

# HOUSE BILL No. 1445

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-25-6-15; IC 9-33-4; IC 33-37.

**Synopsis:** Traffic amnesty. Provides that license reinstatement fees are: (1) \$150 for the first offense; (2) \$225 for the second offense; and (3) \$300 for the third and any subsequent offenses. (Current law provides that license reinstatement fees are: (1) \$250 for the first offense; (2) \$500 for the second offense; and (3) \$1,000 for the third and any subsequent offenses.) Extends for one year the traffic amnesty program to permit certain persons owing unpaid traffic fines, or who may be required to pay a fee for reinstatement of driving privileges, to obtain a reduction in the amount owed or amount payable. Establishes a payment plan to allow a person to pay the remaining 50% of unpaid fees in installments. Specifies that, if amnesty is granted and the court establishes a payment plan, the person is required to pay a \$50 traffic amnesty installment fee.

**Effective:** July 1, 2021.

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## Shackleford

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January 14, 2021, read first time and referred to Committee on Roads and Transportation.

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First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

## HOUSE BILL No. 1445

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 9-25-6-15, AS AMENDED BY P.L.178-2019,  
2 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2021]: Sec. 15. (a) An individual:  
4 (1) whose driving privileges are suspended under this article; and  
5 (2) who seeks the reinstatement of the driving privileges;  
6 must pay a reinstatement fee to the bureau as provided in subsection  
7 (b).  
8 (b) **Before July 1, 2021, the fee for the reinstatement fee of a**  
9 **driver's license** under subsection (a) is as follows:  
10 (1) For a first suspension, two hundred fifty dollars (\$250).  
11 (2) For a second suspension, five hundred dollars (\$500).  
12 (3) For a third or subsequent suspension, one thousand dollars  
13 (\$1,000).  
14 (c) **Beginning July 1, 2021, the fee for the reinstatement of a**  
15 **driver's license under subsection (a) is as follows:**  
16 (1) **For a first suspension, one hundred fifty dollars (\$150).**  
17 (2) **For a second suspension, two hundred twenty-five dollars**



1           **(\$225).**

2           **(3) For a third or subsequent suspension, three hundred**  
 3           **dollars (\$300).**

4           ~~(c)~~ **(d)** Each fee paid under this section or section 15.1 of this  
 5 chapter shall be deposited in the financial responsibility compliance  
 6 verification fund established by IC 9-25-9-7 as follows:

7           (1) Forty-eight percent (48%) of a fee paid after a first suspension.

8           (2) Thirty-nine percent (39%) of a fee paid after a second  
 9 suspension.

10          (3) Twenty-seven percent (27%) of a fee paid after a third or  
 11 subsequent suspension.

12 The remaining amount of each fee paid under this section or section  
 13 15.1 of this chapter must be deposited in the motor vehicle highway  
 14 account.

15          ~~(d)~~ **(e)** If:

16          (1) a person's driving privileges are suspended for registering or  
 17 operating a vehicle in violation of IC 9-25-4-1;

18          (2) the person is required to pay a fee for the reinstatement of the  
 19 person's license under this section; and

20          (3) the person later establishes that the person did not register or  
 21 operate a vehicle in violation of IC 9-25-4-1;

22 the fee paid by the person under this section shall be refunded.

23          SECTION 2. IC 9-33-4-4, AS ADDED BY P.L.202-2019,  
 24 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2021]: Sec. 4. (a) A qualified person may seek a reduction in  
 26 the person's unpaid fees by filing a verified petition for traffic amnesty  
 27 in a **city court, town court, circuit court,** or superior court in the  
 28 county in which the violation giving rise to the unpaid fees was  
 29 committed. A petition filed under this section must be filed after  
 30 December 31, 2019, and before ~~January 1, 2021~~ **July 1, 2022**. The  
 31 petition must include the following:

32          (1) The person's full name and all other legal names or aliases by  
 33 which the person is or has been known.

34          (2) The person's date of birth.

35          (3) The case number or court cause number of the relevant  
 36 violations.

