



# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 240 be amended to read as follows:

- 1           Page 1, between the enacting clause and line 1, begin a new  
2 paragraph and insert:  
3           "SECTION 1. IC 9-13-2-197.7 IS ADDED TO THE INDIANA  
4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
5 [EFFECTIVE JULY 1, 2024]: **Sec. 197.7. "Vulnerable road user"**  
6 **refers to any of the following:**  
7           **(1) A pedestrian.**  
8           **(2) An individual engaged in road work along a highway or**  
9           **street.**  
10          **(3) An individual operating a bicycle, electric foot scooter, or**  
11          **Class 1, 2, or 3 electric bicycle on a highway or street.**  
12          **(4) An individual operating a farm tractor, farm wagon, or**  
13          **farm implement on a highway or street.**  
14          **(5) A first responder.**  
15          **(6) A tow truck operator or stationary recovery vehicle**  
16          **operator."**  
17          Page 4, between lines 2 and 3, begin a new paragraph and insert:  
18          "SECTION 5. IC 9-30-4-6.1, AS ADDED BY P.L.198-2016,  
19 SECTION 598, IS AMENDED TO READ AS FOLLOWS  
20 [EFFECTIVE JULY 1, 2024]: Sec. 6.1. (a) The bureau shall suspend  
21 or revoke the current driver's license or driving privileges ~~and all~~  
22 ~~certificates of registration and proof of registration issued to or~~  
23 ~~registered in the name~~ of an individual who is convicted of any of the  
24 following:  
25          (1) Manslaughter or reckless homicide resulting from the  
26 operation of a motor vehicle.

1 (2) Knowingly making a false application, or committing perjury  
2 with respect to an application made, under:

3 (A) this chapter; or

4 (B) any other law requiring the registration of motor vehicles  
5 or regulating motor vehicle operation on highways.

6 (3) Three (3) charges of criminal recklessness involving the use  
7 of a motor vehicle within the preceding twelve (12) months.

8 (4) Failure to stop and give information or assistance or failure to  
9 stop and disclose the individual's identity at the scene of an  
10 accident that has resulted in death, personal injury, or property  
11 damage in excess of two hundred dollars (\$200).

12 **(5) A moving traffic offense that causes the serious bodily  
13 injury or death of a vulnerable road user, except for an  
14 offense under IC 9-30-5.**

15 However, and unless otherwise required by law, the bureau may not  
16 suspend a certificate of registration or proof of registration if the  
17 individual gives and maintains, during the three (3) years following the  
18 date of suspension or revocation, proof of financial responsibility in the  
19 future in the manner specified in this section:

20 (b) The bureau shall suspend a driver's license or driving privileges  
21 of an individual upon conviction in another jurisdiction for the  
22 following:

23 (1) Manslaughter or reckless homicide resulting from the  
24 operation of a motor vehicle.

25 (2) Knowingly making a false application, or committing perjury  
26 with respect to an application made, under:

27 (A) this chapter; or

28 (B) any other law requiring the registration of motor vehicles  
29 or regulating motor vehicle operation on highways.

30 (3) Three (3) charges of criminal recklessness involving the use  
31 of a motor vehicle within the preceding twelve (12) months.

32 (4) Failure to stop and give information or assistance or failure to  
33 stop and disclose the individual's identity at the scene of an  
34 accident that has resulted in death, personal injury, or property  
35 damage in excess of two hundred dollars (\$200).

36 However, if property damage under subdivision (4) is equal to or less  
37 than two hundred dollars (\$200), the bureau may determine whether  
38 the driver's license or driving privileges ~~and certificates of registration~~  
39 ~~and proof of registration~~ shall be suspended or revoked.

40 (c) An individual whose driving privileges are suspended under this  
41 chapter is eligible for specialized driving privileges under IC 9-30-16.

42 (d) A suspension or revocation remains in effect and a new or  
43 renewal license may not be issued to the individual ~~and a motor vehicle~~  
44 ~~may not be registered in the name of the individual~~ as follows:

45 (1) Except as provided in subdivision (2), for six (6) months after  
46 the date of conviction or on the date on which the individual is

1 otherwise eligible for a license, whichever is later.  
2 (2) Upon conviction of an offense described in subsection (a)(1),  
3 (a)(4), **(a)(5)**, (b)(1), or (b)(4), when the accident has resulted in  
4 death, for a fixed period of at least two (2) years and not more  
5 than five (5) years, to be fixed by the bureau based upon  
6 recommendation of the court entering a conviction. A new or  
7 reinstated driver's license or driving privileges may not be issued  
8 to the individual unless that individual, within the three (3) years  
9 following the expiration of the suspension or revocation, gives  
10 and maintains in force at all times during the effective period of  
11 a new or reinstated license proof of financial responsibility in the  
12 future in the manner specified in this chapter. However, the  
13 liability of the insurance carrier under a motor vehicle liability  
14 policy that is furnished for proof of financial responsibility in the  
15 future as set out in this chapter becomes absolute whenever loss  
16 or damage covered by the policy occurs, and the satisfaction by  
17 the insured of a final judgment for loss or damage is not a  
18 condition precedent to the right or obligation of the carrier to  
19 make payment on account of loss or damage, but the insurance  
20 carrier has the right to settle a claim covered by the policy. If the  
21 settlement is made in good faith, the amount must be deducted  
22 from the limits of liability specified in the policy. A policy may  
23 not be canceled or annulled with respect to a loss or damage by an  
24 agreement between the carrier and the insured after the insured  
25 has become responsible for the loss or damage, and a cancellation  
26 or annulment is void. The policy may provide that the insured or  
27 any other person covered by the policy shall reimburse the  
28 insurance carrier for payment made on account of any loss or  
29 damage claim or suit involving a breach of the terms, provisions,  
30 or conditions of the policy. If the policy provides for limits that  
31 exceed the limits specified in this chapter, the insurance carrier  
32 may plead against any plaintiff, with respect to the amount of the  
33 excess limits of liability, any defenses that the carrier may be  
34 entitled to plead against the insured. The policy may further  
35 provide for prorating of the insurance with other applicable valid  
36 and collectible insurance. An action does not lie against the  
37 insurance carrier by or on behalf of any claimant under the policy  
38 until a final judgment has been obtained after actual trial by or on  
39 behalf of any claimant under the policy.  
40 (e) The bureau may take action as required in this section upon  
41 receiving satisfactory evidence of a conviction of an individual in  
42 another state.  
43 (f) A suspension or revocation under this section or IC 9-30-13-0.5  
44 stands pending appeal of the conviction to a higher court and may be  
45 set aside or modified only upon the receipt by the bureau of the  
46 certificate of the court reversing or modifying the judgment that the

1 cause has been reversed or modified. However, if the suspension or  
2 revocation follows a conviction in a court of no record in Indiana, the  
3 suspension or revocation is stayed pending appeal of the conviction to  
4 a court of record.  
5 (g) A person aggrieved by an order or act of the bureau under this  
6 section or IC 9-30-13-0.5 may file a petition for a court review.  
7 (h) An entry in the driving record of a defendant stating that notice  
8 of suspension or revocation was mailed by the bureau to the defendant  
9 constitutes prima facie evidence that the notice was mailed to the  
10 defendant's address as shown in the records of the bureau."  
11 Page 14, line 8, strike "and all certificates of registration and".  
12 Page 14, line 9, strike "license plates issued or registered in the  
13 person's name".  
14 Renumber all SECTIONS consecutively.  
(Reference is to SB 240 as printed January 31, 2024.)

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Senator POL JR.