

First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE ENROLLED ACT No. 1631

AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 9-13-2-125.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: **Sec. 125.5. "Photo exempt identification card" means an identification card issued by the bureau under IC 9-24-16.5.**

SECTION 2. IC 9-14-3-5, AS AMENDED BY P.L.2-2014, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 5. (a) Except as provided in subsection (b), (d), or (e), the bureau shall prepare and deliver information on titles, registrations, and licenses and permits upon the request of any person. All requests must be:

- (1) submitted in writing; or
- (2) made electronically through the computer gateway administered under IC 4-13.1-2-2(a)(5) by the office of technology;

to the bureau and, unless exempted under IC 9-29, must be accompanied by the payment of the fee prescribed in IC 9-29-2-2.

- (b) The bureau shall not disclose:
- (1) the Social Security number;
 - (2) the federal identification number;
 - (3) the driver's license number;

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- (4) the digital image of the driver's license, **identification card, or photo exempt identification card** applicant;
 - (5) a reproduction of the signature secured under IC 9-24-9-1, ~~or~~ IC 9-24-16-2, **or IC 9-24-16.5-2**; or
 - (6) medical or disability information;
- of any person except as provided in subsection (c).

(c) The bureau may disclose any information listed in subsection (b):

- (1) to a law enforcement officer;
- (2) to an agent or a designee of the department of state revenue;
- (3) for uses permitted under IC 9-14-3.5-10(1), IC 9-14-3.5-10(4), IC 9-14-3.5-10(6), and IC 9-14-3.5-10(9); or
- (4) for voter registration and election purposes required under IC 3-7 or IC 9-24-2.5.

(d) As provided under 42 U.S.C. 1973gg-3(b), the bureau may not disclose any information concerning the failure of an applicant for a motor vehicle driver's license to sign a voter registration application, except as authorized under IC 3-7-14.

(e) The bureau may not disclose any information concerning the failure of an applicant for a title, registration, license, or permit (other than a motor vehicle license described under subsection (d)) to sign a voter registration application, except as authorized under IC 3-7-14.

SECTION 3. IC 9-22-5-18.2, AS AMENDED BY HEA 1396-2015, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 18.2. (a) A recycling facility, a scrap metal processor, or an agent of a recycling facility or scrap metal processor may purchase a motor vehicle without a certificate of title for the motor vehicle if:

- (1) the motor vehicle is at least fifteen (15) model years old;
- (2) the purchase is solely for the purpose of dismantling or wrecking the motor vehicle for the recovery of scrap metal or the sale of parts; and
- (3) the recycling facility or scrap metal processor records all purchase transactions of vehicles as required in subsection (b).

(b) A recycling facility or scrap metal processor shall maintain the following information with respect to each motor vehicle purchase transaction to which the recycling facility or scrap metal processor is a party for at least two (2) years following the date of the purchase transaction:

- (1) The name and address of any secondary metals recycler or salvage yard.
- (2) The name, initials, or other identifying symbol of the person

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entering the information.

- (3) The date of the purchase transaction.
- (4) A description of the motor vehicle that is the subject of the purchase transaction, including the make and model of the motor vehicle, if practicable.
- (5) The vehicle identification number of the motor vehicle.
- (6) The amount of consideration given for the motor vehicle.
- (7) A written statement signed by the seller or the seller's agent certifying that the seller or the seller's agent has the lawful right to sell and dispose of the motor vehicle.
- (8) The name and address of the person from whom the motor vehicle is being purchased.
- (9) A photocopy or electronic scan of one (1) of the following forms of identification issued to the seller or the seller's agent:
 - (A) A current and valid driver's license.
 - (B) An identification card issued under IC 9-24-16-1, **a photo exempt identification card issued under IC 9-24-16.5**, or a similar card issued under the laws of another state or the federal government.
 - (C) A government issued document bearing an image of the seller or seller's agent, as applicable.

For purposes of complying with this subdivision, a recycling facility or scrap metal processor is not required to make a separate copy of the seller's or seller's agent's identification for each purchase transaction involving the seller or seller's agent but may instead refer to a copy maintained in reference to a particular purchase transaction.

(c) A recycling facility or scrap metal processor may not complete a purchase transaction in the absence of the information required under subsection (b)(9).

