

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.

HOUSE ENROLLED ACT No. 1130

AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 9-24-6-2, AS AMENDED BY P.L.188-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 2. (a) The bureau shall adopt rules under IC 4-22-2 to regulate persons required to hold a commercial driver's license.

(b) The rules must carry out 49 U.S.C. 521, 49 U.S.C. 31104, 49 U.S.C. 31301 through 31306, 49 U.S.C. 31308 through 31317, and 49 CFR 383 through 384, and may not be more restrictive than the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law ~~106-159~~ **113** Stat. 1748).

(c) Rules adopted under this section must include the following:

- (1) Establishment of classes and periods of validation of commercial driver's licenses, **including the period set forth in IC 9-24-12-6(e)**.
- (2) Standards for commercial driver's licenses, including suspension and revocation procedures.
- (3) Requirements for documentation of eligibility for legal employment, as set forth in 8 CFR 274a.2, and proof of Indiana residence.
- (4) Development of written or oral tests, driving tests, and fitness requirements.

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(5) Defining the commercial driver's licenses by classification and the information to be contained on the licenses, including a unique identifier of the holder.

(6) Establishing fees for the issuance of commercial driver's licenses, including fees for testing and examination.

(7) Procedures for the notification by the holder of a commercial driver's license to the bureau and the driver's employer of pointable traffic offense convictions.

(8) Conditions for reciprocity with other states, including requirements for a written commercial driver's license test and operational skills test, and a hazardous materials endorsement written test and operational skills test, before a license may be issued.

(9) Other rules necessary to administer this chapter.

(d) 49 CFR 383 through 384 are adopted as Indiana law.

SECTION 2. IC 9-24-12-5, AS AMENDED BY P.L.156-2006, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. **(a) Except as provided in subsection (b)**, an individual applying for renewal of an operator's, a motorcycle operator's, a chauffeur's, or a public passenger chauffeur's license must apply in person at a license branch and do the following:

(1) Pass an eyesight examination.

(2) Pass a written examination if:

(A) the applicant has at least six (6) active points on the applicant's driving record maintained by the bureau; or

(B) the applicant holds a valid operator's license, has not reached the applicant's twenty-first birthday, and has active points on the applicant's driving record maintained by the bureau.

(b) The bureau may adopt rules under IC 4-22-2 concerning the ability of a holder of an operator's, a motorcycle operator's, a chauffeur's, or a public passenger chauffeur's license to renew the license by mail or by electronic service. If rules are adopted under this subsection, the rules must provide that an individual's renewal of a license by mail or by electronic service is subject to the following conditions:

(1) A valid computerized image of the individual must exist within the records of the bureau.

(2) The previous renewal of the individual's operator's, motorcycle operator's, chauffeur's, or public passenger chauffeur's license must not have been by mail or by electronic service.

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(3) The application for or previous renewal of the individual's license must have included a test of the individual's eyesight approved by the bureau.

(4) If the individual were applying for the license renewal in person at a license branch, the individual would not be required under subsection (a)(2) to submit to a written examination.

(5) The individual must be a citizen of the United States, as shown in the records of the bureau.

(6) There must not have been any change in the:

(A) address; or

(B) name;

of the individual since the issuance or previous renewal of the individual's operator's, motorcycle operator's, chauffeur's, or public passenger chauffeur's license.

(7) The operator's, motorcycle operator's, chauffeur's, or public passenger chauffeur's license of the individual must not be:

(A) suspended; or

(B) expired;

at the time of the application for renewal.

(8) The individual must be less than seventy-five (75) years of age at the time of the application for renewal.

(c) An individual applying for the renewal of an operator's, a motorcycle operator's, a chauffeur's, or a public passenger chauffeur's license must apply in person at a license branch under subsection (a) if the individual is not entitled to apply by mail or by electronic service under rules adopted under subsection (b).

