

## **IC 9-24-16**

### **Chapter 16. Identification Cards for Nondrivers**

#### **IC 9-24-16-1**

##### **Issuance; conditions; documentary evidence of status of legal presence in the United States**

Sec. 1. The bureau shall issue an identification card to an individual who meets the following conditions:

- (1) Makes an application.
- (2) Is a resident of Indiana.
- (3) Has presented valid documentary evidence to the bureau of the individual's legal status in the United States, as required by section 3.5 of this chapter.

*As added by P.L.2-1991, SEC.12. Amended by P.L.127-1993, SEC.4; P.L.184-2007, SEC.47.*

#### **IC 9-24-16-2**

##### **Application; conditions; required information; temporary invalidation for fraudulent documentation; applicant's veteran status; address confidentiality program participants**

Sec. 2. (a) An application for an identification card issued under this chapter must require the following information concerning an applicant:

- (1) The full legal name of the applicant.
- (2) The applicant's date of birth.
- (3) The gender of the applicant.
- (4) The applicant's height, weight, hair color, and eye color.
- (5) The principal address and mailing address of the applicant.
- (6) A:
  - (A) valid Social Security number; or
  - (B) verification of an applicant's:
    - (i) ineligibility to be issued a Social Security number; and
    - (ii) identity and lawful status.
- (7) A digital photograph of the applicant.
- (8) The signature of the applicant showing the applicant's legal name as it will appear on the identification card.

The bureau shall maintain records of the information provided under subdivisions (1) through (8).

(b) The bureau may invalidate an identification card that the bureau believes to have been issued as a result of fraudulent documentation.

(c) The bureau:

- (1) shall adopt rules under IC 4-22-2 to establish a procedure to verify an applicant's identity and lawful status; and
- (2) may adopt rules to establish a procedure to temporarily invalidate an identification card that it believes to have been issued based on fraudulent documentation.

(d) 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 individual's principal address

and mailing address, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the individual's principal address and mailing address.

(e) In addition to the information required under subsection (a), an application for an identification card to be issued under this chapter must enable the applicant to indicate that the applicant is a veteran of the armed forces of the United States and wishes to have an indication of the applicant's veteran status appear on the identification card. An applicant who wishes to have an indication of the applicant's veteran status appear on the identification card must:

- (1) indicate on the application that the applicant:
  - (A) is a veteran of the armed forces of the United States; and
  - (B) wishes to have an indication of the applicant's veteran status appear on the identification card; and
- (2) verify the applicant's veteran status by providing proof of discharge or separation, other than a dishonorable discharge, from the armed forces of the United States.

The bureau shall maintain records of the information provided under this subsection.

*As added by P.L.2-1991, SEC.12. Amended by P.L.39-2000, SEC.14; P.L.184-2007, SEC.48; P.L.118-2011, SEC.5; P.L.125-2012, SEC.226; P.L.85-2013, SEC.59.*

### **IC 9-24-16-3**

#### **Appearance and contents; medical condition designation; veterans status; temporary identification card issued to certain individuals; address confidentiality program participants**

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.

(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 individual:

(1) has indicated on the application that the individual is a veteran of the armed forces of the United States and wishes to have an indication of the applicant's veteran status appear on the identification card; and

(2) has provided proof of any discharge or separation, other than a dishonorable discharge, from the armed forces of the United States;

an indication of the individual's veteran status shall be shown on the identification card.

(e) 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.

(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 individual's principal residence.

*As added by P.L.2-1991, SEC.12. Amended by P.L.2-1992, SEC.88; P.L.39-2000, SEC.15; P.L.42-2001, SEC.2; P.L.176-2001, SEC.16; P.L.1-2002, SEC.47; P.L.34-2003, SEC.3; P.L.86-2005, SEC.2; P.L.123-2005, SEC.4; P.L.37-2006, SEC.2; P.L.184-2007, SEC.49; P.L.76-2009, SEC.9; P.L.162-2009, SEC.7; P.L.118-2011, SEC.6; P.L.125-2012, SEC.227; P.L.85-2013, SEC.60.*

### **IC 9-24-16-3.5**

#### **Documentary evidence; status of legal presence in the United States; Social Security number**

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 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) has a valid unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;
  - (G) has a pending application for asylum in the United States;
  - (H) has a pending or approved application for temporary protected status in the United States;
  - (I) has approved deferred action status; or
  - (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.

