



January 21, 2000

## SENATE BILL No. 24

DIGEST OF SB 24 (Updated January 19, 2000 11:35 AM - DI 71)

**Citations Affected:** IC 9-24; IC 9-30.

**Synopsis:** Court alcohol and drug programs. Amends provisions concerning motor vehicles to specify that certain individuals with suspended driving privileges required to participate in court alcohol and drug programs in order to obtain a restricted driving permit or a restricted driver's license may participate in programs certified by either the division of mental health or the Indiana Judicial Center..

**Effective:** July 1, 2000.

**Wyss**

November 16, 1999, read first time and referred to Committee on Rules and Legislative Procedure.  
January 12, 2000, amended; reassigned to Committee on Public Policy.  
January 20, 2000, reported favorably — Do Pass.

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SB 24—LS 6057/DI 13+



January 21, 2000

Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

## SENATE BILL No. 24

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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 9-24-15-6.5 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 6.5. (a) The court shall  
3 grant a petition for a restricted driving permit filed under this chapter  
4 if all of the following conditions exist:
- 5 (1) The person was not convicted of one (1) or more of the  
6 following:
    - 7 (A) A Class D felony under IC 9-30-5-4 before July 1, 1996,  
8 or a Class D felony or a Class C felony under IC 9-30-5-4 after  
9 June 30, 1996.
    - 10 (B) A Class C felony under IC 9-30-5-5 before July 1, 1996, or  
11 a Class C felony or a Class B felony under IC 9-30-5-5 after  
12 June 30, 1996.
  - 13 (2) The person's driving privileges were suspended under  
14 IC 9-30-6-9(b) or IC 35-48-4-15.
  - 15 (3) The driving that was the basis of the suspension was not in  
16 connection with the person's work.
  - 17 (4) The person does not have a previous conviction for operating

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1 while intoxicated.

2 (5) The person is participating in a rehabilitation program  
3 certified by **either** the division of mental health **or the Indiana**  
4 **judicial center** as a condition of the person's probation.

5 (b) The person filing the petition for a restricted driving permit shall  
6 include in the petition the information specified in subsection (a) in  
7 addition to the information required by sections 3 through 4 of this  
8 chapter.

9 (c) Whenever the court grants a person restricted driving privileges  
10 under this chapter, that part of the court's order granting probationary  
11 driving privileges shall not take effect until the person's driving  
12 privileges have been suspended for at least thirty (30) days under  
13 IC 9-30-6-9.

14 SECTION 2. IC 9-30-10-9, IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 9. (a) If a court finds  
16 that a person:

- 17 (1) is a habitual violator under section 4(c) of this chapter;  
18 (2) has not been previously placed on probation under this section  
19 by a court;  
20 (3) operates a vehicle for commercial or business purposes, and  
21 the person's mileage for commercial or business purposes:  
22 (A) is substantially in excess of the mileage of an average  
23 driver; and  
24 (B) may have been a factor that contributed to the person's  
25 poor driving record; and  
26 (4) does not have:  
27 (A) a judgment for a violation enumerated in section 4(a) of  
28 this chapter; or  
29 (B) at least three (3) judgments (singularly or in combination  
30 and not arising out of the same incident) of the violations  
31 enumerated in section 4(b) of this chapter;

32 the court may place the person on probation in accordance with  
33 subsection (c).

34 (b) If a court finds that a person:

- 35 (1) is a habitual violator under section 4(b) of this chapter;  
36 (2) has not been previously placed on probation under this section  
37 by a court;  
38 (3) does not have a judgment for any violation listed in section  
39 4(a) of this chapter;  
40 (4) has had the person's driving privileges suspended under this  
41 chapter for at least five (5) consecutive years; and  
42 (5) has not violated the terms of the person's suspension by

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- 1 operating a vehicle;
- 2 the court may place the person on probation in accordance with
- 3 subsection (c). However, if the person has any judgments for operation
- 4 of a vehicle while intoxicated or with at least ten-hundredths percent
- 5 (0.10%) alcohol by weight in grams in one hundred (100) milliliters of
- 6 the blood, or two hundred ten (210) liters of the breath, the court,
- 7 before the court places a person on probation under subsection (c),
- 8 must find that the person has successfully fulfilled the requirements of
- 9 a rehabilitation program certified by **one (1) or both of the following:**
- 10 (A) The division of mental health.
- 11 (B) **The Indiana judicial center.**
- 12 (c) Whenever a court places a habitual violator on probation, the
- 13 court:
- 14 (1) shall record each of the court's findings under this section in
- 15 writing;
- 16 (2) shall obtain the person's driver's license or permit and send the
- 17 license or permit to the bureau;
- 18 (3) shall direct the person to apply to the bureau for a restricted
- 19 driver's license;
- 20 (4) shall order the bureau to issue the person an appropriate
- 21 license;
- 22 (5) shall place the person on probation for a fixed period of not
- 23 less than three (3) years and not more than ten (10) years;
- 24 (6) shall attach restrictions to the person's driving privileges,
- 25 including restrictions limiting the person's driving to:
- 26 (A) commercial or business purposes or other employment
- 27 related driving;
- 28 (B) specific purposes in exceptional circumstances; and
- 29 (C) rehabilitation programs;
- 30 (7) shall order the person to file proof of financial responsibility
- 31 for three (3) years following the date of being placed on
- 32 probation; and
- 33 (8) may impose other appropriate conditions of probation.
- 34 (d) If a court finds that a person:
- 35 (1) is a habitual violator under section 4(b) or 4(c) of this chapter;
- 36 (2) does not have any judgments for violations under section 4(a)
- 37 of this chapter;
- 38 (3) does not have any judgments or convictions for violations
- 39 under section 4(b) of this chapter, except for judgments or
- 40 convictions under section 4(b)(4) of this chapter that resulted
- 41 from driving on a suspended license that was suspended for:
- 42 (A) the commission of infractions only; or

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1           (B) previously driving on a suspended license;  
2           (4) has not been previously placed on probation under this section  
3           by a court; and  
4           (5) has had the person's driving privileges suspended under this  
5           chapter for at least three (3) consecutive years and has not  
6           violated the terms of the person's suspension by operating a  
7           vehicle for at least three (3) consecutive years;  
8           the court may place the person on probation under subsection (c).

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SENATE MOTION

Mr. President: I move that Senator Garton be removed as author of Senate Bill 24 and that Senator Wyss be substituted therefor.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 24, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

(Reference is to 24 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Public Policy.

GARTON, Chairperson

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COMMITTEE REPORT

Mr. President: The Senate Committee on Public Policy, to which was referred Senate Bill No. 24, 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 24 as printed January 13, 2000 .)

WYSS, Chairperson

Committee Vote: Yeas 8, Nays 0.

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