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# HOUSE BILL No. 1523

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-14; IC 9-24; IC 9-29-3-13.

**Synopsis:** Driver's licenses for temporary resident aliens. Makes certain changes concerning the contents of and application procedure for a driver's license or learner's permit to comply with federal law. Provides that the bureau of motor vehicles may issue certain driver's licenses that expire one year from issuance to aliens holding certain visas for temporary residence. Requires that an application for a driver's license or permit by a person who does not have a Social Security number include: (1) a verification of the applicant's ineligibility for a Social Security number; and (2) a verification of the applicant's identity and lawful status. Makes other changes and conforming amendments.

**Effective:** July 1, 2007.

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January 26, 2007, read first time and referred to Committee on Interstate and International Cooperation.

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First Regular Session 115th General Assembly (2007)

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 2006 Regular Session of the General Assembly.

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# HOUSE BILL No. 1523



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 9-14-3.5-5 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. As used in this  
3 chapter, "personal information" means information that identifies a  
4 person, including an individual's:

- 5 (1) photograph, **digital photograph**, or computerized image;
- 6 (2) Social Security number;
- 7 (3) driver's license or identification document number;
- 8 (4) name;
- 9 (5) address (but not the 5-digit zip code);
- 10 (6) telephone number; or
- 11 (7) medical or disability information.

12 The term does not include information about vehicular accidents,  
13 driving or equipment related violations, and operator's license or  
14 registration status.

15 SECTION 2. IC 9-14-3.5-10.5 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10.5. (a) Except as  
17 provided in subsections (b) and (c), the bureau may not disclose the



1 following personal information from a person's motor vehicle record:  
 2 (1) Driver's license photograph, **digital photograph**, or  
 3 computerized image.  
 4 (2) Social Security number.  
 5 (3) Medical or disability information.  
 6 (b) The bureau may disclose the personal information described in  
 7 subsection (a) if the bureau has the express written consent of the  
 8 person to whom the personal information pertains to release the  
 9 information described in subsection (a).  
 10 (c) The bureau may disclose the personal information described in  
 11 subsection (a) without the express written consent of the person to  
 12 whom the personal information pertains if the person requesting the  
 13 information:  
 14 (1) provides proof of identity; and  
 15 (2) represents that the use of the personal information will be  
 16 strictly limited to at least one (1) of the uses set forth in section  
 17 10(1), 10(4), 10(6), and 10(9) of this chapter.  
 18 SECTION 3. IC 9-24-9-2, AS AMENDED BY P.L.123-2005,  
 19 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2007]: Sec. 2. **(a) Before January 1, 2008**, each application  
 21 for a license or permit under this chapter must require the following  
 22 information:  
 23 (1) The name, date of birth, sex, Social Security number, and  
 24 mailing address, and, if different from the mailing address, the  
 25 residence address of the applicant. The applicant shall indicate to  
 26 the bureau:  
 27 (A) which address the license or permit shall contain; and  
 28 (B) whether the Social Security number or another  
 29 distinguishing number shall be the distinctive identification  
 30 number used on the license or permit.  
 31 (2) Whether the applicant has been licensed as an operator, a  
 32 chauffeur, or a public passenger chauffeur or has been the holder  
 33 of a learner's permit, and if so, when and by what state.  
 34 (3) Whether the applicant's license or permit has ever been  
 35 suspended or revoked, and if so, the date of and the reason for the  
 36 suspension or revocation.  
 37 (4) Whether the applicant has been convicted of a crime  
 38 punishable as a felony under Indiana motor vehicle law or any  
 39 other felony in the commission of which a motor vehicle was  
 40 used.  
 41 (5) Whether the applicant has a physical or mental disability, and  
 42 if so, the nature of the disability and other information the bureau

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directs.  
The bureau shall maintain records of the information provided under subdivisions (1) through (5). **This subsection expires December 31, 2007.**

**(b) After December 31, 2007, each application for a license or permit under this chapter must require the following information:**