*As added by P.L.184-2007, SEC.50. Amended by P.L.76-2009, SEC.10; P.L.162-2009, SEC.8.*

### **IC 9-24-16-4**

#### **Expiration**

Sec. 4. (a) Except as provided in subsection (b), an identification card 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 to an applicant who complies with section 3.5(1)(E) through 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.

*As added by P.L.2-1991, SEC.12. Amended by P.L.210-2005, SEC.47; P.L.184-2007, SEC.51; P.L.76-2009, SEC.11; P.L.162-2009, SEC.9; P.L.125-2012, SEC.228.*

#### **IC 9-24-16-4.5**

##### **Renewal or replacement identification card by electronic service**

Sec. 4.5. (a) The bureau may adopt rules under IC 4-22-2 concerning the ability of an individual to renew an identification card under section 5 of this chapter, apply for a replacement identification card under section 9 of this chapter, or apply for a replacement identification card under section 6 of this chapter by electronic service. If rules are adopted under this subsection, the rules must provide that an individual's renewal, amendment, or replacement of an identification card by electronic service is subject to the following conditions:

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

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

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

(A) legal address; or

(B) name;

of the individual since the issuance or previous renewal of the identification card of the individual.

(4) The identification card of the individual must not be expired more than one hundred eighty (180) days at the time of the application for renewal.

(b) An individual applying for:

(1) the renewal of an identification card; or

(2) a replacement identification card;

must apply in person at a license branch if the individual is not entitled to apply by mail or by electronic service under rules adopted under subsection (a).

*As added by P.L.87-2010, SEC.34. Amended by P.L.109-2011, SEC.22; P.L.125-2012, SEC.229.*

#### **IC 9-24-16-5**

##### **Renewal; expiration of renewed identification card of individuals present in United States with certain status**

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)(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.

(b) Except as provided in subsection (d), a renewed card is valid on the birth date of the holder and remains valid for six (6) years.

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

(d) A renewed identification card issued under this article to an applicant who complies with section 3.5(1)(E) through 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.

*As added by P.L.2-1991, SEC.12. Amended by P.L.176-2001, SEC.17; P.L.210-2005, SEC.48; P.L.184-2007, SEC.52; P.L.76-2009, SEC.12; P.L.162-2009, SEC.10; P.L.87-2010, SEC.35; P.L.125-2012, SEC.230.*

#### **IC 9-24-16-6**

##### **Amended or replacement identification card**

Sec. 6. (a) The bureau shall issue:

(1) an amended identification card if any information contained on the card becomes invalid or obsolete; or

(2) a replacement identification card if the card is lost, stolen, damaged, or destroyed.

*As added by P.L.2-1991, SEC.12. Amended by P.L.109-2011, SEC.23.*

#### **IC 9-24-16-7**

##### **Amended identification card due to invalid or obsolete information**

Sec. 7. If information on an identification card becomes invalid or obsolete, the holder shall, within thirty (30) days, apply for an amended card containing correct information.

*As added by P.L.2-1991, SEC.12. Amended by P.L.109-2011,*

SEC.24.

#### **IC 9-24-16-8**

##### **Repealed**

*(Repealed by P.L.109-2011, SEC.40.)*

#### **IC 9-24-16-9**

##### **Replacement for destroyed or damaged identification card**

Sec. 9. If an identification card is destroyed or damaged, the holder may apply for a replacement card.

*As added by P.L.2-1991, SEC.12. Amended by P.L.109-2011, SEC.25.*

#### **IC 9-24-16-10**

##### **Rules for implementation; no fee for issuance of identification card for proof of identification for voter**

Sec. 10. (a) The bureau may adopt rules under IC 4-22-2 and prescribe all forms necessary to implement this chapter. However, the bureau may not impose a fee for the issuance of:

- (1) an original;
- (2) a renewal of an;
- (3) a replacement; or
- (4) an amended;

identification card to an individual described in subsection (b).

