

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill No. 538, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 3, between lines 22 and 23, begin a new paragraph and insert:
- 2 "SECTION 2. IC 5-2-6-3, AS AMENDED BY P.L.133-2012,
- 3 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2013]: Sec. 3. The institute is established to do the following:
- 5 (1) Evaluate state and local programs associated with:
- 6 (A) the prevention, detection, and solution of criminal
- 7 offenses;
- 8 (B) law enforcement; and
- 9 (C) the administration of criminal and juvenile justice.
- 10 (2) Improve and coordinate all aspects of law enforcement,
- 11 juvenile justice, and criminal justice in this state.
- 12 (3) Stimulate criminal and juvenile justice research.
- 13 (4) Develop new methods for the prevention and reduction of
- 14 crime.
- 15 (5) Prepare applications for funds under the Omnibus Act and the
- 16 Juvenile Justice Act.
- 17 (6) Administer victim and witness assistance funds.
- 18 (7) Administer the traffic safety functions assigned to the institute
- 19 under IC 9-27-2.
- 20 (8) Compile and analyze information and disseminate the

- 1 information to persons who make criminal justice decisions in this
 2 state.
- 3 (9) Serve as the criminal justice statistical analysis center for this
 4 state.
- 5 (10) Identify grants and other funds that can be used by the
 6 department of correction to carry out its responsibilities
 7 concerning sex or violent offender registration under IC 11-8-8.
- 8 (11) Administer the application and approval process for
 9 designating an area of a consolidated or second class city as a
 10 public safety improvement area under IC 36-8-19.5.
- 11 (12) Develop and maintain a meth watch program to inform
 12 retailers and the public about illicit methamphetamine production,
 13 distribution, and use in Indiana.
- 14 (13) Establish, maintain, and operate, subject to specific
 15 appropriation by the general assembly, a web site containing a list
 16 of properties (as defined in IC 5-2-6-19(b)) that have been used
 17 as the site of a methamphetamine laboratory.
- 18 (14) Develop and manage the gang crime witness protection
 19 program established by section 21 of this chapter.
- 20 (15) Identify grants and other funds that can be used to fund the
 21 gang crime witness protection program.
- 22 ~~(16) After December 31, 2008, administer the licensing of:~~
- 23 ~~(A) commercial driver training schools; and~~
- 24 ~~(B) instructors at commercial driver training schools.~~
- 25 ~~(17)~~ **(16)** Administer any sexual offense services.
- 26 ~~(18)~~ **(17)** Administer domestic violence programs.
- 27 ~~(19)~~ **(18)** Administer assistance to victims of human sexual
 28 trafficking offenses as provided in IC 35-42-3.5-4.
- 29 ~~(20)~~ **(19)** Administer the domestic violence prevention and
 30 treatment fund under IC 5-2-6.7.
- 31 ~~(21)~~ **(20)** Administer the family violence and victim assistance
 32 fund under IC 5-2-6.8."
- 33 Page 5, between lines 7 and 8, begin a new paragraph and insert:
 34 "SECTION 10. IC 9-13-2-70 IS REPEALED [EFFECTIVE JULY
 35 1, 2013]. Sec. 70: "Good cause"; for purposes of IC 9-24-12-6, has the
 36 meaning set forth in that section."
- 37 Page 7, line 24, after "ordinance," insert "**a rule**".
- 38 Page 8, delete lines 23 through 42, begin a new paragraph and

1 insert:

2 "SECTION 21. IC 9-24-1-7, AS AMENDED BY P.L.125-2012,
3 SECTION 165, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) Sections 1 through 5 of this
5 chapter do not apply to the following individuals:

6 (1) An individual in the service of the armed forces of the United
7 States while operating an official motor vehicle in that service.

8 (2) An individual **who is at least sixteen (16) years and one**
9 **hundred eighty (180) days of age**, while operating:

10 (A) a road roller;

11 (B) road construction or maintenance machinery, except where
12 the road roller or machinery is required to be registered under
13 Indiana law;

14 (C) a ditch digging apparatus;

15 (D) a well drilling apparatus; **or**

16 (E) a concrete mixer; **or**

17 ~~(F) a farm tractor, a farm wagon (as defined in~~
18 ~~IC 9-13-2-60(a)(2)); or an implement of agriculture designed~~
19 ~~to be operated primarily in a farm field or on farm premises;~~
20 ~~that is being temporarily drawn, moved, or propelled on a public~~
21 ~~highway. However, to operate a farm wagon (as defined in~~
22 ~~IC 9-13-2-60(a)(2)) on a highway, an individual must be at least~~
23 ~~fifteen (15) years of age.~~

24 (3) A nonresident who:

25 (A) is at least sixteen (16) years and one ~~(1)~~ **month hundred**
26 **eighty (180) days** of age;

27 (B) has in the nonresident's immediate possession a valid
28 driver's license that was issued to the nonresident in the
29 nonresident's home state or country; and

30 (C) is lawfully admitted into the United States;

31 while operating a motor vehicle upon a public highway only as an
32 operator.

