IC 9-24-2

Chapter 2. Individuals Prohibited From Obtaining a License or Permit

IC 9-24-2-1

Truants, suspended and expelled students, and dropouts

Sec. 1. (a) The bureau shall suspend the driving privileges or invalidate the learner's permit of an individual less than eighteen (18) years of age who meets any of the following conditions:

(1) Is a habitual truant under IC 20-33-2-11.

(2) Is under at least a second suspension from school for the school year under IC 20-33-8-14 or IC 20-33-8-15.

(3) Is under an expulsion from school under IC 20-33-8-14, IC 20-33-8-15, or IC 20-33-8-16.

(4) Is considered a dropout under IC 20-33-2-28.5.

(b) At least five (5) days before holding an exit interview under IC 20-33-2-28.5, the school corporation shall give notice by certified mail or personal delivery to the student, the student's parent, or the student's guardian that the student's failure to attend an exit interview under IC 20-33-2-28.5 or return to school if the student does not meet the requirements to withdraw from school under IC 20-33-2-28.5 will result in the revocation or denial of the student's:

(1) driver's license or learner's permit; and

(2) employment certificate.

As added by P.L.2-1991, SEC.12. Amended by P.L.131-1995, SEC.1; P.L.132-1995, SEC.1; P.L.1-2005, SEC.106; P.L.242-2005, SEC.1; P.L.1-2006, SEC.165; P.L.125-2012, SEC.166.

IC 9-24-2-2

Juveniles under court orders concerning controlled substance violations

Sec. 2. The bureau shall suspend the driving privileges or invalidate the learner's permit of an individual less than eighteen (18) years of age who is under an order entered by a juvenile court under IC 31-37-19-13 through IC 31-37-19-17 (or IC 31-6-4-15.9(d), IC 31-6-4-15.9(e), or IC 31-6-4-15.9(f) before their repeal).

As added by P.L.2-1991, SEC.12. Amended by P.L.94-1996, SEC.1; P.L.1-1997, SEC.39; P.L.125-2012, SEC.167.

IC 9-24-2-2.5 Version a

Persons under court orders concerning controlled substance violations or criminal mischief

Note: This version of section amended by P.L.76-2016, SEC.3. See also following version of this section amended by P.L.198-2016, SEC.423.

Sec. 2.5. (a) The bureau shall suspend the driving privileges or invalidate the learner's permit of an individual who is under an order entered by a court under IC 35-43-1-2(d).

(b) The bureau shall suspend the driving privileges or invalidate the learner's permit of a person who is the subject of an order issued under IC 31-37-19-17 (or IC 31-6-4-15.9(f) before its repeal) or IC 35-43-1-2(d).

As added by P.L.94-1996, SEC.2. Amended by P.L.1-1997, SEC.40; P.L.3-2008, SEC.79; P.L.125-2012, SEC.168; P.L.76-2016, SEC.3.

IC 9-24-2-2.5 Version b

Individuals under court orders concerning controlled substance violations or criminal mischief

Note: This version of section amended by P.L.198-2016, SEC.423. See also preceding version of this section amended by P.L.76-2016, SEC.3.

Sec. 2.5. (a) The bureau shall suspend the driving privileges or invalidate the learner's permit of an individual who is under an order entered by a court under IC 35-43-1-2(c).

(b) The bureau shall suspend the driving privileges or invalidate the learner's permit of an individual who is the subject of an order issued under IC 31-37-19-17 (or IC 31-6-4-15.9(f) before its repeal) or IC 35-43-1-2(c).

As added by P.L.94-1996, SEC.2. Amended by P.L.1-1997, SEC.40; P.L.3-2008, SEC.79; P.L.125-2012, SEC.168; P.L.198-2016, SEC.423.

IC 9-24-2-3

Individuals to whom bureau may not issue license or permit

Sec. 3. (a) The bureau may not issue a driver's license or learner's permit or grant driving privileges to the following individuals:

(1) An individual whose driving privileges have been suspended, during the period for which the driving privileges are suspended, or to an individual whose driver's license has been revoked, until the time the bureau is authorized under Indiana law to issue the individual a new driver's license.