- (1) The full legal name of the applicant.**
- (2) The applicant's date of birth.**
- (3) The applicant's gender.**
- (4) The applicant's height, weight, hair color, and eye color.**
- (5) The applicant's principal address and mailing address.**
- (6) The applicant's:**
  - (A) valid Social Security number; or**
  - (B) verification of the applicant's:**
    - (i) ineligibility to be issued a Social Security number; and**
    - (ii) identity and status as an individual described in section 2.5(1), 2.5(2), or 2.5(3) of this chapter or as an individual who is not described in section 2.5 of this chapter.**
- (7) Whether the applicant has been licensed as an operator, a chauffeur, or a public passenger chauffeur or has been the holder of a learner's permit, and if so, when and by what state or country.**
- (8) Whether the applicant's license or permit has ever been suspended or revoked, and if so, the date of and the reason for the suspension or revocation.**
- (9) Whether the applicant has been convicted of a crime punishable as a felony under Indiana motor vehicle law or any other felony in the commission of which a motor vehicle was used.**
- (10) Whether the applicant has a physical or mental disability, and if so, the nature of the disability and other information the bureau directs.**
- (11) The signature of the applicant.**

**The bureau shall maintain records of the information provided under subdivisions (1) through (11).**

**(c) The bureau may adopt rules under IC 4-22-2 to establish a procedure to verify an applicant's identity and lawful status.**

SECTION 4. IC 9-24-9-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2.5. In addition to the information required from the applicant for a license or permit under sections 1 and 2 of this**

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chapter, the bureau shall require an applicant to present to the bureau valid documentary evidence that the applicant is:

- (1) a citizen of the United States;
- (2) an alien admitted for legal permanent residence in the United States; or
- (3) an alien holding a visa for temporary residence in the United States for employment or school purposes.

SECTION 5. IC 9-24-11-3, AS AMENDED BY P.L.156-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) A license issued to an individual less than eighteen (18) years of age is a probationary license.

(b) An individual holds a probationary license subject to the following conditions:

(1) Except as provided in IC 31-37-3, the individual may not operate a motor vehicle during the curfew hours specified in IC 31-37-3-2.

(2) During the ninety (90) days following the issuance of the probationary license, the individual may not operate a motor vehicle in which there are passengers unless another individual who:

- (A) is at least twenty-one (21) years of age; and
- (B) holds a valid operator's license issued under this article; is present in the front seat of the motor vehicle.

(3) The individual may operate a motor vehicle only if the individual and each occupant of the motor vehicle has a safety belt properly fastened about the occupant's body at all times when the motor vehicle is in motion.

(c) An individual who holds a probationary license issued under this section may receive an operator's license, a chauffeur's license, a public passenger chauffeur's license, or a commercial driver's license when the individual is at least eighteen (18) years of age.

(d) **Except as provided in subsection (e)**, a probationary license issued under this section:

- (1) expires at midnight of the twenty-first birthday of the holder; and
- (2) may not be renewed.

**(e) A probationary license issued under this section to an applicant described in IC 9-24-9-2.5(3) expires at midnight one (1) year after issuance. A probationary license issued to an applicant under this subsection may be renewed.**

