effective: July 1, 2016.

Moseley, Soliday

January 11, 2016, read first time and referred to Committee on Roads and Transportation.
January 28, 2016, amended, reported — Do Pass.

HB 1249—LS 6299/DI 96



January 29, 2016

Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1249

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 9-21-5-11, AS AMENDED BY P.L.188-2015,
2 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 11. (a) Subject to subsection (b), the Indiana
4 department of transportation, the Indiana finance authority, or a local
5 authority may establish temporary maximum speed limits in their
6 respective jurisdictions and in the vicinity of a worksite without
7 conducting an engineering study and investigation required under this
8 article. The establishing authority shall post signs notifying the
9 traveling public of the temporary maximum speed limits established
10 under this section.

11 (b) Worksite speed limits set under this section must be at least ten
12 (10) miles per hour below the maximum established speed limit.

13 (c) A worksite speed limit set under this section may be enforced
14 only if:

15 (1) workers are present in the immediate vicinity of the worksite;

16 or

17 (2) if workers are not present in the immediate vicinity of the

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1 worksite, the establishing authority determines that the safety of
2 the traveling public requires enforcement of the worksite speed
3 limit.

4 (d) Notwithstanding IC 34-28-5-4(b), a judgment for the infraction
5 of violating a speed limit set under this section must be entered as
6 follows:

7 (1) If the person has not previously committed the infraction of
8 violating a speed limit set under this section, a judgment for a
9 Class B infraction and a fine of at least three hundred dollars
10 (\$300) shall be imposed.

11 (2) If the person has committed one (1) infraction of violating a
12 speed limit set under this section in the previous three (3) years,
13 a judgment for a Class B infraction and a fine of at least five
14 hundred dollars (\$500) shall be imposed.

15 (3) If the person has committed two (2) or more infractions of
16 violating a speed limit set under this section in the previous three
17 (3) years, a judgment for a Class B infraction and a fine of one
18 thousand dollars (\$1,000) shall be imposed.

19 (e) Notwithstanding IC 34-28-5-5(c), the funds collected as
20 judgments for the infraction of violating a speed limit set under this
21 section shall be transferred to the Indiana department of transportation
22 to pay the costs of hiring off duty police officers to perform the duties
23 described in IC 8-23-2-15(b).

24 **(f) If judgment has been imposed for committing two (2)**
25 **infractions under this section within one (1) year, an additional**
26 **penalty of the suspension of the driving privileges of the person**
27 **who committed the infractions may be imposed by the court**
28 **imposing the sentence for the second violation. If the court**
29 **suspends a person's driving privileges under this subsection, the**
30 **court shall issue an order to the bureau:**

31 **(1) stating that judgment against the person has been entered**
32 **for committing the infraction of exceeding a worksite speed**
33 **limit under this section for the second time in one (1) year;**
34 **and**

35 **(2) ordering the suspension of the person's driving privileges**
36 **by the bureau under IC 9-30-13-9.**

37 **The suspension of a person's driving privileges under this section**
38 **is in addition to any other penalties imposed under this section and**
39 **any fee imposed under IC 33-37-5-14.**

40 SECTION 2. IC 9-30-13-9 IS ADDED TO THE INDIANA CODE
41 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
42 1, 2016]: **Sec. 9. (a) Upon receiving an order issued by a court**



1 under IC 9-21-5-11(f) concerning a person who has committed the
 2 infraction of violating a worksite speed limit for the second time
 3 within one (1) year, the bureau shall do the following:

4 (1) Suspend under subsection (b) the driving privileges of the
 5 person who is the subject of the order, whether or not the
 6 person's current driver's license accompanies the order.

7 (2) Mail to the last known address of the person who is the
 8 subject of the order a notice:

9 (A) stating that the person's driving privileges are being
 10 suspended for the second offense of exceeding a worksite
 11 speed limit within one (1) year;

12 (B) setting forth the date on which the suspension takes
 13 effect and the date on which the suspension terminates;
 14 and

15 (C) stating that the person may be granted specialized
 16 driving privileges under IC 9-30-16 if the person meets the
 17 conditions for obtaining specialized driving privileges.

18 (b) The suspension of the driving privileges of a person who is
 19 the subject of an order issued under IC 9-21-5-11(f):

20 (1) begins five (5) business days after the date on which the
 21 bureau mails the notice to the person under subsection (a)(2);
 22 and

23 (2) terminates sixty (60) days after the suspension begins.

