



January 16, 2024

HOUSE BILL No. 1281

DIGEST OF HB 1281 (Updated January 16, 2024 12:09 pm - DI 137)

Citations Affected: IC 9-13; IC 9-30; IC 35-44.1.

Synopsis: Vulnerable road users. Requires the bureau of motor vehicles (bureau) to suspend or revoke the current driver's license or driving privileges of an individual who is convicted of a moving traffic offense that causes the serious bodily injury or death of a vulnerable road user. Removes language requiring the bureau to revoke all certificates of registration and proof of registration issued to an individual convicted of certain moving traffic offenses.

Effective: July 1, 2024.

Johnson B

January 9, 2024, read first time and referred to Committee on Roads and Transportation.
January 16, 2024, amended, reported — Do Pass.

HB 1281—LS 6603/DI 137



January 16, 2024

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1281

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 9-13-2-197.7 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2024]: **Sec. 197.7. "Vulnerable road user"**
4 **refers to any of the following:**

- 5 (1) **A pedestrian.**
6 (2) **An individual engaged in road work along a highway or**
7 **street.**
8 (3) **An individual operating a bicycle, electric foot scooter, or**
9 **Class 1, 2, or 3 electric bicycle on a highway or street.**
10 (4) **An individual operating a farm tractor, farm wagon, or**
11 **farm implement on a highway or street.**
12 (5) **A first responder.**
13 (6) **A tow truck operator or stationary recovery vehicle**
14 **operator.**

15 SECTION 2. IC 9-30-4-6.1, AS ADDED BY P.L.198-2016,
16 SECTION 598, IS AMENDED TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2024]: **Sec. 6.1. (a) The bureau shall suspend**

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1 or revoke the current driver's license or driving privileges ~~and all~~
 2 ~~certificates of registration and proof of registration issued to or~~
 3 ~~registered in the name~~ of an individual who is convicted of any of the
 4 following:

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

7 (2) Knowingly making a false application, or committing perjury
 8 with respect to an application made, under:

9 (A) this chapter; or

10 (B) any other law requiring the registration of motor vehicles
 11 or regulating motor vehicle operation on highways.

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

14 (4) Failure to stop and give information or assistance or failure to
 15 stop and disclose the individual's identity at the scene of an
 16 accident that has resulted in death, personal injury, or property
 17 damage in excess of two hundred dollars (\$200).

18 **(5) A moving traffic offense that causes the serious bodily**
 19 **injury or death of a vulnerable road user, except for an**
 20 **offense under IC 9-30-5.**

21 However, and unless otherwise required by law, the bureau may not
 22 suspend a certificate of registration or proof of registration if the
 23 individual gives and maintains, during the three (3) years following the
 24 date of suspension or revocation, proof of financial responsibility in the
 25 future in the manner specified in this section:

26 (b) The bureau shall suspend a driver's license or driving privileges
 27 of an individual upon conviction in another jurisdiction for the
 28 following:

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

31 (2) Knowingly making a false application, or committing perjury
 32 with respect to an application made, under:

33 (A) this chapter; or

34 (B) any other law requiring the registration of motor vehicles
 35 or regulating motor vehicle operation on highways.

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

38 (4) Failure to stop and give information or assistance or failure to
 39 stop and disclose the individual's identity at the scene of an
 40 accident that has resulted in death, personal injury, or property
 41 damage in excess of two hundred dollars (\$200).

42 However, if property damage under subdivision (4) is equal to or less



1 than two hundred dollars (\$200), the bureau may determine whether
 2 the driver's license or driving privileges ~~and certificates of registration~~
 3 ~~and proof of registration~~ shall be suspended or revoked.

4 (c) An individual whose driving privileges are suspended under this
 5 chapter is eligible for specialized driving privileges under IC 9-30-16.

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

9 (1) Except as provided in subdivision (2), for six (6) months after
 10 the date of conviction or on the date on which the individual is
 11 otherwise eligible for a license, whichever is later.