(d) A recycling facility, a scrap metal processor, or an agent of a recycling facility or scrap metal processor that knowingly or intentionally buys a motor vehicle that is less than fifteen (15) model years old without a certificate of title for the motor vehicle commits a Level 6 felony.

SECTION 4. IC 9-24-3-4, AS AMENDED BY P.L.217-2014, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 4. To receive an operator's license, an individual must surrender to the bureau any and all driver's licenses, ~~or~~ identification cards, **or photo exempt identification cards** issued under IC 9-24 to the individual by Indiana or any other jurisdiction.

SECTION 5. IC 9-24-11-4, AS AMENDED BY HEA 1305-2015,

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SECTION 94, AND AS AMENDED BY HEA 1393-2015, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 4. (a) An individual may not hold or possess more than one (1) driver's license, ~~or~~ bureau issued identification card issued to the individual under IC 9-24, **or photo exempt identification card issued under IC 9-24-16.5** at a time.

(b) An individual may not hold a driver's license and:

(1) an identification card issued under IC 9-24; **or**

(2) **a photo exempt identification card issued under IC 9-24-16.5;**

at the same time.

(c) A person may not hold or possess an Indiana driver's license or identification card issued under IC 9-24 and a driver's license or identification card that is issued by a government authority that issues driver's licenses and identification cards from another state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

~~(c)~~ (d) A person who violates subsection (a), (b), or (c) commits a Class C infraction.

~~(d)~~ (e) The bureau may adopt rules under IC 4-22-2 to administer this section.

SECTION 6. IC 9-24-12-4, AS AMENDED BY P.L.2-2014, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 4. (a) Except as provided in subsections (b) and (c), the application for renewal of:

(1) an operator's license;

(2) a chauffeur's license;

(3) a public passenger chauffeur's license; ~~or~~

(4) an identification card; **or**

(5) **a photo exempt identification card;**

under this article may be filed not more than twelve (12) months before the expiration date of the license, ~~or~~ identification card, **or photo exempt identification card** held by the applicant.

(b) When the applicant complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(10), an application for renewal of a driver's license in subsection (a)(1), (a)(2), or (a)(3) may be filed not more than one (1) month before the expiration date of the license held by the applicant.

(c) When the applicant complies with IC 9-24-16-3.5(1)(E) through IC 9-24-16-3.5(1)(J), an application for renewal of an identification card under subsection (a)(4) may be filed not more than one (1) month before the expiration date of the identification card held by the applicant.

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SECTION 7. IC 9-24-16-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: **Sec. 0.5. This chapter does not apply to photo exempt identification cards.**

SECTION 8. IC 9-24-16-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: **Sec. 14. (a) An individual may not hold an identification card and a photo exempt identification card issued under IC 9-24-16.5 at the same time.**

(b) An individual who violates this section commits a Class C infraction.

SECTION 9. IC 9-24-16.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]:

Chapter 16.5. Photo Exempt Identification Cards

Sec. 1. The bureau shall issue a photo exempt identification card to an individual who meets the following conditions:

- (1) Makes an application.**
- (2) Is a resident of Indiana.**
- (3) Has provided valid documentary evidence to the bureau of the lawful status in the United States of the individual, as required by section 2(a)(10) of this chapter.**

Sec. 2. (a) An application for a photo exempt identification card issued under this chapter must require the following information concerning an applicant:

- (1) The full legal name of the applicant.**
- (2) The applicant's date of birth.**
- (3) The gender of the applicant.**
- (4) The applicant's height, weight, hair color, and eye color.**
- (5) The principal address and mailing address of the applicant.**
- (6) A:**
 - (A) valid Social Security number;**
 - (B) verification of the applicant's ineligibility to be issued a Social Security number; or**
 - (C) statement from the applicant in which the applicant swears or affirms that the applicant has a sincerely held religious belief against the issuance of a Social Security number to the applicant and a copy of Form 4029 from the United States Internal Revenue Service concerning the applicant.**
- (7) A digital image of the applicant.**



(8) A statement:

(A) from the applicant in which the applicant swears or affirms that the applicant has a sincerely held religious belief against the taking of a photograph of the applicant; and

(B) from a member of the clergy of the religious organization of which the applicant is a member regarding the prohibition of photography of members of the religious organization.

(9) The signature of the applicant.

(10) Valid documentary evidence that the applicant is a citizen or national of the United States. The bureau shall maintain records of the information provided under this subdivision.