37          (4) An affirmation that the person:

38               (A) does not owe a child support arrearage or, if the person  
 39 owes a child support arrearage, has been making the person's  
 40 required child support payments for at least the preceding six  
 41 (6) months;

42               (B) does not have an outstanding arrest warrant; and



- 1 (C) was not sentenced to pay restitution to the victim of a  
 2 crime or, if the person was sentenced to pay restitution, is  
 3 current with the person's required payments.
- 4 (5) The person's:  
 5 (A) Social Security number; and  
 6 (B) driver's license number.
- 7 (6) The date of the violation.
- 8 (b) The person may include in a petition filed under this section any  
 9 other information that the person believes may assist the court.
- 10 (c) A person who files a petition under this section shall file the  
 11 petition under the court cause number of the infraction. The person is  
 12 not required to pay the filing fee required in civil cases.
- 13 (d) The person shall serve a copy of the petition upon the  
 14 prosecuting attorney in accordance with the Indiana Rules of Trial  
 15 Procedure.
- 16 (e) The prosecuting attorney may reply to the petition not later than  
 17 thirty (30) days after receipt of the petition. If the prosecuting attorney  
 18 fails to timely reply to the petition, the prosecuting attorney has waived  
 19 any objection to the petition.
- 20 (f) If a person wishes to receive traffic amnesty for infractions  
 21 committed in different counties, the person must file a separate petition  
 22 in each county in which a violation was committed.
- 23 (g) A petition filed under this section is not an admission of guilt or  
 24 liability.
- 25 SECTION 3. IC 9-33-4-6, AS ADDED BY P.L.202-2019,  
 26 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2021]: Sec. 6. (a) The court shall grant a petition for traffic  
 28 amnesty if the petitioner proves by a preponderance of evidence that  
 29 the:
- 30 (1) person is a qualified person; and  
 31 (2) violation giving rise to the unpaid fees was committed before  
 32 ~~January 1, 2019.~~ **January 1, 2020.**
- 33 (b) If the court grants a petition for traffic amnesty, the court shall  
 34 issue an order reducing the amount of unpaid fees owed by the person  
 35 by fifty percent (50%). To the extent some or all of the unpaid fees  
 36 consist of a driving privileges reinstatement fee, the court shall specify  
 37 in its order that the petitioner is entitled to driving privileges  
 38 reinstatement after:
- 39 (1) paying fifty percent (50%) of the otherwise required driving  
 40 privileges reinstatement fee to the bureau;  
 41 (2) providing proof of financial responsibility to the court; and  
 42 (3) the person is determined not to be otherwise ineligible to have



1 the person's driving privileges reinstated.

2 (c) The court shall transmit a copy of its order to the bureau in a  
3 form and manner prescribed by the bureau. The court shall include in  
4 its order a statement that the order is not a conviction, finding of guilt,  
5 or finding of liability and that the order is being issued under ~~IC 9-33-4~~  
6 **this chapter.**

7 (d) The grant or denial of a petition under this chapter is an  
8 appealable final order.

9 SECTION 4. IC 9-33-4-7 IS ADDED TO THE INDIANA CODE  
10 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
11 1, 2021]: **Sec. 7. (a) This section does not apply to a driver's license  
12 reinstatement fee or other fees owed to the bureau.**

13 **(b) Instead of requiring that a person pay the remaining fifty  
14 percent (50%) of unpaid fees in total, the court may establish a  
15 payment plan to allow the person to pay the remaining fifty  
16 percent (50%) of unpaid fees in installments as determined by the  
17 court.**

18 **(c) If the person fails to make payments as required, the court  
19 may suspend the person's driving privileges.**

20 **(d) If the court establishes a payment plan under this section,  
21 the person shall pay a traffic amnesty installment fee of fifty  
22 dollars (\$50) under IC 33-37-5-34.**

23 SECTION 5. IC 33-37-5-34 IS ADDED TO THE INDIANA CODE  
24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
25 1, 2021]: **Sec. 34. (a) The clerk shall collect a traffic amnesty  
26 installment fee of fifty dollars (\$50) from every person permitted  
27 to pay unpaid fees on a payment plan under IC 9-33-4-7.**

28 **(b) This section expires July 1, 2022.**

29 SECTION 6. IC 33-37-7-2, AS AMENDED BY P.L.156-2020,  
30 SECTION 124, IS AMENDED TO READ AS FOLLOWS  
31 [EFFECTIVE JULY 1, 2021]: **Sec. 2. (a) The clerk of a circuit court  
32 shall distribute semiannually to the auditor of state as the state share for  
33 deposit in the homeowner protection unit account established by  
34 IC 4-6-12-9 one hundred percent (100%) of the automated record  
35 keeping fees collected under IC 33-37-5-21 with respect to actions  
36 resulting in the accused person entering into a pretrial diversion  
37 program agreement under IC 33-39-1-8 or a deferral program  
38 agreement under IC 34-28-5-1 and for deposit in the state general fund  
39 seventy percent (70%) of the amount of fees collected under the  
40 following:**

41 (1) IC 33-37-4-1(a) (criminal costs fees).

