



February 11, 2003

HOUSE BILL No. 1774

DIGEST OF HB 1774 (Updated February 6, 2003 10:37 AM - DI 97)

Citations Affected: IC 9-25; IC 35-38.

Synopsis: Motor vehicle financial responsibility. Increases the minimum amounts of financial responsibility that must be in effect for 5 years with respect to a motor vehicle owned or primarily operated by a person who has at least one conviction or judgement related to operating while intoxicated. Makes it a Class C misdemeanor for a person to knowingly or intentionally operate a motor vehicle for which the increased minimum amount of financial responsibility is not in effect. Requires the court to require compliance with the increased financial responsibility requirements as a condition of probation.

Effective: July 1, 2003.

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January 21, 2003, read first time and referred to Committee on Insurance, Corporations and Small Business.
February 10, 2003, amended, reported — Do Pass.

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HB 1774—LS 7591/DI 69+



February 11, 2003

First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

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HOUSE BILL No. 1774



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 9-25-4-4 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) For the purposes of this
3 article, financial responsibility is in effect with respect to a motor
4 vehicle if:
5 (1) a motor vehicle liability insurance policy issued with respect
6 to the vehicle;
7 (2) a bond executed with respect to the vehicle under section 7 of
8 this chapter; or
9 (3) the status of the owner or operator of the vehicle as a
10 self-insurer, as recognized by the bureau through the issuance of
11 a certificate of self-insurance under section 11 of this chapter;
12 provides the ability to respond in damages for liability arising out of the
13 ownership, maintenance, or use of the motor vehicle in amounts at least
14 equal to those set forth in section 5, ~~or 6~~, **or 6.5** of this chapter.
15 (b) A motor vehicle liability policy under this article must contain
16 the terms, conditions, and provisions required by statute and must be
17 approved by the state insurance commissioner.

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1 SECTION 2. IC 9-25-4-5 IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2003]: Sec. 5. Except as provided in ~~section~~
 3 **sections 6 and 6.5** of this chapter, the minimum amounts of financial
 4 responsibility are as follows:

5 (1) Subject to the limit set forth in subdivision (2), twenty-five
 6 thousand dollars (\$25,000) for bodily injury to or the death of one
 7 (1) individual.

8 (2) Fifty thousand dollars (\$50,000) for bodily injury to or the
 9 death of two (2) or more individuals in any one (1) accident.

10 (3) Ten thousand dollars (\$10,000) for damage to or the
 11 destruction of property in one (1) accident.

12 SECTION 3. IC 9-25-4-6.5 IS ADDED TO THE INDIANA CODE
 13 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 14 1, 2003]: **Sec. 6.5. (a) This section applies to a person who has at
 15 least one (1) conviction or judgment that was entered:**

16 (1) **in Indiana for an offense committed after June 30, 2003,**
 17 **under IC 9-30-5-1 through IC 9-30-5-9; or**

18 (2) **in any other jurisdiction in which the elements of an**
 19 **offense committed after June 30, 2003, for which the**
 20 **conviction or judgment was entered are substantially similar**
 21 **to the elements of an offense described in IC 9-30-5-1 through**
 22 **IC 9-30-5-9.**

23 (b) **The minimum amounts of financial responsibility that must**
 24 **be in effect for the applicable period specified in subsection (c) or**
 25 **(d) with respect to a motor vehicle owned or primarily operated by**
 26 **a person described in subsection (a) are as follows:**

27 (1) **Subject to the limit set forth in subdivision (2), fifty**
 28 **thousand dollars (\$50,000) for bodily injury to or the death of**
 29 **one (1) individual.**

30 (2) **Seventy-five thousand dollars (\$75,000) for bodily injury**
 31 **to or the death of two (2) or more individuals in any one (1)**
 32 **accident.**

33 (3) **Ten thousand dollars (\$10,000) for damage to or the**
 34 **destruction of property in one (1) accident.**

35 (c) **Except as provided in subsection (d), the amounts of**
 36 **financial responsibility required under this section must be**
 37 **effective:**

38 (1) **beginning not more than ten (10) days; and**

39 (2) **ending not less than five (5) years;**

40 **after the date the person is sentenced for an offense or a judgment**
 41 **is entered against the person for an infraction described in**
 42 **subsection (a).**



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1 **(d) If the person's operator's license is suspended, the amounts**
 2 **of financial responsibility required under this section must be**
 3 **effective:**

4 **(1) beginning on; and**
 5 **(2) ending not less than five (5) years after;**
 6 **the date the person's operator's license is reinstated.**

7 SECTION 4. IC 9-25-8-2 IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) **Except as provided in**
 9 **subsection (b), a person who:**

10 (1) operates; or
 11 (2) permits the operation of;
 12 a motor vehicle on a public highway in Indiana commits a Class A
 13 infraction unless financial responsibility is in effect with respect to the
 14 motor vehicle under IC 9-25-4-4.

