

ENGROSSED SENATE BILL No. 16

DIGEST OF SB 16 (Updated February 19, 1998 5:00 pm - DI 93)

Citations Affected: IC 9-19; IC 9-24.

Synopsis: Probationary licenses for young drivers. Makes it a primarily enforceable Class C infraction to operate a passenger motor vehicle that is equipped with a safety belt meeting certain standards and in which there is a child who is at least four years of age but less than 12 years of age who is not properly fastened and restrained by a child passenger restraint system or a safety belt. Provides that a person must be at least 16 years of age to be charged with a Class D infraction for failure to
(Continued next page)

Effective: January 1, 1999.

Ford, Wyss, Alexa, Lawson, Lubbers, Antich

(HOUSE SPONSORS — KRUZAN, D. YOUNG, RIPLEY, KUZMAN)

November 18, 1997, read first time and referred to Committee on Roads and Transportation.
January 29, 1998, reported favorably — Do Pass.
February 2, 1998, read second time, ordered engrossed. Engrossed.
February 3, 1998, read third time, passed. Yeas 43, nays 7.

HOUSE ACTION

February 10, 1998, read first time and referred to Committee on Roads and Transportation.
February 17, 1998, amended, reported — Do Pass.
February 19, 1998, read second time, amended, ordered engrossed.

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wear a safety belt in the front seat of a passenger automobile. Makes it a primarily enforceable Class D infraction for a person to operate a motor vehicle in which there is a child less than four years of age (under current law, three years of age) who is not properly fastened into a child passenger restraint system, unless it is determined that the child will not fit in a child passenger restraint system, and the child who will not fit in the restraint system is not properly fastened or restrained by a seat belt. Provides that an individual who is less than 18 years of age holds a probationary driver's license and is subject to certain driving restrictions. Provides that an individual who holds a probationary license may not receive an operator's license when the individual is at least 18 years of age if both of the following have occurred or either of the following have occurred at least twice: (1) the individual has been convicted of a moving traffic offense or (2) the individual has been involved in an accident during the 12 months that precede the date on which the individual applies for an operator's license.

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Reprinted
February 20, 1998

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

ENGROSSED SENATE BILL No. 16

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

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

- 1 SECTION 1. IC 9-19-10-2.5 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1998]: **Sec. 2.5. A person who operates a passenger motor vehicle**
4 **that is equipped with a safety belt meeting the standards stated in**
5 **the Federal Motor Vehicle Safety Standard Number 208 (49 CFR**
6 **571.208) in which there is a child commits a Class D infraction if:**
7 (1) **the child is at least four (4) years of age but less than**
8 **twelve (12) years of age; and**
9 (2) **the child is not properly fastened and restrained by:**
10 (A) **a child passenger restraint system; or**
11 (B) **a safety belt.**
12 SECTION 2. IC 9-19-10-3 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 1998]: **Sec. 3. (a) Except as**
14 **provided in subsection (b), a person may not be stopped, inspected,**
15 **or detained solely to determine compliance with this chapter.**

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1 **(b) Subsection (a) does not apply to a stop, an inspection, or a**
 2 **detention of a person to determine compliance with section 2.5 of**
 3 **this chapter.**

4 SECTION 3. IC 9-19-10-8 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 8. (a) A person who:

6 **(1) is at least sixteen (16) years of age; and**

7 **(2) violates section 2 of this chapter;**

8 commits a Class D infraction.

9 (b) The bureau may not assess points under the point system for
 10 Class D infractions under this section.

11 SECTION 4. IC 9-19-11-2 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. A person who
 13 operates a motor vehicle in which there is a child less than ~~three (3)~~
 14 **four (4)** years of age who is not properly fastened and restrained by a
 15 child passenger restraint system commits a ~~Class E~~ **Class D** infraction,
 16 **unless it is reasonably determined that the child will not fit in a**
 17 **child passenger restraint system.**

18 SECTION 5. IC 9-19-11-3 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. A person who
 20 operates a motor vehicle in which there is a child ~~who is three (3) or~~
 21 ~~four (4) years of age who is not properly fastened and restrained by:~~

22 ~~(1) a child passenger restraint system; or~~

23 ~~(2) a seat belt;~~

24 commits a ~~Class E~~ **Class D** infraction **if:**

25 **(1) the child is less than four (4) years of age and it is**
 26 **reasonably determined that the child will not fit in a child**
 27 **restraint system; and**

28 **(2) the child is not properly fastened and restrained by a**
 29 **safety belt.**

30 SECTION 6. IC 9-24-11-3 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JANUARY 1, 1999]: Sec. 3. (a) A license
 32 issued to an individual less than eighteen (18) years of age is a
 33 probationary license.