(b) The image required under subsection (a)(7) is a confidential public record in accordance with IC 5-14-3-4(a), IC 9-14-3-1, and IC 9-14-3-5.

(c) The bureau may invalidate a photo exempt identification card that the bureau believes to have been issued as a result of fraudulent documentation.

(d) The bureau:

(1) shall adopt rules under IC 4-22-2 to establish a procedure to verify an applicant's identity; and

(2) may adopt rules to establish a procedure to temporarily invalidate a photo exempt identification card that the bureau believes to have been issued based on fraudulent documentation.

Sec. 3. (a) A photo exempt identification card must have the same dimensions and shape as a driver's license and an identification card issued under IC 9-24-16, but the photo exempt identification card must have markings sufficient to distinguish the card from a driver's license or an identification card.

(b) The front side of a photo exempt identification card must contain the following information about the individual to whom the card is being issued:

(1) Full legal name.

(2) The address of the principal residence.

(3) Date of birth.

(4) Date of issue and date of expiration.

(5) Unique identification number.

(6) Gender.

(7) Weight.

(8) Height.



(9) Color of eyes and hair.

(10) A reproduction of the signature of the individual identified.

(11) If the individual is less than eighteen (18) years of age at the time of issuance, the dates on which the individual will become:

(A) eighteen (18) years of age; and

(B) twenty-one (21) years of age.

(12) If the individual is at least eighteen (18) years of age but less than twenty-one (21) years of age at the time of issuance, the date on which the individual will become twenty-one (21) years of age.

(c) The front side of a photo exempt identification card may not bear an image of the holder of the photo exempt identification card.

(d) The information contained on the photo exempt identification card as required by subsection (b)(11) or (b)(12) for an individual who is less than twenty-one (21) years of age at the time of issuance must be printed prominently on the photo exempt identification card.

Sec. 4. A photo exempt identification card must include a statement on the card that indicates that the photo exempt identification card may not be accepted by any federal agency for federal identification or any other federal purpose.

Sec. 5. (a) A photo exempt identification card expires at midnight on the birth date of the holder that occurs six (6) years following the date of issuance.

(b) An application for renewal of a photo exempt identification card may be made not more than twelve (12) months before the expiration date of the card.

(c) A renewed photo exempt identification card is valid on the birth date of the holder and remains valid for six (6) years.

(d) A photo exempt identification card may not be renewed if the holder was issued a driver's license or an identification card after the last issuance of a photo exempt identification card.

(e) An application for the renewal of a photo exempt identification card may not be made by mail or by electronic service.

Sec. 6. (a) The bureau shall issue:

(1) an amended photo exempt identification card if any information contained on the photo exempt identification card becomes invalid or obsolete; or

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(2) a replacement photo exempt identification card if the card is lost, stolen, damaged, or destroyed.

(b) If information on a photo exempt identification card becomes invalid or obsolete, the holder shall, within thirty (30) days after the card becomes invalid or obsolete, apply for an amended card containing correct information.

(c) If a photo exempt identification card is lost, stolen, damaged, or destroyed, the holder may apply for a replacement card.

(d) An application for an amended or replacement photo exempt identification card may not be made by mail or by electronic service.

Sec. 7. The bureau may adopt rules under IC 4-22-2 and prescribe all forms necessary to implement this chapter.

Sec. 8. A photo exempt identification card issued under this chapter may not be used to identify the individual who holds the photo exempt identification card as the operator of a motor vehicle.

Sec. 9. (a) An individual may not hold a photo exempt identification card and an identification card issued under IC 9-24-16 at the same time.

(b) An individual who violates this section commits a Class C infraction.

Sec. 10. A person who:

(1) knowingly permits the use of a photo exempt identification card issued under this chapter by a person other than the person to whom the card was issued;

(2) knowingly displays or represents as the person's own photo exempt identification card issued under this chapter a photo exempt identification card that was not issued to the person displaying the card or representing that the card is the person's card;

(3) knowingly or intentionally does not surrender, upon demand of the proper official, a photo exempt identification card issued under this chapter that has become invalid or expired; or

(4) knowingly sells, offers to sell, buys, possesses, or offers a false photo exempt identification card that could reasonably be mistaken for a valid photo exempt identification card required by this chapter to be issued by the bureau but that has not been issued by the bureau;

commits a Class B misdemeanor.