15 **(b) A person who knowingly or intentionally operates a motor**
 16 **vehicle:**

17 **(1) on a public highway in Indiana;**
 18 **(2) that is owned or primarily operated by a person who has**
 19 **at least one (1) conviction or judgment as described in**
 20 **IC 9-25-4-6.5; and**
 21 **(3) for which the minimum amount of financial responsibility**
 22 **required under IC 9-25-4-6.5 is not in effect with respect to**
 23 **the motor vehicle;**
 24 **commits a Class C misdemeanor.**

25 **(c) Subsection (a)(2) applies to:**

26 (1) the owner of a rental company that is referred to in
 27 IC 9-25-6-3(e)(1); and
 28 (2) an employer that is referred to in IC 9-25-6-3(e)(2).

29 SECTION 5. IC 35-38-2-2.3, AS AMENDED BY P.L.76-2002,
 30 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2003]: Sec. 2.3. (a) As a condition of probation, the court may
 32 require a person to do a combination of the following:

33 (1) Work faithfully at suitable employment or faithfully pursue a
 34 course of study or vocational training that will equip the person
 35 for suitable employment.
 36 (2) Undergo available medical or psychiatric treatment and
 37 remain in a specified institution if required for that purpose.
 38 (3) Attend or reside in a facility established for the instruction,
 39 recreation, or residence of persons on probation.
 40 (4) Support the person's dependents and meet other family
 41 responsibilities.
 42 (5) Make restitution or reparation to the victim of the crime for



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1 damage or injury that was sustained by the victim. When
2 restitution or reparation is a condition of probation, the court shall
3 fix the amount, which may not exceed an amount the person can
4 or will be able to pay, and shall fix the manner of performance.

5 (6) Execute a repayment agreement with the appropriate
6 governmental entity to repay the full amount of public relief or
7 assistance wrongfully received, and make repayments according
8 to a repayment schedule set out in the agreement.

9 (7) Pay a fine authorized by IC 35-50.

10 (8) Refrain from possessing a firearm or other deadly weapon
11 unless granted written permission by the court or the person's
12 probation officer.

13 (9) Report to a probation officer at reasonable times as directed
14 by the court or the probation officer.

15 (10) Permit the person's probation officer to visit the person at
16 reasonable times at the person's home or elsewhere.

17 (11) Remain within the jurisdiction of the court, unless granted
18 permission to leave by the court or by the person's probation
19 officer.

20 (12) Answer all reasonable inquiries by the court or the person's
21 probation officer and promptly notify the court or probation
22 officer of any change in address or employment.

23 (13) Perform uncompensated work that benefits the community.

24 (14) Satisfy other conditions reasonably related to the person's
25 rehabilitation.

26 (15) Undergo home detention under IC 35-38-2.5.

27 (16) Undergo a laboratory test or series of tests approved by the
28 state department of health to detect and confirm the presence of
29 the human immunodeficiency virus (HIV) antigen or antibodies
30 to the human immunodeficiency virus (HIV), if:

31 (A) the person had been convicted of a sex crime listed in
32 IC 35-38-1-7.1(e) and the crime created an epidemiologically
33 demonstrated risk of transmission of the human
34 immunodeficiency virus (HIV) as described in
35 IC 35-38-1-7.1(b)(8); or

36 (B) the person had been convicted of an offense related to a
37 controlled substance listed in IC 35-38-1-7.1(f) and the offense
38 involved the conditions described in IC 35-38-1-7.1(b)(9)(A).

39 (17) Refrain from any direct or indirect contact with an
40 individual.

41 (18) Execute a repayment agreement with the appropriate
42 governmental entity or with a person for reasonable costs incurred

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1 because of the taking, detention, or return of a missing child (as
2 defined in IC 10-1-7-2).

3 (19) Periodically undergo a laboratory chemical test (as defined
4 in IC 14-15-8-1) or series of chemical tests as specified by the
5 court to detect and confirm the presence of a controlled substance
6 (as defined in IC 35-48-1-9). The person on probation is
7 responsible for any charges resulting from a test and shall have
8 the results of any test under this subdivision reported to the
9 person's probation officer by the laboratory.

