

IC 9-30-16

Chapter 16. Driver's License Suspension Penalties

Effective 1-1-2015.

IC 9-30-16-1

Applicability; suspension of driving privileges

Effective 1-1-2015.

Sec. 1. (a) Except as provided in subsection (b), the following are ineligible for a specialized driving permit under this chapter:

- (1) A person who has never had a valid Indiana driver's license.
- (2) A person who holds a commercial driver's license.
- (3) A person who has refused to submit to a chemical test offered under IC 9-30-6.

(b) In addition to applying to a person who held an operator's, a public passenger chauffeur's, or a chauffeur's license at the time of the criminal conviction for which the operation of a motor vehicle is an element of the offense, this chapter applies to an individual who:

- (1) held a commercial driver's license at the time the individual committed an offense for which the operation of a motor vehicle was an element of the offense;
- (2) no longer holds a commercial driver's license; and
- (3) subsequently was issued an operator's license, chauffeur's license, or public passenger chauffeur's license.

(c) Except as specifically provided in this chapter, for any criminal conviction in which the operation of a motor vehicle is an element of the offense, a court may suspend the person's driving privileges for a period up to the maximum allowable period of incarceration under the penalty for the offense.

(d) A suspension of driving privileges under this chapter may begin before the conviction. Multiple suspensions of driving privileges ordered by a court that are part of the same episode of criminal conduct shall be served concurrently.

(e) If a person has had an ignition interlock device installed as a condition of specialized driving privileges, the period of the installation shall be credited as part of the suspension of driving privileges.

As added by P.L.217-2014, SEC.154.

IC 9-30-16-2

Offenses involving serious bodily injury of another person and operation of a motor vehicle; offenses involving death of another person and operation of a motor vehicle; suspension of driving privileges

Effective 1-1-2015.

Sec. 2. (a) If a person is convicted of an offense that includes the element of causing serious bodily injury of another person and the offense involved the operation of a motor vehicle, the court shall order that the person's driving privileges are suspended for a period of at least one (1) year and not more than the maximum allowable period of incarceration of the criminal penalty for the offense. A

person whose driving privileges are suspended under this section is eligible for specialized driving privileges under section 3 of this chapter.

(b) If a person is convicted of an offense that includes the element of causing the death of another person and the offense involved the operation of a motor vehicle, the court shall order that the person's driving privileges are suspended for a period of at least two (2) years and not more than the maximum allowable period of incarceration of the criminal penalty for the offense. A person whose driving privileges are suspended under this section is not eligible for specialized driving privileges under section 3 of this chapter.

As added by P.L.217-2014, SEC.154.

IC 9-30-16-3

Stay of suspension; specialized driving privileges

Effective 1-1-2015.

Sec. 3. (a) A court imposing a suspension of driving privileges under this chapter may stay the suspension and grant a specialized driving privilege as set forth in this section.

(b) Regardless of the underlying offense, specialized driving privileges granted under this section shall be granted for at least one hundred eighty (180) days.

(c) Specialized driving privileges must be determined by a court and may include, but are not limited to:

- (1) requiring the use of ignition interlock devices; and
- (2) restricting a person to being allowed to operate a motor vehicle:
 - (A) during certain hours of the day; or
 - (B) between specific locations and the person's residence.

(d) A stay of a conviction and specialized driving privileges may not be granted to a person who has previously been granted specialized driving privileges and the person has more than one (1) conviction under section 5 of this chapter.

(e) A person who has been granted specialized driving privileges shall:

- (1) maintain proof of future financial responsibility insurance during the period of specialized driving privileges;
- (2) carry a copy of the order granting specialized driving privileges or have the order in the vehicle being operated by the person; and
- (3) produce the copy of the order granting specialized driving privileges upon the request of a police officer.

As added by P.L.217-2014, SEC.154.

IC 9-30-16-4

Petition for specialized driving privileges

Effective 1-1-2015.

Sec. 4. (a) A person whose driving privileges have been suspended by the bureau may petition a court for specialized driving privileges.

(b) A petition filed under this section must:

- (1) be verified by the petitioner;
- (2) state the petitioner's age, date of birth, and address;
- (3) state the grounds for relief and the relief sought;
- (4) be filed in the county in which the petitioner resides;
- (5) be filed in a circuit or superior court; and
- (6) be served on the bureau and the prosecuting attorney.

(c) A prosecuting attorney may appear on behalf of the bureau to respond to a petition filed under this section.

As added by P.L.217-2014, SEC.154.

IC 9-30-16-5

Violation of condition; modification or revocation of specialized driving privileges

Effective 1-1-2015.

Sec. 5. (a) A person who knowingly or intentionally violates a condition imposed by a court under section 2 of this chapter commits a Class C misdemeanor.

(b) For a person convicted of an offense under subsection (a), the court may modify or revoke specialized driving privileges. The court may order the bureau to lift the stay of a suspension of driving privileges and suspend the person's driving license as originally ordered.

As added by P.L.217-2014, SEC.154.