24 (c) A person who operates a motor vehicle during a suspension
 25 of the person's driving privileges under this section commits a
 26 Class A infraction unless the person's operation of the motor
 27 vehicle is authorized by specialized driving privileges granted to
 28 the person under IC 9-30-16.

29 (d) The bureau shall, upon receiving a record of conviction of a
 30 person upon a charge of driving a motor vehicle while the driving
 31 privileges, permit, or license of the person is suspended, fix the
 32 period of suspension in accordance with the order of the court.

33 SECTION 3. IC 9-30-16-1, AS AMENDED BY P.L.188-2015,
 34 SECTION 122, IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Except as provided in
 36 subsection (b), the following are ineligible for a specialized driving
 37 permit under this chapter:

38 (1) A person who has never been an Indiana resident.

39 (2) A person seeking specialized driving privileges with respect
 40 to a suspension based on the person's refusal to submit to a
 41 chemical test offered under IC 9-30-6 or IC 9-30-7.

42 (b) This chapter applies to the following:



- 1 (1) A person who held an operator's, a commercial driver's, a
 2 public passenger chauffeur's, or a chauffeur's license at the time
 3 of:
- 4 (A) the criminal conviction for which the operation of a motor
 5 vehicle is an element of the offense; ~~or at the time of~~
 6 (B) any criminal conviction for an offense under IC 9-30-5; ~~or~~
 7 (C) **committing the infraction of exceeding a worksite**
 8 **speed limit for the second time in one (1) year under**
 9 **IC 9-21-5-11(f).**
- 10 (2) A person who:
- 11 (A) has never held a valid Indiana driver's license or does not
 12 currently hold a valid Indiana learner's permit; and
 13 (B) was an Indiana resident when the driving privileges for
 14 which the person is seeking specialized driving privileges
 15 were suspended.
- 16 (c) Except as specifically provided in this chapter, for any criminal
 17 conviction in which the operation of a motor vehicle is an element of
 18 the offense, or any criminal conviction for an offense under IC 9-30-5,
 19 a court may suspend the person's driving privileges for a period up to
 20 the maximum allowable period of incarceration under the penalty for
 21 the offense.
- 22 (d) **Except as provided in section 3.5 of this chapter**, a suspension
 23 of driving privileges under this chapter may begin before the
 24 conviction. Multiple suspensions of driving privileges ordered by a
 25 court that are part of the same episode of criminal conduct shall be
 26 served concurrently. A court may grant credit time for any suspension
 27 that began before the conviction, except as prohibited by section
 28 6(a)(2) of this chapter.
- 29 (e) If a person has had an ignition interlock device installed as a
 30 condition of specialized driving privileges or under IC 9-30-6-8(d), the
 31 period of the installation shall be credited as part of the suspension of
 32 driving privileges.
- 33 (f) This subsection applies to a person described in subsection
 34 (b)(2). A court shall, as a condition of granting specialized driving
 35 privileges to the person, require the person to apply for and obtain an
 36 Indiana driver's license.
- 37 SECTION 4. IC 9-30-16-3, AS AMENDED BY P.L.188-2015,
 38 SECTION 124, IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) **This section does not apply**
 40 **to specialized driving privileges granted in accordance with section**
 41 **3.5 of this chapter.** If a court orders a suspension of driving privileges
 42 under this chapter, or imposes a suspension of driving privileges under



1 IC 9-30-6-9(c), the court may stay the suspension and grant a
2 specialized driving privilege as set forth in this section.

3 (b) Regardless of the underlying offense, specialized driving
4 privileges granted under this section shall be granted for at least one
5 hundred eighty (180) days.

6 (c) Specialized driving privileges must be determined by a court and
7 may include, but are not limited to:

8 (1) requiring the use of certified ignition interlock devices; and

9 (2) restricting a person to being allowed to operate a motor
10 vehicle:

11 (A) during certain hours of the day; or

12 (B) between specific locations and the person's residence.

13 (d) A stay of a suspension and specialized driving privileges may
14 not be granted to a person who has previously been granted specialized
15 driving privileges and the person has more than one (1) conviction
16 under section 5 of this chapter.

17 (e) A person who has been granted specialized driving privileges
18 shall:

19 (1) maintain proof of future financial responsibility insurance
20 during the period of specialized driving privileges;

21 (2) carry a copy of the order granting specialized driving
22 privileges or have the order in the vehicle being operated by the
23 person;

24 (3) produce the copy of the order granting specialized driving
25 privileges upon the request of a police officer; and

26 (4) carry a validly issued state identification card or driver's
27 license.