12 (2) Upon conviction of an offense described in subsection (a)(1),
 13 (a)(4), **(a)(5)**, (b)(1), or (b)(4), when the accident has resulted in
 14 death, for a fixed period of at least two (2) years and not more
 15 than five (5) years, to be fixed by the bureau based upon
 16 recommendation of the court entering a conviction. A new or
 17 reinstated driver's license or driving privileges may not be issued
 18 to the individual unless that individual, within the three (3) years
 19 following the expiration of the suspension or revocation, gives
 20 and maintains in force at all times during the effective period of
 21 a new or reinstated license proof of financial responsibility in the
 22 future in the manner specified in this chapter. However, the
 23 liability of the insurance carrier under a motor vehicle liability
 24 policy that is furnished for proof of financial responsibility in the
 25 future as set out in this chapter becomes absolute whenever loss
 26 or damage covered by the policy occurs, and the satisfaction by
 27 the insured of a final judgment for loss or damage is not a
 28 condition precedent to the right or obligation of the carrier to
 29 make payment on account of loss or damage, but the insurance
 30 carrier has the right to settle a claim covered by the policy. If the
 31 settlement is made in good faith, the amount must be deducted
 32 from the limits of liability specified in the policy. A policy may
 33 not be canceled or annulled with respect to a loss or damage by an
 34 agreement between the carrier and the insured after the insured
 35 has become responsible for the loss or damage, and a cancellation
 36 or annulment is void. The policy may provide that the insured or
 37 any other person covered by the policy shall reimburse the
 38 insurance carrier for payment made on account of any loss or
 39 damage claim or suit involving a breach of the terms, provisions,
 40 or conditions of the policy. If the policy provides for limits that
 41 exceed the limits specified in this chapter, the insurance carrier
 42 may plead against any plaintiff, with respect to the amount of the



1 excess limits of liability, any defenses that the carrier may be
 2 entitled to plead against the insured. The policy may further
 3 provide for prorating of the insurance with other applicable valid
 4 and collectible insurance. An action does not lie against the
 5 insurance carrier by or on behalf of any claimant under the policy
 6 until a final judgment has been obtained after actual trial by or on
 7 behalf of any claimant under the policy.

8 (e) The bureau may take action as required in this section upon
 9 receiving satisfactory evidence of a conviction of an individual in
 10 another state.

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

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

21 (h) An entry in the driving record of a defendant stating that notice
 22 of suspension or revocation was mailed by the bureau to the defendant
 23 constitutes prima facie evidence that the notice was mailed to the
 24 defendant's address as shown in the records of the bureau.

25 SECTION 3. IC 35-44.1-3-1, AS AMENDED BY P.L.174-2021,
 26 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2024]: Sec. 1. (a) A person who knowingly or intentionally:

28 (1) forcibly resists, obstructs, or interferes with a law enforcement
 29 officer or a person assisting the officer while the officer is
 30 lawfully engaged in the execution of the officer's duties;

31 (2) forcibly resists, obstructs, or interferes with the authorized
 32 service or execution of a civil or criminal process or order of a
 33 court; or

34 (3) flees from a law enforcement officer after the officer has, by
 35 visible or audible means, including operation of the law
 36 enforcement officer's siren or emergency lights, identified himself
 37 or herself and ordered the person to stop;

38 commits resisting law enforcement, a Class A misdemeanor, except as
 39 provided in subsection (c).

40 (b) A person who, having been denied entry by a firefighter, an
 41 emergency medical services provider, or a law enforcement officer,
 42 knowingly or intentionally enters an area that is marked off with barrier



1 tape or other physical barriers, commits interfering with public safety,
2 a Class B misdemeanor, except as provided in subsection (c) or (k).

3 (c) The offense under subsection (a) or (b) is a:

4 (1) Level 6 felony if:

5 (A) the person uses a vehicle to commit the offense; or

6 (B) while committing the offense, the person:

7 (i) draws or uses a deadly weapon;

8 (ii) inflicts bodily injury on or otherwise causes bodily injury
9 to another person; or

10 (iii) operates a vehicle in a manner that creates a substantial
11 risk of bodily injury to another person;

12 (2) Level 5 felony if:

13 (A) while committing the offense, the person operates a
14 vehicle in a manner that causes serious bodily injury to another
15 person; or

16 (B) the person uses a vehicle to commit the offense and the
17 person has a prior unrelated conviction under this section
18 involving the use of a vehicle in the commission of the
19 offense;

20 (3) Level 3 felony if, while committing the offense, the person
21 operates a vehicle in a manner that causes the death or
22 catastrophic injury of another person; and

23 (4) Level 2 felony if, while committing any offense described in
24 subsection (a), the person operates a vehicle in a manner that
25 causes the death or catastrophic injury of a firefighter, an
26 emergency medical services provider, or a law enforcement
27 officer while the firefighter, emergency medical services provider,
28 or law enforcement officer is engaged in the firefighter's,
29 emergency medical services provider's, or officer's official duties.

