

# HOUSE BILL No. 1424

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-30-5-10.3.

**Synopsis:** Vehicle impoundment for driving while intoxicated. Requires a court to issue an order impounding a vehicle and the license plate for the vehicle if: (1) the vehicle is used by a person to commit certain offenses concerning operating a vehicle while intoxicated; and (2) the person has committed at least two offenses concerning operating a vehicle while intoxicated within six years. Specifies that a court must order a vehicle and the license plate for the vehicle impounded: (1) for 90 days if the court finds the person committed two unrelated offenses concerning operating a vehicle while intoxicated within six years; (2) for 180 days if the court finds the person committed three unrelated offenses concerning operating a vehicle while intoxicated within six years; and (3) until the person successfully  
(Continued next page)

**Effective:** July 1, 1999.

---

---

**Duncan**

---

---

January 12, 1999, read first time and referred to Committee on Courts and Criminal Code.

---

---

C  
O  
P  
Y



Digest Continued

completes a court ordered and approved drug or alcohol abuse deterrent program if the court finds the person committed more than three unrelated offenses concerning operating a vehicle while intoxicated within six years. Provides protections for innocent owners of vehicles subject to impoundment orders.

C  
o  
p  
y



Introduced

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

## HOUSE BILL No. 1424

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 9-30-5-10.3 IS ADDED TO THE INDIANA CODE  
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 1999]: **Sec. 10.3. (a) This section does not apply to a vehicle that  
4 is being leased or rented by a person for not more than thirty (30)  
5 days.**  
6 **(b) In addition to any other penalty imposed for an offense  
7 under this chapter, a court shall, after conducting a hearing, issue  
8 an order impounding a vehicle and the license plate for the vehicle  
9 as provided in this section.**  
10 **(c) If the court finds that a person who committed an offense  
11 under section 1, 2, 3, 4, or 5 of this chapter had one (1) prior  
12 unrelated conviction:**  
13 **(1) under section 1, 2, 3, 4, or 5 of this chapter; and**  
14 **(2) that occurred within the six (6) years immediately**  
15 **preceding the occurrence of the offense;**



C  
O  
P  
Y

1 the court shall issue an order impounding the vehicle the person  
2 was operating at the time of the offense and the license plate for the  
3 vehicle for ninety (90) days.

4 (d) If the court finds that a person who committed an offense  
5 under section 1, 2, 3, 4, or 5 of this chapter had two (2) prior  
6 unrelated convictions:

7 (1) under any combination of section 1, 2, 3, 4, or 5 of this  
8 chapter; and

9 (2) that occurred within the six (6) years immediately  
10 preceding the occurrence of the offense;

11 the court shall issue an order impounding the vehicle the person  
12 was operating at the time of the offense and the license plate for the  
13 vehicle for one hundred eighty (180) days.

14 (e) If the court finds that a person who committed an offense  
15 under section 1, 2, 3, 4, or 5 of this chapter had at least three (3)  
16 prior unrelated convictions under any combination of section 1, 2,  
17 3, 4, or 5 of this chapter that occurred within the six (6) years  
18 immediately preceding the occurrence of the offense, the court  
19 shall issue an order:

20 (1) that requires the person to participate in a court approved  
21 drug or alcohol abuse deterrent program; and

22 (2) impounding the vehicle the person was operating at the  
23 time of the offense and the license plate for the vehicle until  
24 the person successfully completes the drug or alcohol abuse  
25 deterrent program.

26 (f) Notwithstanding subsections (c), (d), and (e), a vehicle and  
27 the license plate for the vehicle may not be impounded under this  
28 section if all of the following conditions apply:

29 (1) The person who committed the offense under section 1, 2,  
30 3, 4, or 5 of this chapter is not the owner of the vehicle that  
31 was used to commit the offense.

32 (2) The vehicle owner, before the court issues an  
33 impoundment order, files a motion with the court requesting  
34 that the order not be issued on the ground that the vehicle  
35 owner was innocent of any wrongdoing related to the offense.

36 (3) At least one (1) of the following applies:

37 (A) If the vehicle was leased or rented to the person who  
38 committed the offense, the state fails to prove to the court  
39 by a preponderance of the evidence at least one (1) of the  
40 following:

41 (i) That the person who committed the offense did not  
42 present the vehicle owner or the vehicle owner's agent

C  
O  
P  
Y



1 with a valid driver's license or permit or commercial  
2 driver's license or permit at the time the person leased or  
3 rented the vehicle.

4 (ii) That the person who committed the offense appeared  
5 to be under the influence of alcohol or a controlled  
6 substance at the time the person leased or rented the  
7 vehicle.

8 (iii) That the vehicle owner knew or should have known  
9 after a reasonable inquiry that the vehicle was likely to  
10 be used or involved in the offense.

11 (iv) That the vehicle owner or the vehicle owner's agent  
12 expressly or impliedly consented to the use or  
13 involvement of the vehicle in the offense.

14 (B) If the vehicle was not leased or rented to the person  
15 who committed the offense, the state fails to establish to the  
16 court by a preponderance of the evidence at least one (1) of  
17 the following:

18 (i) That the vehicle owner knew or should have known  
19 after a reasonable inquiry that the vehicle was likely to  
20 be used or involved in the offense.

21 (ii) That the vehicle owner or the vehicle owner's agent  
22 expressly or impliedly consented to the use or  
23 involvement of the vehicle in the offense.

24 (C) The court finds that the impoundment of the vehicle  
25 and the license plate for the vehicle would be a substantial  
26 injustice to the vehicle owner.

27 (g) The owner of a vehicle shall be considered a party to any  
28 vehicle impoundment hearing conducted under this section.

C  
O  
P  
Y

