

IC 9-25-9

Chapter 9. Post-Conviction Financial Responsibility Verification

IC 9-25-9-1

Receipt of abstract or judgment of conviction; request for evidence of financial responsibility

Sec. 1. (a) After the bureau receives:

- (1) a certified abstract under IC 9-30-13-0.5 of the record of conviction of a person for a violation of a law relating to motor vehicles;
- (2) a judgment or an abstract under IC 9-30-3-11 of a case resulting in a conviction, judgment, or forfeiture of security deposit; or
- (3) a judgment, abstract, or other court order indicating the conviction of a person for a violation of a law relating to motor vehicles;

the bureau shall determine whether the bureau is required under subsection (b) to send to the person named in the judgment, abstract, or other court order a request for evidence of financial responsibility.

(b) The bureau shall send a request for evidence of financial responsibility to a person referred to in subsection (a) if at least one (1) of the following applies to the person:

- (1) The judgment, abstract, or other court order referred to in subsection (a) reports that the person committed a moving traffic violation for which points are assessed by the bureau under the point system, and, not more than one (1) year before the date of the violation referred to in the judgment, abstract, or other court order, the person committed at least two (2) previous moving traffic violations for which points are assessed by the bureau under the point system.
- (2) The judgment, abstract, or other court order referred to in subsection (a) reports that the person was convicted of:
 - (A) a misdemeanor; or
 - (B) a felony;involving a motor vehicle.
- (3) The judgment, abstract, or other court order referred to in subsection (a) reports that the person committed a moving traffic violation for which points are assessed by the bureau under the point system and the driving privileges of the person were previously suspended for violation of the financial responsibility requirements of IC 9-25.

(c) The expungement or other removal from a person's record of an underlying conviction for which the bureau sends to the person a request for evidence of financial responsibility under this section does not alter or otherwise affect a penalty imposed by the bureau on the person for the person's failure to provide evidence of financial responsibility under this article.

As added by P.L.59-1994, SEC.10. Amended by P.L.94-1997, SEC.5; P.L.125-2012, SEC.283; P.L.59-2013, SEC.32.

IC 9-25-9-2

Request for evidence of financial responsibility; instructions; warning

Sec. 2. The request for evidence of financial responsibility presented to a person under section 1 of this chapter must do the following:

- (1) Direct the person to ensure that the insurance company of the person provide the bureau with evidence that financial responsibility was in effect with respect to the motor vehicle that the person was operating when the person committed the violation described in the judgment or abstract.
- (2) Instruct the person on how to furnish the bureau with evidence of financial responsibility as specified in this article.
- (3) Warn the person that failure of the insurance company of the person to provide evidence of financial responsibility to the bureau will result in suspension of the person's current driving privileges or motor vehicle registration, or both, under this article.

As added by P.L.59-1994, SEC.10. Amended by P.L.125-2012, SEC.284.

IC 9-25-9-3

Request for evidence of financial responsibility; compliance

Sec. 3. To avoid suspension of driving privileges or motor vehicle registration suspension under this article, a person presented with a request for evidence of financial responsibility under section 1 of this chapter must ensure that the insurance company of the person provides the bureau with a certificate of compliance indicating that financial responsibility as required by IC 9-25-4-1 was in effect when the person committed the violation described in the judgment or abstract.

As added by P.L.59-1994, SEC.10. Amended by P.L.125-2012, SEC.285.

IC 9-25-9-4

Request for evidence of financial responsibility; required information

Sec. 4. A person who is presented with a request for evidence of financial responsibility under this chapter shall direct the insurance company of the person to set forth in the certificate of compliance the following information concerning the form of financial responsibility that was in effect on the date in question:

- (1) If a motor vehicle liability policy was in effect, the following:
 - (A) The name of the insurer.
 - (B) The identification number applying to the policy.
 - (C) Dates of coverage of the policy.
 - (D) Confirmation that financial responsibility covering the motor vehicle or operator, as applicable, was in effect on the date in question.

- (E) Other information requested by the bureau.
- (2) If a bond was in effect, the following:
 - (A) The name and address of the bond company or surety.
 - (B) The face amount of the bond.
 - (C) Dates the bond was in effect.
 - (D) Other information requested by the bureau.
- (3) If self-insurance was in effect under IC 9-25-4-11, the following:
 - (A) The date on which the certificate of self-insurance was issued by the bureau.
 - (B) The name of the person to whom the certificate of self-insurance was issued.
 - (C) Other information requested by the bureau.

As added by P.L.59-1994, SEC.10. Amended by P.L.125-2012, SEC.286; P.L.59-2013, SEC.33.

IC 9-25-9-5

Signatures on certificate of compliance; information concerning violations

Sec. 5. (a) A certificate of compliance that is provided to the bureau under this article and that reports the existence of an insurance policy must be signed by an officer or agent of the insurer.

(b) The portion of a request for evidence of financial responsibility that is presented to an officer or agent of an insurer to obtain a certificate of compliance under subsection (a) may not contain information concerning the violation that resulted in the request for evidence of financial responsibility.

(c) An officer or agent of an insurer may not request information concerning a violation that results in a request for evidence of financial responsibility under this article.

(d) A certificate of compliance that is provided to the bureau under this article and that reports the existence of a bond must be signed by an officer of the bond company or surety.

As added by P.L.59-1994, SEC.10. Amended by P.L.125-2012, SEC.287.

IC 9-25-9-6

Responsibilities of bureau

Sec. 6. The bureau shall respond to:

- (1) a certificate of compliance provided to the bureau under this chapter; or
- (2) the failure of a person under this chapter to provide the bureau with a certificate of compliance;

in the appropriate manner provided under this article.

As added by P.L.59-1994, SEC.10. Amended by P.L.59-2013, SEC.34.

IC 9-25-9-7

Financial responsibility compliance verification fund

Sec. 7. (a) The financial responsibility compliance verification

fund is established to defray expenses incurred by the bureau in verifying compliance with financial responsibility requirements under this chapter.

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) The sources of money for the fund are as follows:

(1) The portion of the driving license reinstatement fee that is to be deposited in the fund under IC 9-29-10-1.

(2) Accrued interest and other investment earnings of the fund.

(3) Appropriations made by the general assembly.

(4) Gifts and donations from any person to the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.59-1994, SEC.10.