Sec. 11. A person who forges or reproduces a photo exempt



identification card issued under this chapter:

- (1) with intent to use the photo exempt identification card; or**
- (2) with intent that the photo exempt identification card may be used by another person;**

commits a Class B misdemeanor.

Sec. 12. The commissioner and the employees or agents of the bureau are not civilly responsible for the validity of information contained on a photo exempt identification card issued under this chapter. The bureau may adopt rules under IC 4-22-2 to place an appropriate disclaimer on a photo exempt identification card.

Sec. 13. Except for gross misconduct, if a retailer, or an employee of a retailer, in good faith accepts a photo exempt identification card issued under this chapter as proof of identification for purposes of a retail transaction, the retailer or employee is immune from any civil liability that may occur as a result of the acceptance.

SECTION 10. IC 9-24-17-1, AS AMENDED BY P.L.147-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 1. The application form for a driver's license, ~~and~~ an identification card issued under IC 9-24-16, **and a photo exempt identification card issued under IC 9-24-16.5** must allow an applicant to acknowledge the making of an anatomical gift under IC 29-2-16.1.

SECTION 11. IC 9-24-17-2, AS AMENDED BY P.L.125-2012, SECTION 232, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 2. (a) The bureau shall verbally ask every individual who applies for a driver's license, ~~or~~ an identification card issued under IC 9-24-16, **or a photo exempt identification card issued under IC 9-24-16.5** whether the individual desires to make an anatomical gift.

(b) If the individual does desire to make an anatomical gift, the bureau shall provide the individual the form by which the individual makes the gift.

SECTION 12. IC 9-24-17-8, AS AMENDED BY P.L.125-2012, SECTION 234, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 8. (a) Each anatomical gift made under this chapter must be made by the donor by acknowledging the making of the anatomical gift by signing the application form for the driver's license, **photo exempt identification card**, or identification card under section 1 of this chapter. If the donor cannot sign, the application form may be signed for the donor:

- (1) at the donor's direction and in the donor's presence; and

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(2) in the presence of two (2) witnesses who must sign the document in the donor's and each other's presence.

(b) The bureau shall place an identifying symbol on the face of the license, **photo exempt identification card**, or identification card to indicate that the person to whom the license, **photo exempt identification card**, or identification card is issued has acknowledged the making of an anatomical gift on the application form for the license, **photo exempt identification card**, or identification card as set forth in subsection (a).

(c) Revocation, suspension, or cancellation of the license or expiration of the license, **photo exempt identification card**, or identification card does not invalidate the anatomical gift.

(d) An anatomical gift is valid if the person acknowledges the making of the anatomical gift by signing the application form for a driver's license, **photo exempt identification card**, or identification card under subsection (a). No other acknowledgment is required to make an anatomical gift.

SECTION 13. IC 9-29-9-15, AS AMENDED BY P.L.216-2014, SECTION 135, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 15. (a) Except as provided in subsection (b) or (c), the fee for the issuance, renewal, amendment, or replacement of an identification card under IC 9-24-16 **or a photo exempt identification card under IC 9-24-16.5** is eleven dollars and fifty cents (\$11.50). The fee shall be distributed as follows:

- (1) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (2) One dollar and twenty-five cents (\$1.25) deposited as follows:
 - (A) For an identification card **or photo exempt identification card** issued, renewed, amended, or replaced before July 1, 2019, into the integrated public safety communications fund.
 - (B) For an identification card **or photo exempt identification card** issued, renewed, amended, or replaced after June 30, 2019, into the commission fund.
- (3) Two dollars and seventy-five cents (\$2.75) to the motor vehicle highway account.
- (4) Seven dollars (\$7) to the commission fund.

(b) The fee for the issuance, renewal, amendment, or replacement of an identification card under IC 9-24-16 **or a photo exempt identification card under IC 9-24-16.5** issued to an individual who is at least sixty-five (65) years of age or to an individual with a physical disability who is not entitled to obtain a driver's license is nine dollars (\$9). The fee shall be distributed as follows:

- (1) Fifty cents (\$0.50) to the state motor vehicle technology fund.

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(2) One dollar and fifty cents (\$1.50) to the motor vehicle highway account.

(3) For an identification card **or photo exempt identification card** issued, renewed, amended, or replaced before July 1, 2019, as follows:

(A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(B) Five dollars and seventy-five cents (\$5.75) to the commission fund.

