

PROPOSED AMENDMENT

SB 13 # 4

DIGEST

Reckless driving. Makes the penalty for operating a vehicle with the intent of causing a rotational skid the same as reckless driving. Removes the forfeiture provision and makes conforming amendments.

- 1 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
2 "SECTION 1. IC 9-21-8-52, AS AMENDED BY P.L.144-2019,
3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2025]: Sec. 52. (a) A person who operates a vehicle and who
5 recklessly:
6 (1) drives at such an unreasonably high rate of speed, ~~or~~ at such
7 an unreasonably low rate of speed, **or with the intent of causing**
8 **the vehicle to perform a rotational skid** under ~~the~~
9 circumstances ~~as to~~ **that**:
10 (A) endanger the safety or the property of others; or
11 (B) block the proper flow of traffic;
12 (2) passes another vehicle from the rear while on a slope or on a
13 curve where vision is obstructed for a distance of less than five
14 hundred (500) feet ahead;
15 (3) drives in and out of a line of traffic, except as otherwise
16 permitted; or
17 (4) speeds up or refuses to give one-half (1/2) of the roadway to
18 a driver overtaking and desiring to pass;
19 commits a Class C misdemeanor. However, the offense is a Class A
20 misdemeanor if it causes bodily injury to a person.
21 (b) A person who operates a vehicle and who recklessly passes a
22 school bus stopped on a roadway or a private road when the arm signal
23 device specified in IC 9-21-12-13 is in the device's extended position
24 commits a Class A misdemeanor. However, the offense is a Level 6
25 felony if it causes bodily injury to a person, and a Level 5 felony if it
26 causes the death of a person.
27 (c) If an offense under subsection (a) results in damage to the

1 property of another person, it is a Class B misdemeanor and the court
 2 may recommend the suspension of the current driving license of the
 3 person convicted of the offense described in subsection (a) for a fixed
 4 period of not more than one (1) year.

5 (d) If an offense under subsection (a) causes bodily injury to a
 6 person, the court may recommend the suspension of the driving
 7 privileges of the person convicted of the offense described in this
 8 subsection for a fixed period of not more than one (1) year.

9 (e) In addition to any other penalty imposed under subsection (b),
 10 the court may suspend the person's driving privileges:

11 (1) for ninety (90) days; or

12 (2) if the person has committed at least one (1) previous offense
 13 under this section or IC 9-21-12-1, for one (1) year."

14 Page 2, delete lines 1 through 35.

15 Page 3, line 7, reset in roman "IC 9-21-8-52(b)".

16 Page 3, line 7, delete "IC 9-21-8-52(c)".

17 Page 3, delete lines 17 through 42.

18 Delete pages 4 through 11, begin a new paragraph and insert:

19 "SECTION 3. IC 9-30-16-1, AS AMENDED BY P.L.111-2021,
 20 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2025]: Sec. 1. (a) Except as provided in subsection (b), the
 22 following are ineligible for specialized driving privileges under this
 23 chapter:

24 (1) A person who has never been an Indiana resident.

25 (2) A person seeking specialized driving privileges with respect
 26 to a suspension based on the person's refusal to submit to a
 27 chemical test offered under IC 9-30-6 or IC 9-30-7. However, a
 28 court may grant this person driving privileges under
 29 IC 9-30-6-8(d).

30 (3) A person whose driving privileges have been suspended or
 31 revoked under IC 9-24-10-7(b)(2)(A).

32 (4) A person whose driving privileges have been suspended under
 33 IC 9-21-8-52(e) or IC 9-21-12-1(b).

34 (b) This chapter applies to the following:

35 (1) A person who held a driver's license (issued under IC 9-24-3),
 36 or a commercial driver's, a public passenger chauffeur's, or a
 37 chauffeur's license at the time of:

38 (A) the criminal conviction for which the operation of a motor
 39 vehicle is an element of the offense;

40 (B) any criminal conviction for an offense under IC 9-30-5,

1 IC 35-46-9, or IC 14-15-8 (before its repeal); or
 2 (C) committing the infraction of exceeding a worksite speed
 3 limit for the second time in one (1) year under IC 9-21-5-11(f).