SECTION 3. IC 9-24-9-2.5, AS ADDED BY P.L.184-2007, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2.5. In addition to the information required from the applicant for a license or permit under sections 1 and 2 of this chapter, the bureau shall require an applicant to present to the bureau valid documentary evidence that the applicant:

(1) is a citizen or national of the United States;

(2) is an alien lawfully admitted for permanent ~~or temporary~~ residence in the United States;

(3) has conditional permanent resident status in the United States;

(4) has an approved application for asylum in the United States or has entered into the United States in refugee status;

(5) is an alien lawfully admitted for temporary residence in the United States;

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- ~~(5)~~ (6) has a valid unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;
- ~~(6)~~ (7) has a pending application for asylum in the United States;
- ~~(7)~~ (8) has a pending or approved application for temporary protected status in the United States;
- ~~(8)~~ (9) has approved deferred action status; or
- ~~(9)~~ (10) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

SECTION 4. IC 9-24-11-3, AS AMENDED BY P.L.184-2007, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: 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 individual who complies with IC 9-24-9-2.5(5) through ~~IC 9-24-9-2.5(9)~~ **IC 9-24-9-2.5(10)** expires:

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(1) at midnight one (1) year after issuance if there is no expiration date on the authorization granted to the individual to remain in the United States; or

(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization to remain in the United States expires.

(B) At midnight of the twenty-first birthday of the holder.

SECTION 5. IC 9-24-11-5, AS AMENDED BY P.L.184-2007, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) Except as provided in subsection (i), a permit or license issued under this chapter must contain the following information:

- (1) The full legal name of the permittee or licensee.
- (2) The date of birth of the permittee or licensee.
- (3) The address of the principal residence of the permittee or licensee.
- (4) The hair color and eye color of the permittee or licensee.
- (5) The date of issue and expiration date of the permit or license.
- (6) The gender of the permittee or licensee.
- (7) The unique identifying number of the permit or license.
- (8) The weight of the permittee or licensee.
- (9) The height of the permittee or licensee.
- (10) A reproduction of the signature of the permittee or licensee.
- (11) If the permittee or licensee is less than eighteen (18) years of age at the time of issuance, the dates on which the permittee or licensee will become:

(A) eighteen (18) years of age; and

(B) twenty-one (21) years of age.

(12) If the permittee or licensee is at least eighteen (18) years of age but less than twenty-one (21) years of age at the time of issuance, the date on which the permittee or licensee will become twenty-one (21) years of age.

(13) Except as provided in subsection (b) or (c), a digital photograph of the permittee or licensee.

(b) The following permits or licenses do not require a digital photograph:

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

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

(c) The bureau may provide for the omission of a photograph or

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computerized image from any other license or permit if there is good cause for the omission. However, a license issued without a digital photograph must include the language described in subsection (f).

(d) The information contained on the permit or license as required by subsection (a)(11) or (a)(12) for a permittee or licensee who is less than twenty-one (21) years of age at the time of issuance shall be printed prominently on the permit or license.

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

(f) Any license or permit issued by the state that does not require a digital photograph must include ~~the a~~ **statement "May that indicates the license or permit may not be accepted by any federal agency for federal identification or any other federal purpose.**

(g) A license or permit issued by the state to an individual who:

- (1) has a valid, unexpired nonimmigrant visa or has nonimmigrant visa status for entry in the United States;
- (2) has a pending application for asylum in the United States;
- (3) has a pending or approved application for temporary protected status in the United States;
- (4) has approved deferred action status; or
- (5) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent residence status in the United States;

must be clearly identified as a temporary license or permit. A temporary license or permit issued under this subsection may not be renewed without the presentation of valid documentary evidence proving that the licensee's or permittee's temporary status has been extended.

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

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(i) For purposes of subsection (a), an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the address of the individual's principal residence, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the address of the individual's principal residence.

SECTION 6. IC 9-24-12-4, AS AMENDED BY P.L.184-2007, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) Except as provided in subsections (b) and (c), the application for renewal of:

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

under this article may be filed not more than twelve (12) months before the expiration date of the license or identification card held by the applicant.

(b) When the applicant complies with IC 9-24-9-2.5(5) through ~~IC 9-24-9-2.5(9)~~, **IC 9-24-9-2.5(10)**, an application for renewal of a driver's license in subsection (a)(1), (a)(2), (a)(3), or (a)(4) may be filed not more than one (1) month before the expiration date of the license held by the applicant.

(c) When the applicant complies with IC 9-24-16-3.5(1)(E) through ~~IC 9-24-16-3.5(1)(F)~~, **IC 9-24-16-3.5(1)(J)**, an application for renewal of an identification card in subsection (a)(5) may be filed not more than one (1) month before the expiration date of the identification card held by the applicant.