(b) An identification card must be issued without the payment of a fee or charge to an individual who:

- (1) does not have a valid Indiana driver's license; and
- (2) will be at least eighteen (18) years of age and eligible to vote in the next general, municipal, or special election.

*As added by P.L.2-1991, SEC.12. Amended by P.L.109-2005, SEC.15; P.L.109-2011, SEC.26; P.L.125-2012, SEC.231; P.L.85-2013, SEC.61.*

#### **IC 9-24-16-11**

##### **Civil responsibility; disclaimer**

Sec. 11. The commissioner and the employees or agents of the bureau are not civilly responsible for the validity of information contained on an identification card issued under this chapter. The bureau may adopt rules to place an appropriate disclaimer on an identification card.

*As added by P.L.2-1991, SEC.12.*

#### **IC 9-24-16-11.4**

##### **Identification card acceptability for purposes of identification**

Sec. 11.4. A person, a business, a financial institution, or an organization that accepts a driver's license issued under this article as identification of the person who holds the license shall accept an identification card issued under this chapter as identification of the person who holds the card.

*As added by P.L.81-1991, SEC.9.*

### **IC 9-24-16-11.6**

#### **Identification card use to identify holder as operator of motor vehicle**

Sec. 11.6. An identification card issued under this chapter may not be used to identify the person who holds the identification card as the operator of a motor vehicle.

*As added by P.L.81-1991, SEC.10.*

### **IC 9-24-16-12 Version a**

#### **Misuse of card; use of false information; inauthentic cards**

*Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.*

Sec. 12. (a) A person who:

- (1) knowingly permits the use of an identification card issued under this chapter by a person other than the person to whom the card was issued;
- (2) knowingly displays or represents as the person's own identification card issued under this chapter an identification card that was not issued to the person displaying the card;
- (3) does not surrender, upon demand of the proper official, an identification card issued under this chapter that has become invalid or expired; or
- (4) knowingly sells, offers to sell, buys, possesses, or offers a false identification card that could reasonably be mistaken for a valid identification card required by this chapter to be issued by the bureau but that has not been issued by the bureau;

commits a Class B misdemeanor.

(b) A person who:

- (1) knowingly or intentionally uses false information in an application:
  - (A) for an identification card issued under this chapter; or
  - (B) for a renewal, amendment, or replacement of an identification card issued under this chapter; or
- (2) knowingly or intentionally makes a false statement or otherwise commits fraud in an application for an identification card issued under this chapter;

commits application fraud, a Class D felony.

*As added by P.L.2-1991, SEC.12. Amended by P.L.98-1996, SEC.1; P.L.106-2006, SEC.1; P.L.109-2011, SEC.27.*

### **IC 9-24-16-12 Version b**

#### **Misuse of card; use of false information; inauthentic cards**

*Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.*

Sec. 12. (a) A person who:

- (1) knowingly permits the use of an identification card issued under this chapter by a person other than the person to whom the card was issued;
- (2) knowingly displays or represents as the person's own identification card issued under this chapter an identification



- card that was not issued to the person displaying the card;
- (3) does not surrender, upon demand of the proper official, an identification card issued under this chapter that has become invalid or expired; or
- (4) knowingly sells, offers to sell, buys, possesses, or offers a false identification card that could reasonably be mistaken for a valid identification card required by this chapter to be issued by the bureau but that has not been issued by the bureau;

commits a Class B misdemeanor.

(b) A person who:

- (1) knowingly or intentionally uses false information in an application:
  - (A) for an identification card issued under this chapter; or
  - (B) for a renewal, amendment, or replacement of an identification card issued under this chapter; or
- (2) knowingly or intentionally makes a false statement or otherwise commits fraud in an application for an identification card issued under this chapter;

commits application fraud, a Level 6 felony.

*As added by P.L.2-1991, SEC.12. Amended by P.L.98-1996, SEC.1; P.L.106-2006, SEC.1; P.L.109-2011, SEC.27; P.L.158-2013, SEC.155.*

### **IC 9-24-16-13**

#### **Forgery of cards**

Sec. 13. A person who forges or reproduces an identification card issued under this chapter:

- (1) with intent to use the card; or
- (2) so that the card may be used by another person;

commits a Class B misdemeanor.

*As added by P.L.2-1991, SEC.12.*