33 (4) A nonresident who:

34 (A) is at least eighteen (18) years of age;

35 (B) has in the nonresident's immediate possession a valid
36 chauffeur's license that was issued to the nonresident in the
37 nonresident's home state or country; and

38 (C) is lawfully admitted into the United States;

- 1 while operating a motor vehicle upon a public highway, either as
 2 an operator or a chauffeur.
- 3 (5) A nonresident who:
 4 (A) is at least eighteen (18) years of age; and
 5 (B) has in the nonresident's immediate possession a valid
 6 license issued by the nonresident's home state for the operation
 7 of any motor vehicle upon a public highway when in use as a
 8 public passenger carrying vehicle;
 9 while operating a motor vehicle upon a public highway, either as
 10 an operator or a public passenger chauffeur.
- 11 (6) An individual who is legally licensed to operate a motor
 12 vehicle in the state of the individual's residence and who is
 13 employed in Indiana, subject to the restrictions imposed by the
 14 state of the individual's residence.
- 15 (7) A new resident of Indiana who possesses a valid, unrestricted
 16 driver's license issued by the resident's former state of residence,
 17 for a period of sixty (60) days after becoming a resident of
 18 Indiana.
- 19 (8) An individual who is an engineer, a conductor, a brakeman, or
 20 another member of the crew of a locomotive or a train that is
 21 being operated upon rails, including the operation of the
 22 locomotive or the train on a crossing over a street or a highway.
 23 An individual described in this subdivision is not required to
 24 display a license to a law enforcement officer in connection with
 25 the operation of a locomotive or a train in Indiana.
- 26 **(9) An individual while operating:**
 27 **(A) a farm tractor;**
 28 **(B) a farm wagon; or**
 29 **(C) an implement of agriculture designed to be operated**
 30 **primarily in a farm field or on farm premises;**
 31 **that is being temporarily drawn, moved, or propelled on a**
 32 **public highway. However, to operate a farm wagon on a**
 33 **highway, an individual must be at least sixteen (16) years and**
 34 **one hundred eighty (180) days of age.**
- 35 (b) An ordinance adopted under IC 9-21-1-3(a)(14) or
 36 IC 9-21-1-3.3(a) must require that an individual who operates a golf
 37 cart in the city, county, or town hold a driver's license."
 38 Delete page 9.

1 Page 10, delete lines 1 through 3.

2 Page 14, between lines 30 and 31, begin a new paragraph and insert:

3 "SECTION 1. IC 9-24-6-2, AS AMENDED BY P.L.65-2010,
4 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2013]: Sec. 2. (a) The bureau shall adopt rules under
6 IC 4-22-2 to regulate persons required to hold a commercial driver's
7 license.

8 (b) The rules must carry out 49 U.S.C. 521, 49 U.S.C. 31104, 49
9 U.S.C. 31301 through 31306, 49 U.S.C. 31308 through 31317, and 49
10 CFR 383 through 384, and may not be more restrictive than the federal
11 Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law
12 106-159, 113 Stat. 1748).

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

14 (1) Establishment of classes and periods of validation of
15 commercial driver's licenses, including the period set forth in
16 ~~IC 9-24-12-6(c)~~. **IC 9-24-12-6(a)**.

17 (2) Standards for commercial driver's licenses, including
18 suspension and revocation procedures.

19 (3) Requirements for documentation of eligibility for legal
20 employment, as set forth in 8 CFR 274a.2, and proof of Indiana
21 residence.

22 (4) Development of written or oral tests, driving tests, and fitness
23 requirements.

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

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

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

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

37 (9) Certification of commercial motor vehicle operators who
38 transport one (1) or more metal coils that, individually or grouped

- 1 together, weigh at least two thousand two hundred sixty-eight
 2 (2,268) kilograms (five thousand (5,000) pounds), as to proper
 3 load securement of the metal coil or coils as provided in 49 CFR
 4 393.120.
- 5 (10) Other rules necessary to administer this chapter.
- 6 (d) 49 CFR 383 through 384 and 49 CFR 393.120 are adopted as
 7 Indiana law."
- 8 Page 23, line 21, delete "who" and insert "~~who~~".
- 9 Page 44, line 7, delete "even numbered" and insert
 10 "**even-numbered**".
- 11 Page 45, line 24, strike "commercial".
- 12 Page 48, line 34, after "offense" insert ",".
- 13 Page 48, line 35, strike "(as defined in section 14(a) of this
 14 chapter)".
- 15 Page 71, line 3, strike "driver's license" and insert "**driving**
 16 **privileges**".
- 17 Page 81, after line 22, begin a new paragraph and insert:
 18 "SECTION 112. IC 35-44.2-1-12, AS ADDED BY P.L.126-2012,
 19 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2013]: Sec. 12. A person who violates ~~commercial~~ driver
 21 training school requirements is subject to a civil action for an infraction
 22 under IC 5-2-6.5-15."
- 23 Renumber all SECTIONS consecutively.
 (Reference is to SB 538 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

Wyss

Chairperson