10 (20) If the person was confined in a penal facility, execute a
11 reimbursement plan as directed by the court and make repayments
12 under the plan to the authority that operates the penal facility for
13 all or part of the costs of the person's confinement in the penal
14 facility. The court shall fix an amount that:

15 (A) may not exceed an amount the person can or will be able
16 to pay;

17 (B) does not harm the person's ability to reasonably be self
18 supporting or to reasonably support any dependent of the
19 person; and

20 (C) takes into consideration and gives priority to any other
21 restitution, reparation, repayment, or fine the person is
22 required to pay under this section.

23 (21) Refrain from owning, harboring, or training an animal.

24 (b) When a person is placed on probation, the person shall be given
25 a written statement specifying:

26 (1) the conditions of probation; and

27 (2) that if the person violates a condition of probation during the
28 probationary period, a petition to revoke probation may be filed
29 before the earlier of the following:

30 (A) One (1) year after the termination of probation.

31 (B) Forty-five (45) days after the state receives notice of the
32 violation.

33 (c) As a condition of probation, the court may require that the
34 person serve a term of imprisonment in an appropriate facility at the
35 time or intervals (consecutive or intermittent) within the period of
36 probation the court determines.

37 (d) Intermittent service may be required only for a term of not more
38 than sixty (60) days and must be served in the county or local penal
39 facility. The intermittent term is computed on the basis of the actual
40 days spent in confinement and shall be completed within one (1) year.
41 A person does not earn credit time while serving an intermittent term
42 of imprisonment under this subsection. When the court orders

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1 intermittent service, the court shall state:
 2 (1) the term of imprisonment;
 3 (2) the days or parts of days during which a person is to be
 4 confined; and
 5 (3) the conditions.
 6 (e) Supervision of a person may be transferred from the court that
 7 placed the person on probation to a court of another jurisdiction, with
 8 the concurrence of both courts. Retransfers of supervision may occur
 9 in the same manner. This subsection does not apply to transfers made
 10 under IC 11-13-4 or IC 11-13-5.
 11 (f) When a court imposes a condition of probation described in
 12 subsection (a)(17):
 13 (1) the clerk of the court shall comply with IC 5-2-9; and
 14 (2) the prosecuting attorney shall file a confidential form
 15 prescribed or approved by the division of state court
 16 administration with the clerk.
 17 **(g) As a condition of probation, the court shall require a person**
 18 **who is convicted of an offense specified in IC 9-30-5-1 through**
 19 **IC 9-30-5-9 to comply with the financial responsibility**
 20 **requirements specified in IC 9-25-4-6.5.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, Corporations and Small Business, to which was referred House Bill 1774, 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 14, delete "The minimum amount of financial responsibility" and insert "**(a) This section applies to**".

Page 2, delete line 15.

Page 2, line 16, delete "primarily operated by".

Page 2, line 16, after "conviction" insert "**or judgment**".

Page 2, line 17, delete "of operating while intoxicated".

Page 2, line 18, delete "a crime" and insert "**an offense**".

Page 2, line 20, delete "a crime" and insert "**an offense**".

Page 2, line 21, after "conviction" insert "**or judgment**".

Page 2, line 22, delete "a crime" and insert "**an offense**".

Page 2, line 23, delete ";" and insert ".

(b) The minimum amounts of financial responsibility that must be in effect for the applicable period specified in subsection (c) or (d) with respect to a motor vehicle owned or primarily operated by a person described in subsection (a) are as follows:

(1) Subject to the limit set forth in subdivision (2), fifty thousand dollars (\$50,000) for bodily injury to or the death of one (1) individual.

(2) Seventy-five thousand dollars (\$75,000) for bodily injury to or the death of two (2) or more individuals in any one (1) accident.

(3) Ten thousand dollars (\$10,000) for damage to or the destruction of property in one (1) accident.

(c) Except as provided in subsection (d), the amounts of financial responsibility required under this section must be effective:

(1) beginning not more than ten (10) days; and

(2) ending not less than five (5) years;

after the date the person is sentenced for an offense or a judgment is entered against the person for an infraction described in subsection (a).

(d) If the person's operator's license is suspended, the amounts of financial responsibility required under this section must be effective:

(1) beginning on; and

(2) ending not less than five (5) years after;

the date the person's operator's license is reinstated."

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Page 2, delete lines 24 through 26.

Page 2, line 39, delete "of operating while intoxicated" and insert **"or judgment"**.