SECTION 7. IC 9-24-12-6, AS AMENDED BY P.L.184-2007, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 6. (a) As used in this section, "good cause" includes the following:

- (1) Temporarily residing at least fifty (50) miles outside the boundaries of Indiana.
- (2) Serving in the armed forces of the United States.

(b) The bureau may renew a valid Indiana operator's license held by an individual temporarily residing outside Indiana if the applicant does the following:

- (1) Shows good cause why the license cannot be renewed within Indiana.
- (2) Submits a completed application provided by the bureau and payment of the fee required in IC 9-29-9.

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(3) Submits a written affidavit that affirms that no source document upon which the operator's license was issued has changed or been altered since the prior issuance of the operator's license.

(c) The Indiana operator's license of an individual who is temporarily residing outside Indiana remains valid for thirty (30) days beyond the expiration date of that license if the individual meets the following conditions:

- (1) Has applied for a renewal of the license.
- (2) Has not been denied a renewal of the license by the bureau.

(d) Upon receiving an application for the renewal of an Indiana operator's license from an individual temporarily residing outside Indiana, the bureau shall do the following:

- (1) Either renew or deny the renewal of the license within ten (10) days.
- (2) Notify the individual of the decision.

(e) When the Indiana ~~operator's~~ **driver's** license of an individual who is temporarily residing outside Indiana because of service in the armed forces of the United States has expired, the **driver's** license remains valid for ninety (90) days following the ~~person's individual's~~ discharge from service in the armed forces **or postdeployment in the armed forces**. To obtain a renewed **driver's** license, the individual must do the following:

- (1) Apply for a renewal of the ~~operator's~~ **driver's** license during the ninety (90) day period following the individual's discharge **or postdeployment in the armed forces**.
- (2) Show proof of the individual's discharge from service in the armed forces **or status as postdeployment in the armed forces to the bureau** when applying for the renewal.

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.

SECTION 8. IC 9-24-12-12, AS ADDED BY P.L.184-2007, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) This section applies to a driver's license issued under:

- (1) IC 9-24-3;
- (2) IC 9-24-4;
- (3) IC 9-24-5; and
- (4) IC 9-24-8.

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(b) A driver's license listed in subsection (a) that is issued after December 31, 2007, to an applicant who complies with IC 9-24-9-2.5(5) through ~~IC 9-24-9-2.5(9)~~ **IC 9-24-9-2.5(10)** expires:

(1) at midnight one (1) year after issuance if there is no expiration date on the authorization granted to the individual to remain in the United States; or

(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization of the holder to be a legal permanent resident or conditional resident alien of the United States expires.

(B) At midnight of the birthday of the holder that occurs six (6) years after the date of issuance.

SECTION 9. IC 9-24-16-3, AS AMENDED BY P.L.184-2007, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) An identification card must have the same dimensions and shape as a driver's license, but the card must have markings sufficient to distinguish the card from a driver's license.

(b) Except as provided in subsection (g), the front side of an identification card must contain the expiration date of the identification card and the following information about the individual to whom the card is being issued:

- (1) Full legal name.
- (2) The address of the principal residence.
- (3) Date of birth.
- (4) Date of issue and date of expiration.
- (5) Unique identification number.
- (6) Gender.
- (7) Weight.
- (8) Height.
- (9) Color of eyes and hair.
- (10) Reproduction of the signature of the individual identified.
- (11) Whether the individual is blind (as defined in IC 12-7-2-21(1)).
- (12) If the individual is less than eighteen (18) years of age at the time of issuance, the dates on which the individual will become:
 - (A) eighteen (18) years of age; and
 - (B) twenty-one (21) years of age.
- (13) If the individual is at least eighteen (18) years of age but less than twenty-one (21) years of age at the time of issuance, the date on which the individual will become twenty-one (21) years of age.

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(14) Digital photograph of the individual.

(c) The information contained on the identification card as required by subsection (b)(12) or (b)(13) for an individual who is less than twenty-one (21) years of age at the time of issuance shall be printed prominently on the permit or license.

(d) If the applicant for an identification card submits information to the bureau concerning the applicant's medical condition, the bureau shall place an identifying symbol on the face of the identification card to indicate that the applicant has a medical condition of note. The bureau shall include information on the identification card that briefly describes the medical condition of the holder of the card. The information must be printed in a manner that alerts a person reading the card to the existence of the medical condition. The applicant for an identification card is responsible for the accuracy of the information concerning the medical condition submitted under this subsection. The bureau shall inform an applicant that submission of information under this subsection is voluntary.