28 (f) A person who holds a commercial driver's license and has been
29 granted specialized driving privileges under this chapter may not, for
30 the duration of the suspension for which the specialized driving
31 privileges are sought, operate any vehicle that requires the person to
32 hold a commercial driver's license to operate the vehicle.

33 (g) A person may independently file a petition for specialized
34 driving privileges in the court from which the ordered suspension
35 originated.

36 SECTION 5. IC 9-30-16-3.5 IS ADDED TO THE INDIANA CODE
37 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
38 1, 2016]: **Sec. 3.5. (a) If a court imposes a suspension of driving
39 privileges under IC 9-21-5-11(f), the court may stay the suspension
40 and grant a specialized driving privilege as set forth in this section.**

41 **(b) Specialized driving privileges granted under this section
42 shall be granted for sixty (60) days, or the remainder of the sixty**



1 (60) period of suspension as set forth in IC 9-30-13-9(b)(2) if a
 2 petition for specialized driving privileges is filed as set forth in
 3 section 3(g) of this chapter.

4 (c) Specialized driving privileges granted under this section:

- 5 (1) must be determined by a court; and
 6 (2) are limited to restricting the individual to being allowed to
 7 operate a motor vehicle between the place of employment of
 8 the individual and the individual's residence.

9 (d) An individual who has been granted specialized driving
 10 privileges under this section shall:

- 11 (1) maintain proof of future financial responsibility insurance
 12 during the period of specialized driving privileges;
 13 (2) carry a copy of the order granting specialized driving
 14 privileges or have the order in the vehicle being operated by
 15 the individual;
 16 (3) produce the copy of the order granting specialized driving
 17 privileges upon the request of a police officer; and
 18 (4) carry a validly issued driver's license.

19 (e) An individual who holds a commercial driver's license and
 20 has been granted specialized driving privileges under this chapter
 21 may not, for the duration of the suspension for which the
 22 specialized driving privileges are sought, operate a motor vehicle
 23 that requires the individual to hold a commercial driver's license
 24 to operate the motor vehicle.

25 (f) An individual who seeks specialized driving privileges must
 26 file a petition for specialized driving privileges in each court that
 27 has ordered or imposed a suspension of the individual's driving
 28 privileges. Each petition must:

- 29 (1) be verified by the petitioner;
 30 (2) state the petitioner's age, date of birth, and address;
 31 (3) state the grounds for relief and the relief sought;
 32 (4) be filed in a circuit or superior court; and
 33 (5) be served on the bureau and the prosecuting attorney.

34 A prosecuting attorney shall appear on behalf of the bureau to
 35 respond to a petition filed under this subsection.

36 SECTION 6. IC 9-30-16-5, AS AMENDED BY P.L.188-2015,
 37 SECTION 127, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) A person who knowingly or
 39 intentionally violates a condition imposed by a court under section 3,
 40 3.5, or 4 of this chapter commits a Class C misdemeanor.

41 (b) For a person convicted of an offense under subsection (a), the
 42 court may modify or revoke specialized driving privileges. The court



1 may order the bureau to lift the stay of a suspension of driving
2 privileges and suspend the person's driving license as originally
3 ordered in addition to any additional suspension.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1249, 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 6, line 6, delete "person" and insert "**individual**".

Page 6, line 8, delete "the person and the person's" and insert "**the individual and the individual's**".

Page 6, line 9, delete "A person" and insert "**An individual**".

Page 6, line 15, delete "person;" and insert "**individual;**".

Page 6, line 19, delete "A person" and insert "**An individual**".

Page 6, line 23, delete "person" and insert "**individual**".

Page 6, delete lines 25 through 27, begin a new paragraph and insert:

"(f) An individual who seeks specialized driving privileges must file a petition for specialized driving privileges in each court that has ordered or imposed a suspension of the individual's driving privileges. Each petition 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 a circuit or superior court; and**
- (5) be served on the bureau and the prosecuting attorney.**

A prosecuting attorney shall appear on behalf of the bureau to respond to a petition filed under this subsection."

and when so amended that said bill do pass.

(Reference is to HB 1249 as introduced.)

SOLIDAY

Committee Vote: yeas 11, nays 0.