(4) For an identification card **or photo exempt identification card** issued, renewed, amended, or replaced after June 30, 2019, seven dollars (\$7) to the commission fund.

(c) There is no fee for an identification card issued under IC 9-24-16-10 for purposes of voting in an election.

SECTION 14. IC 11-8-8-15, AS AMENDED BY P.L.168-2014, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 15. (a) A sex or violent offender who is a resident of Indiana shall obtain and keep in the sex or violent offender's possession:

(1) a valid Indiana driver's license; or

(2) a valid Indiana identification card (as described in IC 9-24-16) **or a photo exempt identification card (as described in IC 9-24-16.5);**

that contains the offender's current address and current physical description.

(b) A sex or violent offender required to register in Indiana who is not a resident of Indiana shall obtain and keep in the sex or violent offender's possession:

(1) a valid driver's license issued by the state in which the sex or violent offender resides; or

(2) a valid state issued identification card issued by the state in which the sex or violent offender resides;

that contains the offender's current address and current physical description.

(c) A person who knowingly or intentionally violates this section commits failure of a sex or violent offender to possess identification, a Class A misdemeanor. However, the offense is a Level 6 felony if the person:

(1) is a sexually violent predator; or

(2) has a prior unrelated conviction:

(A) under this section; or

(B) based on the person's failure to comply with any

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requirement imposed on an offender under this chapter.

(d) It is a defense to a prosecution under this section that:

- (1) the person has been unable to obtain a valid driver's license, **or** state issued identification card, **or photo exempt identification card** because less than thirty (30) days have passed since the person's release from incarceration;
- (2) the person possesses a driver's license, **or** state issued identification card, **or photo exempt identification card** that expired not more than thirty (30) days before the date the person violated subsection (a) or (b); or
- (3) the person possesses a valid driver's license, **or** state issued identification card, **or photo exempt identification card**, but the card does not reflect the person's current address or current physical description because fewer than thirty (30) days have passed since the person changed the person's current address or physical characteristics.

SECTION 15. IC 14-15-11-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 9. (a) Except as provided in subsections (b) and (c), an individual may not operate a motorboat on public waters unless the individual holds a valid driver's license.

(b) An individual who is at least fifteen (15) years of age and who does not hold a valid driver's license may operate a motorboat on public waters if the individual:

- (1) has been issued an identification card by the bureau under IC 9-24-16 **or a photo exempt identification card under IC 9-24-16.5**; and
- (2) has successfully completed a boating education course approved by the department for the purposes of this chapter.

(c) An individual who:

- (1) is at least twenty-one (21) years of age; and
- (2) does not hold:
 - (A) a valid driver's license; or
 - (B) a driver's license that is suspended or revoked;

may operate a motorboat on public waters if the individual is issued an identification card by the bureau under IC 9-24-16 before January 1, 1996.

SECTION 16. IC 26-1-9.1-503, AS AMENDED BY P.L.54-2011, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 503. (a) A financing statement sufficiently provides the name of the debtor:

- (1) except as otherwise provided in subdivision (3), if the debtor

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is a registered organization or the collateral is held in a trust that is a registered organization, only if the financing statement provides the name that is stated to be the registered organization's name on the public organic record most recently filed with or issued or enacted by the registered organization's jurisdiction of organization which purports to state, amend, or restate the registered organization's name;

(2) subject to subsection (f), if the collateral is being administered by the personal representative of a decedent only if the financing statement provides as the name of the debtor the name of the decedent, and, in a separate part of the financing statement, indicates that the collateral is being administered by a personal representative;

(3) if the collateral is held in a trust that is not a registered organization, only if the financing statement:

(A) provides as the name of the debtor:

(i) if the organic record of the trust specifies a name for the trust, the name specified; or

(ii) if the organic record of the trust does not specify a name for the trust, the name of the settlor or testator; and

(B) in a separate part of the financing statement:

(i) if the name is provided in accordance with clause (A)(i), indicates that the collateral is held in a trust; or

(ii) if the name is provided in accordance with clause (A)(ii), provides additional information sufficient to distinguish the trust from other trusts having one (1) or more of the same settlors of the same testator and indicates that the collateral is held in a trust, unless the additional information so indicates;

