



February 17, 2009

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## HOUSE BILL No. 1130

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DIGEST OF HB 1130 (Updated February 12, 2009 10:11 am - DI 116)

**Citations Affected:** IC 9-24.

**Synopsis:** Renewal of driver's license after military service. Provides that if an individual is temporarily residing outside Indiana because of service in the armed forces of the United States, the individual's driver's license (which includes any type of license authorizing the operation of a motor vehicle on public streets and highways), despite expiring, remains valid for 90 days following the individual's discharge from service in the armed forces. (Current law similarly provides for a 90 day period of post-discharge validity, but it applies only to an individual's operator's license.) Makes a technical correction.

**Effective:** January 1, 2010.

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**Barnes, Reske, Tincher, Ruppel**

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January 12, 2009, read first time and referred to Committee on Veterans Affairs and Public Safety.  
February 16, 2009, amended, reported — Do Pass.

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HB 1130—LS 7049/DI 96+



February 17, 2009

First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

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## HOUSE BILL No. 1130



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 9-24-6-2, AS AMENDED BY P.L.188-2006,
- 2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JANUARY 1, 2010]: Sec. 2. (a) The bureau shall adopt rules under
- 4 IC 4-22-2 to regulate persons required to hold a commercial driver's
- 5 license.
- 6 (b) The rules must carry out 49 U.S.C. 521, 49 U.S.C. 31104, 49
- 7 U.S.C. 31301 through 31306, 49 U.S.C. 31308 through 31317, and 49
- 8 CFR 383 through 384, and may not be more restrictive than the federal
- 9 Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law
- 10 ~~106-159~~ **106-159, 113** Stat. 1748).
- 11 (c) Rules adopted under this section must include the following:
- 12 (1) Establishment of classes and periods of validation of
- 13 commercial driver's licenses, **including the period set forth in**
- 14 **IC 9-24-12-6(e)**.
- 15 (2) Standards for commercial driver's licenses, including
- 16 suspension and revocation procedures.
- 17 (3) Requirements for documentation of eligibility for legal

HB 1130—LS 7049/DI 96+



- 1 employment, as set forth in 8 CFR 274a.2, and proof of Indiana
- 2 residence.
- 3 (4) Development of written or oral tests, driving tests, and fitness
- 4 requirements.
- 5 (5) Defining the commercial driver's licenses by classification and
- 6 the information to be contained on the licenses, including a
- 7 unique identifier of the holder.
- 8 (6) Establishing fees for the issuance of commercial driver's
- 9 licenses, including fees for testing and examination.
- 10 (7) Procedures for the notification by the holder of a commercial
- 11 driver's license to the bureau and the driver's employer of
- 12 pointable traffic offense convictions.
- 13 (8) Conditions for reciprocity with other states, including
- 14 requirements for a written commercial driver's license test and
- 15 operational skills test, and a hazardous materials endorsement
- 16 written test and operational skills test, before a license may be
- 17 issued.
- 18 (9) Other rules necessary to administer this chapter.
- 19 (d) 49 CFR 383 through 384 are adopted as Indiana law.
- 20 SECTION 2. IC 9-24-12-6, AS AMENDED BY P.L.184-2007,
- 21 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 22 JANUARY 1, 2010]: Sec. 6. (a) As used in this section, "good cause"
- 23 includes the following:
- 24 (1) Temporarily residing at least fifty (50) miles outside the
- 25 boundaries of Indiana.
- 26 (2) Serving in the armed forces of the United States.
- 27 (b) The bureau may renew a valid Indiana operator's license held by
- 28 an individual temporarily residing outside Indiana if the applicant does
- 29 the following:
- 30 (1) Shows good cause why the license cannot be renewed within
- 31 Indiana.
- 32 (2) Submits a completed application provided by the bureau and
- 33 payment of the fee required in IC 9-29-9.
- 34 (3) Submits a written affidavit that affirms that no source
- 35 document upon which the operator's license was issued has
- 36 changed or been altered since the prior issuance of the operator's
- 37 license.
- 38 (c) The Indiana operator's license of an individual who is
- 39 temporarily residing outside Indiana remains valid for thirty (30) days
- 40 beyond the expiration date of that license if the individual meets the
- 41 following conditions:
- 42 (1) Has applied for a renewal of the license.

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1           (2) Has not been denied a renewal of the license by the bureau.  
2           (d) Upon receiving an application for the renewal of an Indiana  
3 operator's license from an individual temporarily residing outside  
4 Indiana, the bureau shall do the following:  
5           (1) Either renew or deny the renewal of the license within ten (10)  
6 days.  
7           (2) Notify the individual of the decision.  
8           (e) When the Indiana ~~operator's~~ **driver's** license of an individual  
9 who is temporarily residing outside Indiana because of service in the  
10 armed forces of the United States has expired, the **driver's** license  
11 remains valid for ninety (90) days following the ~~person's individual's~~  
12 discharge from service in the armed forces **or postdeployment in the**  
13 **armed forces**. To obtain a renewed **driver's** license, the individual  
14 must do the following:  
15           (1) Apply for a renewal of the ~~operator's~~ **driver's** license during  
16 the ninety (90) day period following the individual's discharge **or**  
17 **postdeployment in the armed forces**.  
18           (2) Show proof of the individual's discharge from service in the  
19 armed forces **or status as postdeployment in the armed forces**  
20 **to the bureau** when applying for the renewal.  
21 **An individual who held a commercial driver's license that expired**  
22 **during service in the armed forces may renew the commercial**  
23 **driver's license as if the commercial driver's license had not**  
24 **expired but had remained valid during the period of service in the**  
25 **armed forces of the United States.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1130, 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:

Replace the effective dates in SECTIONS 2 through 3 with "[EFFECTIVE JANUARY 1, 2010]".

Page 1, delete lines 1 through 6.

Page 3, line 18, delete "." and insert "**or postdeployment in the armed forces.**".

Page 3, line 21, delete "." and insert "**or postdeployment in the armed forces.**".

Page 3, line 23, after "forces" insert "**or status as postdeployment in the armed forces.**".

Page 3, delete lines 24 through 31, begin a new line blocked left and insert:

**"An individual who held a commercial driver's license that expired during service in the armed forces may renew the commercial driver's license as if the commercial driver's license had not expired but had remained valid during the period of service in the armed forces of the United States."**

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1130 as introduced.)

TINCHER, Chair

Committee Vote: yeas 9, nays 0.

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