4 (2) A person who:

5 (A) has never held a valid Indiana driver's license or does not
 6 currently hold a valid Indiana learner's permit; and

7 (B) was an Indiana resident when the driving privileges for
 8 which the person is seeking specialized driving privileges
 9 were suspended.

10 (c) Except as specifically provided in this chapter, a court may
 11 suspend the driving privileges of a person convicted of any of the
 12 following offenses for a period up to the maximum allowable period of
 13 incarceration under the penalty for the offense:

14 (1) Any criminal conviction in which the operation of a motor
 15 vehicle is an element of the offense.

16 (2) Any criminal conviction for an offense under IC 9-30-5,
 17 IC 35-46-9, or IC 14-15-8 (before its repeal).

18 (3) Any offense under IC 35-42-1, IC 35-42-2, or IC 35-44.1-3-1
 19 that involves the use of a vehicle.

20 (d) Except as provided in section 3.5 of this chapter, a suspension
 21 of driving privileges under this chapter may begin before the
 22 conviction. Multiple suspensions of driving privileges ordered by a
 23 court that are part of the same episode of criminal conduct shall be
 24 served concurrently. A court may grant credit time for any suspension
 25 that began before the conviction, except as prohibited by section
 26 6(a)(2) of this chapter.

27 (e) If a person has had an ignition interlock device installed as a
 28 condition of specialized driving privileges or under IC 9-30-6-8(d), the
 29 period of the installation shall be credited as part of the suspension of
 30 driving privileges.

31 (f) This subsection applies to a person described in subsection
 32 (b)(2). A court shall, as a condition of granting specialized driving
 33 privileges to the person, require the person to apply for and obtain an
 34 Indiana driver's license.

35 (g) If a person indicates to the court at an initial hearing (as
 36 described in IC 35-33-7) that the person intends to file a petition for a
 37 specialized driving privileges hearing with that court under section 3
 38 or 4 of this chapter, the following apply:

39 (1) The court shall:

40 (A) stay the suspension of the person's driving privileges at the

- 1 initial hearing and shall not submit the probable cause
 2 affidavit related to the person's offense to the bureau; and
 3 (B) set the matter for a specialized driving privileges hearing
 4 not later than thirty (30) days after the initial hearing.
- 5 (2) If the person does not file a petition for a specialized driving
 6 privileges hearing not later than ten (10) days after the date of the
 7 initial hearing, the court shall lift the stay of the suspension of the
 8 person's driving privileges and shall submit the probable cause
 9 affidavit related to the person's offense to the bureau for
 10 automatic suspension.
- 11 (3) If the person files a petition for a specialized driving privileges
 12 hearing not later than ten (10) days after the initial hearing, the
 13 stay of the suspension of the person's driving privileges continues
 14 until the matter is heard and a determination is made by the court
 15 at the specialized driving privileges hearing.
- 16 (4) If the specialized driving privileges hearing is continued due
 17 to:
- 18 (A) a congestion of the court calendar;
 - 19 (B) the prosecuting attorney's motion for a continuance; or
 - 20 (C) the person's motion for a continuance with no objection by
 21 the prosecuting attorney;
- 22 the stay of the suspension of the person's driving privileges
 23 continues until addressed at the next hearing.
- 24 (5) If the person moves for a continuance of the specialized
 25 driving privileges hearing and the court grants the continuance
 26 over the prosecuting attorney's objection, the court shall lift the
 27 stay of the suspension of the person's driving privileges and shall
 28 submit the probable cause affidavit related to the person's offense
 29 to the bureau for automatic suspension."
- 30 Page 12, delete lines 1 through 15.
 31 Renumber all SECTIONS consecutively.
 (Reference is to SB 13 as introduced.)