30 (d) The offense under subsection (a) is a Level 6 felony if, while
31 committing an offense under:

32 (1) subsection (a)(1) or (a)(2), the person:

33 (A) creates a substantial risk of bodily injury to the person or
34 another person; and

35 (B) has two (2) or more prior unrelated convictions under
36 subsection (a); or

37 (2) subsection (a)(3), the person has two (2) or more prior
38 unrelated convictions under subsection (a).

39 (e) If a person uses a vehicle to commit a felony offense under
40 subsection (c)(1)(B), (c)(2), (c)(3), or (c)(4), as part of the criminal
41 penalty imposed for the offense, the court shall impose a minimum
42 executed sentence of at least:



- 1 (1) thirty (30) days, if the person does not have a prior unrelated
 2 conviction under this section;
 3 (2) one hundred eighty (180) days, if the person has one (1) prior
 4 unrelated conviction under this section; or
 5 (3) one (1) year, if the person has two (2) or more prior unrelated
 6 convictions under this section.
- 7 (f) Notwithstanding IC 35-50-2-2.2 and IC 35-50-3-1, the mandatory
 8 minimum sentence imposed under subsection (e) may not be
 9 suspended.
- 10 (g) If a person is convicted of an offense involving the use of a
 11 motor vehicle under:
 12 (1) subsection (c)(1)(A), if the person exceeded the speed limit by
 13 at least twenty (20) miles per hour while committing the offense;
 14 (2) subsection (c)(2); or
 15 (3) subsection (c)(3);
 16 the court may notify the bureau of motor vehicles to suspend or revoke
 17 the person's driver's license ~~and all certificates of registration and~~
 18 ~~license plates issued or registered in the person's name~~ in accordance
 19 with IC 9-30-4-6.1(b) for the period described in IC 9-30-4-6.1(d)(1)
 20 or IC 9-30-4-6.1(d)(2). The court shall inform the bureau whether the
 21 person has been sentenced to a term of incarceration. At the time of
 22 conviction, the court may obtain the person's current driver's license
 23 and return the license to the bureau of motor vehicles.
- 24 (h) A person may not be charged or convicted of a crime under
 25 subsection (a)(3) if the law enforcement officer is a school resource
 26 officer acting in the officer's capacity as a school resource officer.
- 27 (i) A person who commits an offense described in subsection (c)
 28 commits a separate offense for each person whose bodily injury,
 29 serious bodily injury, catastrophic injury, or death is caused by a
 30 violation of subsection (c).
- 31 (j) A court may order terms of imprisonment imposed on a person
 32 convicted of more than one (1) offense described in subsection (c) to
 33 run consecutively. Consecutive terms of imprisonment imposed under
 34 this subsection are not subject to the sentencing restrictions set forth in
 35 IC 35-50-1-2(c) through IC 35-50-1-2(d).
- 36 (k) As used in this subsection, "family member" means a child,
 37 grandchild, parent, grandparent, or spouse of the person. It is a defense
 38 to a prosecution under subsection (b) that the person reasonably
 39 believed that the person's family member:
 40 (1) was in the marked off area; and
 41 (2) had suffered bodily injury or was at risk of suffering bodily
 42 injury;



1 if the person is not charged as a defendant in connection with the
2 offense, if applicable, that caused the area to be secured by barrier tape
3 or other physical barriers.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1281, 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 2, line 18, delete "results in" and insert "**causes**".

Page 2, line 19, delete "user." and insert "**user, except for an offense under IC 9-30-5.**".

and when so amended that said bill do pass.

(Reference is to HB 1281 as introduced.)

PRESSEL

Committee Vote: yeas 11, nays 0.