(4) subject to subsection (g), if the debtor is an individual to whom this state has issued a driver's license, ~~or~~ an identification card for nondrivers under IC 9-24-16, **or a photo exempt identification card for nondrivers under IC 9-24-16.5** that has not expired, only if the financing statement provides the name of the individual which is indicated on the driver's license, ~~or~~ identification card, **or photo exempt identification card;**

(5) if the debtor is an individual to whom subdivision (4) does not apply, only if the financing statement provides the individual name of the debtor or the surname and first personal name of the debtor; and

(6) in other cases:

(A) if the debtor has a name, only if it provides the individual



or organizational name of the debtor; and

(B) if the debtor does not have a name, only if it provides the names of the partners, members, associates, or other persons comprising the debtor in a manner that each name provided would be sufficient if the person named were the debtor.

(b) A financing statement that provides the name of the debtor in accordance with subsection (a) is not rendered ineffective by the absence of:

(1) a trade name or other name of the debtor; or

(2) unless required under subsection (a)(6)(B), names of partners, members, associates, or other persons comprising the debtor.

(c) A financing statement that provides only the debtor's trade name does not sufficiently provide the name of the debtor.

(d) Failure to indicate the representative capacity of a secured party or representative of a secured party does not affect the sufficiency of a financing statement.

(e) A financing statement may provide the name of more than one (1) debtor and the name of more than one (1) secured party.

(f) The name of the decedent indicated on the order appointing the personal representative of the decedent issued by the court having jurisdiction over the collateral is sufficient as the "name of the decedent" under subsection (a)(2).

(g) If this state has issued to an individual more than one (1) driver's license or identification card of a kind described in subsection (a)(4), the one (1) that was issued most recently is the one (1) to which subsection (a)(4) refers.

(h) In this section, "name of the settlor or testator" means:

(1) if the settlor is a registered organization, the name that is stated to be the settlor's name on the public organic record most recently filed with or issued or enacted by the settlor's jurisdiction of organization which purports to state, amend, or restate the settlor's name; or

(2) in other cases, the name of the settlor or testator indicated in the trust's organic record.

SECTION 17. IC 34-28-2-2.5, AS ADDED BY P.L.61-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 2.5. (a) If a person petitioning for a change of name under this chapter is at least seventeen (17) years of age, the person's petition must include at least the following information:

(1) The person's date of birth.

(2) The person's current:

(A) residence address; and

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(B) if different than the person's residence address, mailing address.

(3) The person's valid:

(A) Indiana driver's license number; **or**

(B) Indiana identification card (as described in IC 9-24-16) number; **or**

(C) Indiana photo exempt identification card (as described in IC 9-24-16.5) number.

(4) A list of all previous names used by the person.

(5) Proof that the person is a United States citizen.

(6) A statement concerning whether the person holds a valid United States passport.

(7) A description of all judgments of criminal conviction of a felony under the laws of any state or the United States that have been entered against the person.

(b) A petition under subsection (a) is subject to Indiana Rules of Court Administrative Rule 9.

SECTION 18. IC 34-28-5-15, AS AMENDED BY SEA 199-2015, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 15. (a) This subsection does not apply to a person whose prosecution for an infraction is deferred under section 1 of this chapter. If a person alleged to have violated a statute defining an infraction:

(1) is not prosecuted or if the action against the person is dismissed;

(2) is adjudged not to have committed the infraction; or

(3) is adjudged to have committed the infraction and the adjudication is subsequently vacated;

the court in which the action was filed shall order the clerk and the operator of any state, regional, or local case management system not to disclose or permit disclosure of information related to the infraction to a noncriminal justice organization or an individual.

(b) Not earlier than five (5) years after a person:

(1) whose prosecution for an infraction has been deferred; or

(2) who was found to have violated a statute defining an infraction;

has satisfied the conditions of the deferral program or the judgment imposed for the violation, the person may petition the court to prohibit disclosure of information related to the infraction to a noncriminal justice organization or an individual. The court shall order the clerk and the operator of any state, regional, or local case management system not to disclose or permit disclosure of information related to the

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infraction to a noncriminal justice organization or an individual if the court finds that:

- (1) the person satisfied the judgment or conditions of the deferral program; and
- (2) at least five (5) years have passed since the date the person satisfied the judgment or conditions of the program.

(c) If a court fails to order the clerk and the operator of any state, regional, or local case management system to restrict disclosure of information related to the infraction under subsection (a), the person may petition the court to restrict disclosure of the records related to the infraction to a noncriminal justice organization or an individual.