42 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).



- 1 (3) IC 33-37-4-3(a) (juvenile costs fees).  
 2 (4) IC 33-37-4-4(a) (civil costs fees).  
 3 (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).  
 4 (6) IC 33-37-4-7(a) (probate costs fees).  
 5 (7) IC 33-37-5-17 (deferred prosecution fees).  
 6 (b) The clerk of a circuit court shall distribute semiannually to the  
 7 auditor of state for deposit in the state user fee fund established in  
 8 IC 33-37-9-2 the following:  
 9 (1) Twenty-five percent (25%) of the drug abuse, prosecution,  
 10 interdiction, and correction fees collected under  
 11 IC 33-37-4-1(b)(5).  
 12 (2) Twenty-five percent (25%) of the alcohol and drug  
 13 countermeasures fees collected under IC 33-37-4-1(b)(6),  
 14 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).  
 15 (3) One hundred percent (100%) of the child abuse prevention  
 16 fees collected under IC 33-37-4-1(b)(7).  
 17 (4) One hundred percent (100%) of the domestic violence  
 18 prevention and treatment fees collected under IC 33-37-4-1(b)(8).  
 19 (5) One hundred percent (100%) of the highway worksite zone  
 20 fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).  
 21 (6) Seventy-five percent (75%) of the safe schools fee collected  
 22 under IC 33-37-5-18.  
 23 (7) One hundred percent (100%) of the automated record keeping  
 24 fee collected under IC 33-37-5-21 not distributed under  
 25 subsection (a).  
 26 (c) The clerk of a circuit court shall distribute monthly to the county  
 27 auditor the following:  
 28 (1) Seventy-five percent (75%) of the drug abuse, prosecution,  
 29 interdiction, and correction fees collected under  
 30 IC 33-37-4-1(b)(5).  
 31 (2) Seventy-five percent (75%) of the alcohol and drug  
 32 countermeasures fees collected under IC 33-37-4-1(b)(6),  
 33 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).  
 34 The county auditor shall deposit fees distributed by a clerk under this  
 35 subsection into the county drug free community fund established under  
 36 IC 5-2-11.  
 37 (d) The clerk of a circuit court shall distribute monthly to the county  
 38 auditor one hundred percent (100%) of the late payment fees collected  
 39 under IC 33-37-5-22. The county auditor shall deposit fees distributed  
 40 by a clerk under this subsection as follows:  
 41 (1) If directed to do so by an ordinance adopted by the county  
 42 fiscal body, the county auditor shall deposit forty percent (40%)



1 of the fees in the clerk's record perpetuation fund established  
2 under IC 33-37-5-2 and sixty percent (60%) of the fees in the  
3 county general fund.

4 (2) If the county fiscal body has not adopted an ordinance  
5 described in subdivision (1), the county auditor shall deposit all  
6 the fees in the county general fund.

7 (e) The clerk of the circuit court shall distribute semiannually to the  
8 auditor of state for deposit in the sexual assault victims assistance fund  
9 established by IC 5-2-6-23(d) one hundred percent (100%) of the  
10 sexual assault victims assistance fees collected under IC 33-37-5-23.

11 (f) The clerk of a circuit court shall distribute monthly to the county  
12 auditor the following:

13 (1) One hundred percent (100%) of the support and maintenance  
14 fees for cases designated as non-Title IV-D child support cases in  
15 the Indiana support enforcement tracking system (ISETS) or the  
16 successor statewide automated support enforcement system  
17 collected under IC 33-37-5-6.

18 (2) The percentage share of the support and maintenance fees for  
19 cases designated as Title IV-D child support cases in ISETS or the  
20 successor statewide automated support enforcement system  
21 collected under IC 33-37-5-6 that is reimbursable to the county at  
22 the federal financial participation rate.

23 The county clerk shall distribute monthly to the department of child  
24 services the percentage share of the support and maintenance fees for  
25 cases designated as Title IV-D child support cases in ISETS, or the  
26 successor statewide automated support enforcement system, collected  
27 under IC 33-37-5-6 that is not reimbursable to the county at the  
28 applicable federal financial participation rate.

29 (g) The clerk of a circuit court shall distribute monthly to the county  
30 auditor the following:

31 (1) One hundred percent (100%) of the small claims service fee  
32 under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in  
33 the county general fund.

34 (2) One hundred percent (100%) of the small claims garnishee  
35 service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for  
36 deposit in the county general fund.

37 (3) Twenty-five percent (25%) of the safe schools fee collected  
38 under IC 33-37-5-18 for deposit in the county general fund.