34 **(b) An individual holds a probationary license subject to the**
 35 **following conditions:**

36 **(1) Except as provided in IC 31-37-3-1, the individual may not**
 37 **operate a motor vehicle during the curfew hours specified in**
 38 **IC 31-37-3-2.**

39 **(2) During the ninety (90) days following the issuance of the**
 40 **probationary license, the individual may not operate a motor**
 41 **vehicle in which there are passengers unless another**
 42 **individual who:**

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1 (A) is at least twenty-one (21) years of age; and
2 (B) holds a valid operator's license issued under this
3 article;
4 is present in the front seat of the motor vehicle.
5 (3) The individual may operate a motor vehicle only if the
6 individual and each occupant of the motor vehicle has a safety
7 belt properly fastened about the occupant's body at all times
8 when the motor vehicle is in motion.
9 (c) An individual who holds a probationary license issued under
10 this section may receive an operator's license:
11 (1) when the individual is at least eighteen (18) years of age;
12 and
13 (2) unless in the twelve (12) months that immediately precede
14 the date upon which the individual applies for an operator's
15 license, either of the following occurs at least twice or both of
16 the following have occurred:
17 (A) The individual has been convicted of a moving traffic
18 offense (as defined in IC 9-30-3-14(a)). As used in this
19 subsection, the term "moving traffic offense" does not
20 refer to offenses that solely involve motor vehicle
21 equipment.
22 (B) The individual has been the operator of a motor vehicle
23 involved in an accident for which a report is required to be
24 filed under IC 9-26-2.

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SENATE MOTION

Mr. President: I move that Senators Lawson, Lubbers and Antich be added as coauthors of Senate Bill 16.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Roads and Transportation, to which was referred Senate Bill 16, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 16 as introduced.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 8, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Bill 16, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 10, delete "sixty (60)" and insert "**ninety (90)**".

Page 2, line 4, delete "forward".

Page 2, line 9, delete "if" and insert "**unless**".

Page 2, line 11, delete "the individual has not been:" and insert "**either of the following occurs at least twice or both of the following have occurred:**".

Page 2, line 12, before "convicted" insert "**The individual has been**".

Page 2, line 13, delete "; and" and insert ". **As used in this subsection, the term "moving traffic offense" does not refer to offenses that solely involve motor vehicle equipment.**".

Page 2, line 14, before "the operator" insert "**The individual has been**".

Page 2, line 14, delete "that is".

and when so amended that said bill do pass.

(Reference is to Senate Bill 16 as printed January 30, 1998.)

COOK, Chair

Committee Vote: yeas 11, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 16 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-19-10-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: **Sec. 2.5. A person who operates a passenger motor vehicle that is equipped with a safety belt meeting the standards stated in the Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208) in which there is a child commits a Class D infraction if:**

- (1) the child is at least four (4) years of age but less than twelve (12) years of age; and
- (2) the child is not properly fastened and restrained by:
 - (A) a child passenger restraint system; or
 - (B) a safety belt.

SECTION 2. IC 9-19-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. (a) **Except as provided in subsection (b),** a person may not be stopped, inspected, or detained solely to determine compliance with this chapter.

(b) **Subsection (a) does not apply to a stop, an inspection, or a detention of a person to determine compliance with section 2.5 of this chapter.**

SECTION 3. IC 9-19-10-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 8. (a) A person who:

- (1) **is at least sixteen (16) years of age; and**
- (2) violates section 2 of this chapter;

commits a Class D infraction.

(b) The bureau may not assess points under the point system for Class D infractions under this section.

SECTION 4. IC 9-19-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. A person who operates a motor vehicle in which there is a child less than ~~three (3)~~ **four (4)** years of age who is not properly fastened and restrained by a child passenger restraint system commits a ~~Class C~~ **Class D** infraction, **unless it is reasonably determined that the child will not fit in a child passenger restraint system.**

SECTION 5. IC 9-19-11-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. A person who operates a motor vehicle in which there is a child ~~who is three (3) or four (4) years of age~~ who is not properly fastened and restrained by:

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- (1) a child passenger restraint system; or
- (2) a seat belt;

commits a ~~Class E~~ **Class D** infraction if:

- (1) the child is less than four (4) years of age and it is reasonably determined that the child will not fit in a child restraint system; and**
- (2) the child is not properly fastened and restrained by a safety belt."**

Renumber all SECTIONS consecutively.

(Reference is to Engrossed Senate Bill 16 as printed February 17, 1998.)

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