(d) A petition under subsection (b) or (c) must be verified and filed in:

- (1) the court in which the action was filed, for a person described in subsection (a)(1);
- (2) the court in which the trial was held, for a person described in subsection (a)(2) or (a)(3); or
- (3) the court finding or having jurisdiction over the violation, for a person described in subsection (b).

(e) A petition under subsection (b) or (c) must be filed not earlier than:

- (1) if the person is adjudged not to have committed the infraction, thirty (30) days after the date of judgment;
- (2) if the person's adjudication is vacated, three hundred sixty-five (365) days after:
 - (A) the order vacating the adjudication is final, if there is no appeal or the appeal is terminated before entry of an opinion or memorandum decision; or
 - (B) the opinion or memorandum decision vacating the adjudication is certified;
- (3) if the person is not prosecuted, two (2) years after the alleged conduct or violation occurred;
- (4) if the action is dismissed, thirty (30) days after the action is dismissed, if a new action is not filed; or
- (5) if the person participated in a deferral program or is found to have violated the statute defining the infraction, not earlier than five (5) years after the date the judgment for the violation is satisfied or the conditions of the deferral program are met.

(f) A petition under subsection (b) or (c) must set forth:

- (1) the date of the alleged violation;
- (2) the violation or alleged violation;
- (3) the date the action was dismissed, if applicable;

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- (4) the date of judgment, if applicable;
- (5) the date the adjudication was vacated, if applicable;
- (6) the basis on which the adjudication was vacated, if applicable;
- (7) the date the judgment is satisfied or the conditions of the deferral program were met, if applicable;
- (8) the law enforcement agency employing the officer who issued the complaint, if applicable;
- (9) any other known identifying information, such as the name of the officer, case number, or court cause number;
- (10) the date of the petitioner's birth; and
- (11) at the option of the petitioner, the:
 - (A) petitioner's driver's license **number**, ~~or~~ state identification card number, **or photo exempt identification card number**;
 - or
 - (B) last four (4) digits of the petitioner's Social Security number.

(g) A copy of a petition filed under subsection (b) or (c) shall be served on the prosecuting attorney.

(h) If the prosecuting attorney wishes to oppose a petition filed under subsection (b) or (c), the prosecuting attorney shall, not later than thirty (30) days after the petition is filed, file a notice of opposition with the court setting forth reasons for opposing the petition. The prosecuting attorney shall attach to the notice of opposition a certified copy of any documentary evidence showing that the petitioner is not entitled to relief. A copy of the notice of opposition and copies of any documentary evidence shall be served on the petitioner in accordance with the Indiana Rules of Trial Procedure.

(i) The court may, with respect to a petition filed under subsection (b) or (c):

- (1) summarily grant the petition;
- (2) set the matter for hearing; or
- (3) summarily deny the petition, if the court determines that:
 - (A) the petition is insufficient; or
 - (B) based on documentary evidence submitted to the court, the petitioner is not entitled to have access to the petitioner's records restricted.

(j) If a notice of opposition is filed under subsection (h) and the court does not summarily grant or summarily deny the petition, the court shall set the matter for a hearing.

(k) After a hearing is held under subsection (j), the court shall grant the petition filed under:

- (1) subsection (b) if the person is entitled to relief under that

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subsection; or

(2) subsection (c) if the person is entitled to relief under subsection (a).

(1) If the court grants a petition filed under subsection (b) or (c), the court shall order the clerk and the operator of any state, regional, or local case management system not to disclose or permit disclosure of information related to the infraction to a noncriminal justice organization or an individual.

SECTION 19. IC 34-30-2-31.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JANUARY 1, 2016]: **Sec. 31.5. IC 9-24-16.5-12 (Concerning the commissioner, employees, and agents of the bureau of motor vehicles for the validity of the information contained on photo exempt identification cards).**

SECTION 20. IC 34-30-2-31.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JANUARY 1, 2016]: **Sec. 31.7. IC 9-24-16.5-13 (Concerning actions taken by retailers and employees of retailers concerning photo exempt identification cards).**

SECTION 21. IC 35-43-5-2, AS AMENDED BY P.L.158-2013, SECTION 469, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 2. (a) A person who knowingly or intentionally:

(1) makes or utters a written instrument in such a manner that it purports to have been made:

- (A) by another person;
- (B) at another time;
- (C) with different provisions; or
- (D) by authority of one who did not give authority; or

(2) possesses more than one (1) written instrument knowing that the written instruments were made in a manner that they purport to have been made:

- (A) by another person;
- (B) at another time;
- (C) with different provisions; or
- (D) by authority of one who did not give authority;

commits counterfeiting, a Level 6 felony.