Page 3, after line 6, begin a new paragraph and insert:

"SECTION 5. IC 35-38-2-2.3, AS AMENDED BY P.L.76-2002, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2.3. (a) As a condition of probation, the court may require a person to do a combination of the following:

- (1) Work faithfully at suitable employment or faithfully pursue a course of study or vocational training that will equip the person for suitable employment.
- (2) Undergo available medical or psychiatric treatment and remain in a specified institution if required for that purpose.
- (3) Attend or reside in a facility established for the instruction, recreation, or residence of persons on probation.
- (4) Support the person's dependents and meet other family responsibilities.
- (5) Make restitution or reparation to the victim of the crime for damage or injury that was sustained by the victim. When restitution or reparation is a condition of probation, the court shall fix the amount, which may not exceed an amount the person can or will be able to pay, and shall fix the manner of performance.
- (6) Execute a repayment agreement with the appropriate governmental entity to repay the full amount of public relief or assistance wrongfully received, and make repayments according to a repayment schedule set out in the agreement.
- (7) Pay a fine authorized by IC 35-50.
- (8) Refrain from possessing a firearm or other deadly weapon unless granted written permission by the court or the person's probation officer.
- (9) Report to a probation officer at reasonable times as directed by the court or the probation officer.
- (10) Permit the person's probation officer to visit the person at reasonable times at the person's home or elsewhere.
- (11) Remain within the jurisdiction of the court, unless granted permission to leave by the court or by the person's probation officer.
- (12) Answer all reasonable inquiries by the court or the person's probation officer and promptly notify the court or probation officer of any change in address or employment.
- (13) Perform uncompensated work that benefits the community.
- (14) Satisfy other conditions reasonably related to the person's

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rehabilitation.

(15) Undergo home detention under IC 35-38-2.5.

(16) Undergo a laboratory test or series of tests approved by the state department of health to detect and confirm the presence of the human immunodeficiency virus (HIV) antigen or antibodies to the human immunodeficiency virus (HIV), if:

(A) the person had been convicted of a sex crime listed in IC 35-38-1-7.1(e) and the crime created an epidemiologically demonstrated risk of transmission of the human immunodeficiency virus (HIV) as described in IC 35-38-1-7.1(b)(8); or

(B) the person had been convicted of an offense related to a controlled substance listed in IC 35-38-1-7.1(f) and the offense involved the conditions described in IC 35-38-1-7.1(b)(9)(A).

(17) Refrain from any direct or indirect contact with an individual.

(18) Execute a repayment agreement with the appropriate governmental entity or with a person for reasonable costs incurred because of the taking, detention, or return of a missing child (as defined in IC 10-1-7-2).

(19) Periodically undergo a laboratory chemical test (as defined in IC 14-15-8-1) or series of chemical tests as specified by the court to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9). The person on probation is responsible for any charges resulting from a test and shall have the results of any test under this subdivision reported to the person's probation officer by the laboratory.

(20) If the person was confined in a penal facility, execute a reimbursement plan as directed by the court and make repayments under the plan to the authority that operates the penal facility for all or part of the costs of the person's confinement in the penal facility. The court shall fix an amount that:

(A) may not exceed an amount the person can or will be able to pay;

(B) does not harm the person's ability to reasonably be self supporting or to reasonably support any dependent of the person; and

(C) takes into consideration and gives priority to any other restitution, reparation, repayment, or fine the person is required to pay under this section.

(21) Refrain from owning, harboring, or training an animal.

(b) When a person is placed on probation, the person shall be given

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a written statement specifying:

- (1) the conditions of probation; and
- (2) that if the person violates a condition of probation during the probationary period, a petition to revoke probation may be filed before the earlier of the following:
 - (A) One (1) year after the termination of probation.
 - (B) Forty-five (45) days after the state receives notice of the violation.

(c) As a condition of probation, the court may require that the person serve a term of imprisonment in an appropriate facility at the time or intervals (consecutive or intermittent) within the period of probation the court determines.

(d) Intermittent service may be required only for a term of not more than sixty (60) days and must be served in the county or local penal facility. The intermittent term is computed on the basis of the actual days spent in confinement and shall be completed within one (1) year. A person does not earn credit time while serving an intermittent term of imprisonment under this subsection. When the court orders intermittent service, the court shall state:

- (1) the term of imprisonment;
- (2) the days or parts of days during which a person is to be confined; and
- (3) the conditions.

(e) Supervision of a person may be transferred from the court that placed the person on probation to a court of another jurisdiction, with the concurrence of both courts. Retransfers of supervision may occur in the same manner. This subsection does not apply to transfers made under IC 11-13-4 or IC 11-13-5.

(f) When a court imposes a condition of probation described in subsection (a)(17):

- (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.

(g) As a condition of probation, the court shall require a person who is convicted of an offense specified in IC 9-30-5-1 through IC 9-30-5-9 to comply with the financial responsibility

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requirements specified in IC 9-25-4-6.5."

and when so amended that said bill do pass.

(Reference is to HB 1774 as introduced.)

FRY, Chair

Committee Vote: yeas 9, nays 1.

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