SECTION 6. IC 9-24-11-5, AS AMENDED BY P.L.37-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2007]: Sec. 5. (a) A permit or license issued under this chapter  
 2 must bear the distinguishing number assigned to the permittee or  
 3 licensee, and must contain the following information:  
 4 (1) The full legal name of the permittee or licensee.  
 5 (2) The date of birth of the permittee or licensee.  
 6 (3) The mailing address or of the principal residence address of  
 7 the permittee or licensee.  
 8 (4) ~~a brief description~~ The hair color and eye color of the  
 9 permittee or licensee.  
 10 (5) The date of issue and expiration date of the permit or  
 11 license.  
 12 (6) The gender of the permittee or licensee.  
 13 (7) The unique identifying number of the permit or license.  
 14 (8) The weight of the permittee or licensee.  
 15 (9) The height of the permittee or licensee.  
 16 (10) A reproduction of the signature of the permittee or  
 17 licensee.  
 18 ~~(5)~~ (11) If the permittee or licensee is less than eighteen (18)  
 19 years of age at the time of issuance, the dates on which the  
 20 permittee or licensee will become:  
 21 (A) eighteen (18) years of age; and  
 22 (B) twenty-one (21) years of age.  
 23 ~~(6)~~ (12) If the permittee or licensee is at least eighteen (18) years  
 24 of age but less than twenty-one (21) years of age at the time of  
 25 issuance, the date on which the permittee or licensee will become  
 26 twenty-one (21) years of age. ~~and~~  
 27 ~~(7)~~ (13) Except as provided in subsection (b) or (c), for the  
 28 purpose of identification, a:  
 29 (A) photograph; or  
 30 (B) computerized image;  
 31 a digital photograph of the permittee or licensee.  
 32 and additional information that the bureau considers necessary,  
 33 including a space for reproduction of the signature of the permittee or  
 34 licensee. If the permittee or licensee has not indicated to the bureau  
 35 under IC 9-24-9-2 that the Social Security number shall be the  
 36 distinguishing number to be used, the Social Security number may not  
 37 be shown on the permit or license.  
 38 (b) In carrying out this section, the bureau shall obtain the  
 39 equipment necessary to provide the photographs and computerized  
 40 images for permits and licenses as provided in subsection (a).  
 41 ~~(c)~~ (b) The following permits or licenses do not require a digital  
 42 photograph: or computerized image:

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1 (1) Temporary motorcycle learner's permit issued under  
2 IC 9-24-8.

3 (2) Motorcycle learner's permit issued under IC 9-24-8.

4 ~~(3) Operator's license reissued under IC 9-24-12-6.~~

5 ~~(d)~~ (c) The bureau may provide for the omission of a **digital**  
6 **photograph or computerized image** from any other license or permit if  
7 there is good cause for the omission. **However, a license issued**  
8 **without a digital photograph must include the language described**  
9 **in subsection (f).**

10 ~~(e)~~ (d) The information contained on the permit or license as  
11 required by subsection ~~(a)(5)~~ **(a)(11)** or ~~(a)(6)~~ **(a)(12)** for a permittee  
12 or licensee who is less than twenty-one (21) years of age at the time of  
13 issuance shall be printed ~~perpendicular to the bottom edge of~~  
14 **prominently on** the permit or license.

15 ~~(f)~~ (e) This subsection applies to a permit or license issued after  
16 ~~January 1, 2007~~. If the applicant for a permit or license submits  
17 information to the bureau concerning the applicant's medical condition,  
18 the bureau shall place an identifying symbol on the face of the permit  
19 or license to indicate that the applicant has a medical condition of note.  
20 The bureau shall include information on the permit or license that  
21 briefly describes the medical condition of the holder of the permit or  
22 license. The information must be printed in a manner that alerts a  
23 person reading the permit or license to the existence of the medical  
24 condition. The permittee or licensee is responsible for the accuracy of  
25 the information concerning the medical condition submitted under this  
26 subsection. The bureau shall inform an applicant that submission of  
27 information under this subsection is voluntary.

28 (f) **Any license or permit issued by the state that does not**  
29 **require a digital photograph must include the following statement:**  
30 **"May not be accepted by any federal agency for federal**  
31 **identification or any other federal purpose."**

32 (g) **A license or permit issued by the state to a person who is not**  
33 **a citizen of the United States or an alien admitted for legal**  
34 **permanent residence in the United States must be clearly identified**  
35 **as a temporary license or permit.**

36 ~~(g)~~ (h) The bureau may adopt rules under IC 4-22-2 to carry out this  
37 section.

