
SPECIAL PROCESSES & PROCEDURES

TRAFFIC AMNESTY

CONTACT:

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Notice to Public:

This information is written to assist trial courts and circuit clerks. Please do not contact our office with questions because Indiana Supreme Court policies do not permit our office to provide legal advice to the public. We recommend that any person with questions about their case seek the advice of a licensed attorney.

The Indiana Coalition for Court Access (<https://indianalegalhelp.org/>) can assist in finding low cost legal help. Additionally, the Indiana Coalition for Court Access (<https://indianalegalhelp.org/what-if-i-dont-qualify/>) and Bar Associations provide options if you do not qualify for low cost legal aid.

This document is designed to be an overview of IC 9-33-4 regarding Traffic Amnesty and is based on IOCS's current understanding these provisions. In order to aid in implementing these provisions, we have incorporated additional practice tips underneath relevant points of the process. The statute is complicated and there may be still some questions for which there are no clear answers.

Eligibility:

- A. This chapter applies to the following:
- An unpaid judgment for an infraction in Title 9 that relates to the operation of a motor vehicle committed before January 1, 2019. [IC 9-33-4-2(1)]
 - A driving privileges reinstatement fee (described under IC 9-25-6-15), which a person with a suspended license is or would be required to pay to reinstate their driver's license, if the license was suspended before January 1, 2019. [IC 9-33-4-2(2)]
 - Any court costs, administrative fees, late fees, or other fees imposed on a person described above (IC 9-33-4-2(1) or IC 9-33-4-2(2)). [IC 9-33-4-2(3)]
- B. This chapter does not apply to:
- A person with child support arrearage, unless the person has been making the required payments for at least six (6) months preceding the date of the petition for traffic amnesty. [IC 9-33-4-1(1)]
 - A person with an outstanding arrest warrant. [IC 9-33-4-1(2)]
 - A person sentenced to pay restitution to the victim of the crime, if the person is not current with required payments. [IC 9-33-4-1(3)]

Case Processing:

- I. **Infraction cases and reinstatement fees for cases originating in Circuit/Superior Courts**
- Verified petition must be filed in a circuit or superior court in the county in which the violation giving rise to the unpaid judgment was committed. [IC 9-33-4-4(a)]
 - The petition shall be filed under the court case number of the infraction (IF) and no court costs are associated with filing the petition. [IC 9-33-4-4(c)]

- II. **Infraction cases and reinstatement fees for cases originating in City and Town Courts**
 - Verified petition must be filed in a circuit or superior court in the county in which the violation giving rise to the unpaid judgment was committed. [IC 9-33-4-4(a)]
 - The petition should be filed with the county clerk's office under MI case type.
 - No court costs are associated with filing the petition. [IC 9-33-4-4(c)]

- III. **Request for Relief on Reinstatement fees not associated with infraction cases**
 - Verified petition must be filed in a circuit or superior court in the county in which the violation giving rise to the unpaid judgment was committed. [IC 9-33-4-4(a)]
 - The petition shall be filed as an MC case type.
 - No court costs are associated with filing the petition. [IC 9-33-4-4(c)]
 - Practice tip:
 - Seeking a reduction of fees under this statute is an alternative to seeking a waiver of reinstatement fees under IC 9-25-6.

Petition Requirements:

- Petitions can be filed between January 1, 2020 and December 31, 2020. [IC 9-33-4-4(a)]
- The petition must contain:
 - Person's full name and all other legal names or aliases,
 - Person's date of birth,
 - The court case number of the relevant violations,
 - An affirmation that the person is not excluded under IC 9-33-4-1,
 - Person's Social Security Number,
 - Person's driver's license number, and
 - The date of the violation. [IC 9-33-4-4(a)(1-6)]
 - The person may also include any other information the person believes will assist the court. [IC 9-33-4-4(b)]
 - Practice tips:
 - Social Security Number on petition should include the last four digits to maintain compliance with confidentiality rules
 - Petitioner should include suspension id numbers to aid court with communicating to BMV the specific suspensions impacted
 - If petition involves reinstatement fees, the petitioner should verify with BMV the level of financial responsibility required for reinstatement purposes. The petitioner should file the proof of financial responsibility with the petition or with a separate filing prior to reinstatement.
- The petition shall be served on the prosecuting attorney in accordance with Indiana Rules of Trial Procedure. [IC 9-33-4-4(d)]
- Person with infractions in multiple counties must file a separate petition in each county in which a violation was committed. [IC 9-33-4-4(f)]

Procedures following petition:

- Prosecutor has 30 days to reply to the petition and failure to timely reply waives objection to the petition. [IC 9-33-4-4(e)]
- The court can grant the petition without a hearing if the prosecutor does not object or waives objection. [IC 9-33-4-5(a)]

IN THE DECATUR SUPERIOR COURT
STATE OF INDIANA

THE STATE OF INDIANA,)
Plaintiff,)
vs.)
)
_____,)
Defendant.)

