

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.

SENATE ENROLLED ACT No. 525

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 9-24-6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 8. The following, if committed while driving a commercial motor vehicle, are disqualifying offenses:

- (1) Operating a vehicle while under the influence of alcohol in violation of IC 9-30-5-1(a), **IC 9-30-5-1(b)**, or section 15 of this chapter.
- (2) Operating a vehicle while under the influence of a controlled substance in violation of ~~IC 9-30-5-1(b)~~ **IC 9-30-5-1(c)**.
- (3) Leaving the scene of an accident involving the driver's commercial motor vehicle in violation of IC 9-26-1.
- (4) Conviction of a felony involving the use of a commercial motor vehicle other than a felony described in subdivision (5).
- (5) Use of a commercial motor vehicle in the commission of a felony under IC 35-48 involving manufacturing, distributing, or dispensing of a controlled substance.
- (6) Violation of IC 9-30-5-2 through IC 9-30-5-8 involving operating a vehicle while intoxicated.
- (7) Refusing to undergo testing for the enforcement of

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IC 9-30-5-1 or section 15 of this chapter.

SECTION 2. IC 9-30-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. (a) A person who operates a vehicle with at least ten-hundredths percent (0.10%) of alcohol by weight in grams **but less than fifteen-hundredths percent (0.15%) of alcohol by weight in grams** in:

- (1) one hundred (100) milliliters of the person's blood; or
- (2) two hundred ten (210) liters of the person's breath;

commits a Class C misdemeanor.

(b) A person who operates a vehicle with at least fifteen-hundredths percent (0.15%) of alcohol by weight in grams in:

- (1) one hundred (100) milliliters of the person's blood; or**
- (2) two hundred ten (210) liters of the person's breath;**

commits a Class A misdemeanor.

~~(b)~~ (c) A person who operates a vehicle with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's body commits a Class C misdemeanor.

~~(c)~~ (d) It is a defense to subsection ~~(b)~~ (c) that the accused person consumed the controlled substance under a valid prescription or order of a practitioner (as defined in IC 35-48-1) who acted in the course of the practitioner's professional practice.

SECTION 3. IC 9-30-5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. (a) In addition to any criminal penalty imposed for an offense under this chapter, the court shall:

(1) order:

- (A) that the person be imprisoned for **at least five (5) days; or order**
- (B) the person to perform at least ~~eighty (80) hours~~ **thirty (30) days** of community service; **and**

(2) order the person to receive an assessment of the person's degree of alcohol and drug abuse and, if appropriate, to successfully complete an alcohol or drug abuse treatment program, including an alcohol deterrent program if the person suffers from alcohol abuse;

if ~~(b)~~ the person has a **one (1)** previous conviction of operating while intoxicated. ~~and~~

~~(2) the previous conviction of operating while intoxicated occurred within the five (5) years immediately preceding the occurrence of the offense for which the five (5) day mandatory sentence is imposed.~~

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(b) In addition to any criminal penalty imposed for an offense under this chapter, the court shall:

(1) order:

(A) that the person be imprisoned for at least ten (10) days; or

(B) the person to perform at least sixty (60) days of community service; and

(2) order the person to receive an assessment of the person's degree of alcohol and drug abuse and, if appropriate, to successfully complete an alcohol or drug abuse treatment program, including an alcohol deterrent program if the person suffers from alcohol abuse;

if the person has at least two (2) previous convictions of operating while intoxicated.

~~(b)~~ **(c)** Notwithstanding IC 35-50-2-2 and IC 35-50-3-1, a ~~five (5) day~~ sentence **imposed** under this section may not be suspended. The court may require that the person serve the ~~five (5) day~~ term of imprisonment in an appropriate facility at whatever time or intervals (consecutive or intermittent) determined appropriate by the court. However:

(1) at least forty-eight (48) hours of the sentence must be served consecutively; and

(2) the entire ~~five (5) day~~ sentence must be served within six (6) months after the date of sentencing.

~~(c)~~ **(d)** Notwithstanding IC 35-50-6, a person does not earn credit time while serving a ~~five (5) day~~ sentence **imposed** under this section.

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