(2) An individual whose learner's permit has been suspended or revoked until the time the bureau is authorized under Indiana law to issue the individual a new learner's permit.

(3) An individual who, in the opinion of the bureau, is afflicted with or suffering from a physical or mental disability or disease that prevents the individual from exercising reasonable and ordinary control over a motor vehicle while operating the motor vehicle on a highway.

(4) An individual who is unable to understand highway warnings or direction signs written in the English language.

(5) An individual who is required under this article to take an examination unless:

(A) the individual successfully passes the examination; or

(B) the bureau waives the examination requirement.

(6) An individual who is required under IC 9-25 or any other

statute to deposit or provide proof of financial responsibility and who has not deposited or provided that proof.

(7) An individual when the bureau has good cause to believe that the operation of a motor vehicle on a highway by the individual would be inimical to public safety or welfare.

(8) An individual who is the subject of an order issued by:

(A) a court under IC 31-16-12-7 (or IC 31-1-11.5-13, IC 31-6-6.1-16, or IC 31-14-12-4 before their repeal); or

(B) the Title IV-D agency;

ordering that a driver's license or permit not be issued to the individual.

(9) An individual who has not presented valid documentary evidence to the bureau of the individual's legal status in the United States, as required by IC 9-24-9-2.5.

(10) An individual who does not otherwise satisfy the requirements of this article.

(b) An individual subject to epileptic seizures may not be denied a driver's license or permit under this section if the individual presents a statement from a licensed physician, on a form prescribed by the bureau, that the individual is under medication and is free from seizures while under medication.

As added by P.L.2-1991, SEC.12. Amended by P.L.125-1995, SEC.9; P.L.133-1995, SEC.1; P.L.2-1996, SEC.224; P.L.1-1997, SEC.41; P.L.184-2007, SEC.33; P.L.125-2012, SEC.169; P.L.207-2013, SEC.7; P.L.85-2013, SEC.24; P.L.207-2013, SEC.8; P.L.2-2014, SEC.39; P.L.198-2016, SEC.424.

IC 9-24-2-3.1

Conditional driving privileges; termination and renewal; suspension

Sec. 3.1. (a) If a petitioner named in an order issued under section 3(a)(8) of this chapter has a valid commercial driver's license, the bureau shall not immediately suspend the individual's commercial driving privileges but shall indicate on the individual's driving record that the individual has conditional driving privileges to operate a motor vehicle to and from the individual's place of employment and in the course of the individual's employment.

(b) Conditional driving privileges described in subsection (a) are valid for thirty (30) days from the date of the notice sent by the bureau. If the individual obtains an order for conditional driving privileges within the thirty (30) days, the individual may continue to operate a motor vehicle with the conditional driving privileges beyond the thirty (30) day period.

(c) If the individual does not obtain an amended order within the thirty (30) day period, the bureau shall suspend the individual's driving privileges.

As added by P.L.133-1995, SEC.2. Amended by P.L.14-2000, SEC.26; P.L.125-2012, SEC.170; P.L.85-2013, SEC.25;

IC 9-24-2-4

Invalidation and revalidation of license; truant, suspended and expelled, and withdrawn students

Sec. 4. (a) If an individual is less than eighteen (18) years of age and is a habitual truant, is under a suspension or an expulsion or has withdrawn from school as described in section 1 of this chapter, the bureau shall, upon notification by an authorized representative of the individual's school corporation, suspend the individual's driving privileges until the earliest of the following:

(1) The individual becomes eighteen (18) years of age.

(2) One hundred twenty (120) days after the individual is suspended.

(3) The suspension, expulsion, or exclusion is reversed after the individual has had a hearing under IC 20-33-8.