39 (h) This subsection does not apply to court administration fees  
40 collected in small claims actions filed in a court described in IC 33-34.  
41 The clerk of a circuit court shall semiannually distribute to the auditor  
42 of state for deposit in the state general fund one hundred percent



- 1 (100%) of the following:
- 2 (1) The public defense administration fee collected under
- 3 IC 33-37-5-21.2.
- 4 (2) The judicial salaries fees collected under IC 33-37-5-26.
- 5 (3) The DNA sample processing fees collected under
- 6 IC 33-37-5-26.2.
- 7 (4) The court administration fees collected under IC 33-37-5-27.
- 8 (i) The clerk of a circuit court shall semiannually distribute to the
- 9 auditor of state for deposit in the judicial branch insurance adjustment
- 10 account established by IC 33-38-5-8.2 one hundred percent (100%) of
- 11 the judicial insurance adjustment fee collected under IC 33-37-5-25.
- 12 (j) The proceeds of the service fee collected under
- 13 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as
- 14 follows:
- 15 (1) The clerk shall distribute one hundred percent (100%) of the
- 16 service fees collected in a circuit, superior, county, or probate
- 17 court to the county auditor for deposit in the county general fund.
- 18 (2) The clerk shall distribute one hundred percent (100%) of the
- 19 service fees collected in a city or town court to the city or town
- 20 fiscal officer for deposit in the city or town general fund.
- 21 (k) The proceeds of the garnishee service fee collected under
- 22 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as
- 23 follows:
- 24 (1) The clerk shall distribute one hundred percent (100%) of the
- 25 garnishee service fees collected in a circuit, superior, county, or
- 26 probate court to the county auditor for deposit in the county
- 27 general fund.
- 28 (2) The clerk shall distribute one hundred percent (100%) of the
- 29 garnishee service fees collected in a city or town court to the city
- 30 or town fiscal officer for deposit in the city or town general fund.
- 31 (l) The clerk of the circuit court shall distribute semiannually to the
- 32 auditor of state for deposit in the home ownership education account
- 33 established by IC 5-20-1-27 one hundred percent (100%) of the
- 34 following:
- 35 (1) The mortgage foreclosure counseling and education fees
- 36 collected under IC 33-37-5-33 (before its expiration on July 1,
- 37 2017).
- 38 (2) Any civil penalties imposed and collected by a court for a
- 39 violation of a court order in a foreclosure action under
- 40 IC 32-30-10.5.
- 41 (m) The clerk of a circuit court shall distribute semiannually to the
- 42 auditor of state one hundred percent (100%) of the pro bono legal





1 services fees collected before July 1, 2022, under IC 33-37-5-31. The  
 2 auditor of state shall transfer semiannually the pro bono legal services  
 3 fees to the Indiana Bar Foundation (or a successor entity) as the entity  
 4 designated to organize and administer the interest on lawyers trust  
 5 accounts (IOLTA) program under Rule 1.15 of the Rules of  
 6 Professional Conduct of the Indiana supreme court. The Indiana Bar  
 7 Foundation shall:

8 (1) deposit in an appropriate account and otherwise manage the  
 9 fees the Indiana Bar Foundation receives under this subsection in  
 10 the same manner the Indiana Bar Foundation deposits and  
 11 manages the net earnings the Indiana Bar Foundation receives  
 12 from IOLTA accounts; and

13 (2) use the fees the Indiana Bar Foundation receives under this  
 14 subsection to assist or establish approved pro bono legal services  
 15 programs.

16 The handling and expenditure of the pro bono legal services fees  
 17 received under this section by the Indiana Bar Foundation (or its  
 18 successor entity) are subject to audit by the state board of accounts. The  
 19 amounts necessary to make the transfers required by this subsection are  
 20 appropriated from the state general fund.

21 **(n) The clerk of a circuit court shall distribute semiannually to**  
 22 **the county auditor one hundred percent (100%) of the traffic**  
 23 **amnesty installment fees collected under IC 33-37-5-34 for deposit**  
 24 **in the county general fund. The county fiscal body shall**  
 25 **appropriate at least eighty percent (80%) of the revenue from the**  
 26 **traffic amnesty installment fees to defray expenses incurred by the**  
 27 **court in connection with the establishment, implementation, or**  
 28 **operation of the traffic amnesty program established under**  
 29 **IC 9-33-4. Funds appropriated to defray court expenses under this**  
 30 **subsection may be used only to supplement court funding and may**  
 31 **not be used to replace other court funding. This subsection expires**  
 32 **July 1, 2022.**