38 SECTION 7. IC 9-24-12-1, AS AMENDED BY P.L.156-2006,  
39 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40 JULY 1, 2007]: Sec. 1. (a) Except as provided in **subsection**  
41 **subsections (b) and (d)** and section 10 of this chapter, an operator's  
42 license issued under this article ~~after December 31, 1996, and before~~

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1 January 1, 2006, expires at midnight of the birthday of the holder that  
2 occurs four (4) years following the date of issuance.

3 (b) Except as provided in **subsection (e) and** sections 10 and 11 of  
4 this chapter, an operator's license issued ~~after December 31, 1996,~~ to  
5 an applicant who is at least seventy-five (75) years of age expires at  
6 midnight of the birthday of the holder that occurs three (3) years  
7 following the date of issuance.

8 (c) Except as provided in subsections (b), ~~and~~ (d), **and (e)** and  
9 sections 10 and 11 of this chapter, after December 31, 2005, an  
10 operator's license issued under this article expires at midnight of the  
11 birthday of the holder that occurs six (6) years following the date of  
12 issuance.

13 (d) A probationary operator's license issued under IC 9-24-11-3  
14 expires at midnight of the twenty-first birthday of the holder **or as**  
15 **provided in IC 9-24-11-3(e).**

16 **(e) An operator's license issued under this article after June 30,**  
17 **2008, to an applicant described in IC 9-24-9-2.5(3) expires at**  
18 **midnight one (1) year after issuance. An operator's license issued**  
19 **to an applicant under this subsection may be renewed.**

20 SECTION 8. IC 9-24-12-4 IS AMENDED TO READ AS  
21 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. **(a) Except as**  
22 **provided in subsection (b),** the application for renewal of:

- 23 (1) an operator's license;  
24 (2) a motorcycle operator's license;  
25 (3) a chauffeur's license;  
26 (4) a public passenger chauffeur's license; or  
27 (5) an identification card;

28 under this article may be filed not more than six (6) months before the  
29 expiration date of the license or identification card held by the  
30 applicant.

31 **(b) An applicant described in IC 9-24-9-2.5(3) may file an**  
32 **application for renewal of a driver's license in subsection (a)(1),**  
33 **(a)(2), (a)(3), or (a)(4) not more than one (1) month before the**  
34 **expiration date of the license held by the applicant.**

35 SECTION 9. IC 9-24-12-7, AS AMENDED BY P.L.156-2006,  
36 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
37 JULY 1, 2007]: Sec. 7. (a) Except as provided in subsection (b) and  
38 section 10 of this chapter, a motorcycle operator's license issued after  
39 December 31, 1996, and before January 1, 2006, expires at midnight  
40 of the birthday of the holder that occurs four (4) years following the  
41 date of issuance.

42 (b) Except as provided in **subsection (e) and** sections 10 and 11 of

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1 this chapter, a motorcycle operator's license issued after December 31,  
2 1996, to an applicant who is at least seventy-five (75) years of age  
3 expires at midnight of the birthday of the holder that occurs three (3)  
4 years following the date of issuance.

5 (c) After December 31, 2005, except as provided in ~~subsection~~  
6 **subsections (b) and (e)** and section 11 of this chapter, a motorcycle  
7 operator's license issued under this article expires at midnight of the  
8 birthday of the holder that occurs six (6) years following the date of  
9 issuance.

10 (d) A motorcycle operator endorsement remains in effect for the  
11 same term as the license being endorsed and is subject to renewal at  
12 and after the expiration of the license in accordance with this chapter.

13 (e) **A motorcycle operator's license issued under this article**  
14 **after June 30, 2008, to an applicant described in IC 9-24-9-2.5(3)**  
15 **expires at midnight one (1) year after issuance. A motorcycle**  
16 **operator's license issued to an applicant under this subsection may**  
17 **be renewed.**

18 SECTION 10. IC 9-29-3-13 IS AMENDED TO READ AS  
19 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. The service charge  
20 for each license that is required to bear a photograph, **digital**  
21 **photograph**, or computerized image is fifty cents (\$0.50).

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