(b) The bureau shall promptly mail a notice to the individual's last known address that states the following:

(1) That the individual's driving privileges will be suspended for a specified period commencing five (5) days after the date of the notice.

(2) That the individual has the right to appeal the suspension of the driving privileges.

(c) If an aggrieved individual believes that:

(1) the information provided was technically incorrect; or

(2) the bureau committed a technical or procedural error;

the aggrieved individual may appeal the invalidation of a driver's license under section 5 of this chapter.

(d) If an individual satisfies the conditions for reinstatement of a driver's license under this section, the individual may submit to the bureau for review the necessary information certifying that at least one (1) of the events described in subsection (a) has occurred.

(e) Upon reviewing and certifying the information received under subsection (d), the bureau shall reinstate the individual's driving privileges.

(f) An individual may not operate a motor vehicle in violation of this section.

(g) An individual whose driving privileges are suspended under this section is eligible to apply for specialized driving privileges under IC 9-30-16.

(h) The bureau shall reinstate the driving privileges of an individual whose driving privileges were suspended under this section if the individual does the following:

(1) Establishes to the satisfaction of the principal of the school where the action occurred that caused the suspension of the driving privileges that the individual has:

(A) enrolled in a full-time or part-time program of education; and

(B) participated for thirty (30) or more days in the program of education.

(2) Submits to the bureau a form developed by the bureau that contains:

(A) the verified signature of the principal or the president of the governing body of the school described in subdivision (1); and

(B) notification to the bureau that the person has complied with subdivision (1).

An individual may appeal the decision of a principal under subdivision (1) to the governing body of the school corporation where the principal's school is located.

As added by P.L.2-1991, SEC.12. Amended by P.L.131-1995, SEC.2; P.L.132-1995, SEC.2; P.L.1-2005, SEC.107; P.L.125-2012, SEC.171; P.L.85-2013, SEC.26; P.L.217-2014, SEC.78; P.L.149-2015, SEC.56; P.L.198-2016, SEC.426.

IC 9-24-2-5

Hearings

Sec. 5. (a) An individual whose driving privileges have been suspended under section 4 of this chapter is entitled to a prompt judicial hearing. The individual may file a petition that requests a hearing in a circuit, superior, county, or municipal court in the county where:

(1) the individual resides; or

(2) the school attended by the individual is located.

(b) The petition for review must:

(1) be in writing; and

(2) be verified by the individual seeking review and:

(A) allege specific facts that indicate the suspension or expulsion was improper; or

(B) allege that, due to the individual's emancipation or dependents, an undue hardship exists that requires the granting of a restricted driving permit.

(c) The hearing conducted by the court under this section shall be limited to the following issues:

(1) Whether the school followed proper procedures when suspending or expelling the individual from school, including affording the individual due process under IC 20-33-8.

(2) Whether the bureau followed proper procedures in suspending the individual's driving privileges.

(d) If the court finds:

(1) that the school failed to follow proper procedures when suspending or expelling the individual from school; or

(2) that the bureau failed to follow proper procedures in suspending the individual's driving privileges;

the court may order the bureau to reinstate the individual's driving privileges.

(e) The prosecuting attorney of the county in which a petition has been filed under this section shall represent the state on behalf of the bureau with respect to the petition. A school that is made a party to an action filed under this section is responsible for the school's own representation.

(f) In an action under this section, the petitioner has the burden of proof by a preponderance of the evidence.

(g) The court's order is a final judgment appealable in the manner of civil actions by either party. The attorney general shall represent the state on behalf of the bureau with respect to the appeal.

As added by P.L.2-1991, SEC.12. Amended by P.L.131-1995, SEC.3; P.L.1-2005, SEC.108; P.L.125-2012, SEC.172; P.L.217-2014, SEC.79; P.L.198-2016, SEC.427.

IC 9-24-2-6

Violations

Sec. 6. An individual who violates this chapter commits a Class C infraction.

As added by P.L.2-1991, SEC.12. Amended by P.L.198-2016, SEC.428.