(b) A person who, with intent to defraud:

- (1) makes or delivers to another person:
 - (A) a false sales receipt;
 - (B) a duplicate of a sales receipt; or
 - (C) a label or other item with a false universal product code

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- (UPC) or other product identification code; or
 (2) places a false universal product code (UPC) or another product identification code on property displayed or offered for sale;

commits making or delivering a false sales document, a Level 6 felony.

(c) A person who, with intent to defraud, possesses:

- (1) a retail sales receipt;
 (2) a label or other item with a universal product code (UPC); or
 (3) a label or other item that contains a product identification code that applies to an item other than the item to which the label or other item applies;

commits possession of a fraudulent sales document, a Class A misdemeanor. However, the offense is a Level 6 felony if the person possesses at least fifteen (15) retail sales receipts, at least fifteen (15) labels containing a universal product code (UPC), at least fifteen (15) labels containing another product identification code, or at least fifteen (15) of any combination of the items described in subdivisions (1) through (3).

(d) A person who, with intent to defraud, makes, utters, or possesses a written instrument in such a manner that it purports to have been made:

- (1) by another person;
 (2) at another time;
 (3) with different provisions; or
 (4) by authority of one who did not give authority;

commits forgery, a Level 6 felony.

(e) This subsection applies to a person who applies for a driver's license (as defined in IC 9-13-2-48), ~~or~~ a state identification card (as described in IC 9-24-16), ~~or~~ a **photo exempt identification card (as described in IC 9-24-16.5)**. A person who:

- (1) knowingly or intentionally uses a false or fictitious name or gives a false or fictitious address in an application for a driver's license, ~~or~~ a state identification card, ~~or~~ a **photo exempt identification card** or for a renewal or a duplicate of a driver's license, ~~or~~ a state identification card, ~~or~~ a **photo exempt identification card**; or
 (2) knowingly or intentionally makes a false statement or conceals a material fact in an application for a driver's license, ~~or~~ a state identification card, ~~or~~ a **photo exempt identification card**;

commits application fraud, a Level 6 felony.

SECTION 22. IC 35-48-7-5, AS AMENDED BY P.L.204-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JANUARY 1, 2016]: Sec. 5. As used in this chapter, "identification number" refers to the following:

- (1) The unique number contained on any of the following:
 - (A) A valid driver's license of a recipient or a recipient's representative issued under Indiana law or the law of any other state.
 - (B) A recipient's or a recipient representative's valid military identification card.
 - (C) A valid identification card of a recipient or a recipient's representative issued by:
 - (i) the bureau of motor vehicles as described in IC 9-24-16-3; or
 - (ii) any other state and that is similar to the identification card issued by the bureau of motor vehicles.
 - (D) A valid photo exempt identification card of a recipient or a recipient's representative issued by:**
 - (i) the bureau of motor vehicles as described in IC 9-24-16.5-1; or**
 - (ii) any other state and that is similar to the photo exempt identification card issued by the bureau of motor vehicles.**
 - ~~(E)~~ **(E)** If the recipient is an animal:
 - (i) the valid driver's license issued under Indiana law or the law of any other state;
 - (ii) the valid military identification card; or
 - (iii) the valid identification card issued by the bureau of motor vehicles and described in IC 9-24-16-3, **a valid photo exempt identification card issued by the bureau of motor vehicles as described in IC 9-24-16.5-1**, or a valid identification card **or photo exempt identification card** of similar description that is issued by any other state; of the animal's owner.
- (2) The identification number or phrase designated by the central repository.

SECTION 23. IC 35-52-9-35.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JANUARY 1, 2016]: **Sec. 35.3. IC 9-24-16.5-10 defines a crime concerning photo exempt identification cards.**

SECTION 24. IC 35-52-9-35.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JANUARY 1, 2016]: **Sec. 35.7. IC 9-24-16.5-11 defines a crime concerning photo exempt identification cards.**

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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