(e) An identification card issued by the state that does not require a digital photograph must include ~~the~~ a statement **"May that the identification card may** not be accepted by any federal agency for federal identification or any other federal purpose.

- (f) An identification card issued by the state to an individual who:
 - (1) has a valid, unexpired nonimmigrant visa or has nonimmigrant visa status for entry in the United States;
 - (2) has a pending application for asylum in the United States;
 - (3) has a pending or approved application for temporary protected status in the United States;
 - (4) has approved deferred action status; or
 - (5) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent residence status in the United States;

must be clearly identified as a temporary identification card. A temporary identification card issued under this subsection may not be renewed without the presentation of valid documentary evidence proving that the holder of the identification card's temporary status has been extended.

(g) For purposes of subsection (b), an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the address of the individual's principal residence, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the address of the

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individual's principal residence.

SECTION 10. IC 9-24-16-3.5, AS ADDED BY P.L.184-2007, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3.5. In addition to the information required for the applicant for an identification card under section 3 of this chapter, the bureau shall require an applicant to present to the bureau:

- (1) valid documentary evidence that the applicant:
 - (A) is a citizen or national of the United States;
 - (B) is an alien lawfully admitted for permanent ~~or temporary~~ residence in the United States;
 - (C) has conditional permanent resident status in the United States;
 - (D) has an approved application for asylum in the United States or has entered into the United States in refugee status;
 - (E) is an alien lawfully admitted for temporary residence in the United States;**
 - ~~(F)~~ **(F)** has a valid unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;
 - ~~(G)~~ **(G)** has a pending application for asylum in the United States;
 - ~~(H)~~ **(H)** has a pending or approved application for temporary protected status in the United States;
 - ~~(I)~~ **(I)** has approved deferred action status; or
 - ~~(J)~~ **(J)** has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States; and
- (2) evidence of the Social Security number of the applicant. If federal law prohibits the issuance of a Social Security number to the applicant, the applicant must provide verification of the applicant's ineligibility to be issued a Social Security number.

SECTION 11. IC 9-24-16-4, AS AMENDED BY P.L.184-2007, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) Except as provided in subsection (b), an identification card issued:

- (1) before January 1, 2006, expires on the fourth birthday of the applicant following the date of issue; and
- (2) after December 31, 2005, expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

(b) An identification card issued under this article after December 31, 2007, to an applicant who complies with section 3.5(1)(E) through

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~~3.5(1)(F)~~ **3.5(1)(J)** of this chapter expires:

(1) at midnight one (1) year after issuance, if there is no expiration date on the authorization granted to the individual to remain in the United States; or

(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization of the holder to be a legal permanent resident or conditional resident alien of the United States expires.

(B) At midnight of the birthday of the holder that occurs six (6) years after the date of issuance.

SECTION 12. IC 9-24-16-5, AS AMENDED BY P.L.184-2007, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) An application for renewal of an identification card may be made not more than twelve (12) months before the expiration date of the card. However, when the applicant complies with section 3.5(1)(E) through ~~3.5(1)(F)~~ **3.5(1)(J)** of this chapter, an application for renewal of an identification card may be filed not more than one (1) month before the expiration date of the identification card held by the applicant. A renewal application received after the date of expiration is considered to be a new application.

(b) Except as provided in subsection (e), a renewed card issued:

(1) before January 1, 2006, becomes valid on the birth date of the holder and remains valid for four (4) years; and

(2) after December 31, 2005, is valid on the birth date of the holder and remains valid for six (6) years.

(c) If renewal has not been made within six (6) months after expiration, the bureau shall destroy all records pertaining to the former cardholder.

(d) Renewal may not be granted if the cardholder was issued a driver's license subsequent to the last issuance of an identification card.

(e) A renewed identification card issued under this article after December 31, 2007, to an applicant who complies with section 3.5(1)(E) through ~~3.5(1)(F)~~ **3.5(1)(J)** of this chapter expires:

(1) at midnight one (1) year after issuance, if there is no expiration date on the authorization granted to the individual to remain in the United States; or

(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

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- (A) At midnight of the date the authorization of the holder to be a legal permanent resident or conditional resident alien of the United States expires.
- (B) At midnight of the birthday of the holder that occurs six (6) years after the date of issuance.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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