CASE NO. 16D01-_____-IF-_____
(case number of infraction case where
unpaid fees/costs were ordered)

VERIFIED PETITION FOR TRAFFIC AMNESTY
PURSUANT TO IC 9-33-4-4

The defendant, proceeding *pro se*, petitions the Court for traffic amnesty pursuant to IC 9-33-4-4 and states as follows:

1. My full name, and all other legal names and aliases by which I have been known, are as follows: _____

_____.

2. My date of birth is: _____.

3. The case number in the caption is the case number in which the fees were ordered.

4. I affirm that all of the following are true:

a. I do not owe a child support arrearage, or I have been making the required child support payments for at least six (6) months.

b. I do not have an outstanding arrest warrant.

c. I was not sentenced to pay restitution to the victim of a crime, or I am current with required restitution payments.

5. My Indiana driver license number is: _____.

6. My social security number is: REDACTED.

7. The date of the infraction violation was: _____.

8. The following information may assist the Court: _____

_____.

**I certify that I have delivered a copy of this petition to the Decatur County
Prosecuting Attorney, Decatur County Courthouse, 150 Courthouse Square, Room 238,
Greensburg, Indiana 47240.**

WHEREFORE, the defendant requests a reduction in the unpaid judgment, fee, or cost,
including any reinstatement fee, imposed in this case or as a result of this case.

I affirm under the penalties for perjury that the foregoing representations are true to the
best of my knowledge and belief.

Defendant's Signature: _____

Defendant's Printed Name: _____

NOT FOR PUBLIC ACCESS

IN THE DECATUR SUPERIOR COURT
STATE OF INDIANA

THE STATE OF INDIANA,)
Plaintiff,)
vs.)
)
_____,)
Defendant.)

CASE NO. 16D01-_____-IF-_____
(case number of infraction case where
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NOT FOR PUBLIC ACCESS

7. The date of the infraction violation was: _____.

8. The following information may assist the Court: _____

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Prosecuting Attorney, Decatur County Courthouse, 150 Courthouse Square, Room 238,
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I affirm under the penalties for perjury that the foregoing representations are true to the
best of my knowledge and belief.

Defendant's Signature: _____

Defendant's Printed Name: _____

Form ACR (Access to Court Records)

IN THE DECATUR SUPERIOR COURT
STATE OF INDIANA

THE STATE OF INDIANA,)
Plaintiff,)
vs.)
_____,)
Defendant.)

CASE NO. 16D01-_____-IF-_____
(case number of infraction case where
unpaid fees/costs were ordered)

**Notice of Exclusion of Confidential Information from Public Access
(FILED WITH TRIAL COURT CLERK for documents filed with the clerk)
(TENDERED IN OPEN COURT for documents tendered in open court)**

Contemporaneous with the filing of this notice, the defendant has filed confidential information under the Indiana Rules on Access to Court Records. The defenant provides this notice that the confidential information is to remain excluded from public access in accordance with the authority listed below:

Name or description of document

ACR grounds for exclusion

Verified Petition for Traffic Amnesty

Rule 5(C)(1)(a)

Respectfully submitted,

[Insert Name]

CERTIFICATE OF SERVICE

I certify that on this _____ day of _____, 20____, the foregoing was served upon the following by [state method of service]: Decatur County Prosecuting Attorney by delivery to his office in the Decatur County Courthouse with address 150 Courthouse Square, Room 238, Greensburg, Indiana 47240.

[Signature]

IN THE DECATUR SUPERIOR COURT
STATE OF INDIANA

THE STATE OF INDIANA,)
Plaintiff,)
vs.)
)
_____,)
Defendant.)

CASE NO. 16D01-_____-IF-_____
(case number of infraction case where
unpaid fees/costs were ordered)

ORDER FOR HEARING

The defendant filed a Verified Petition for Traffic Amnesty. The Court now sets this
matter for hearing on Thursday, _____, at 3:00 p.m.

SO ORDERED.

Judge, Decatur Superior Court

Distribution:
Decatur County Prosecuting Attorney
Defendant