

# COMMITTEE REPORT

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## 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:

- 1 Delete everything after the enacting clause and insert the following:  
2 SECTION 1. IC 9-24-15-6.5 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 6.5. (a) The court shall  
4 grant a petition for a restricted driving permit filed under this chapter  
5 if all of the following conditions exist:  
6 (1) The person was not convicted of one (1) or more of the  
7 following:  
8 (A) A Class D felony under IC 9-30-5-4 before July 1, 1996,  
9 or a Class D felony or a Class C felony under IC 9-30-5-4 after  
10 June 30, 1996.  
11 (B) A Class C felony under IC 9-30-5-5 before July 1, 1996, or  
12 a Class C felony or a Class B felony under IC 9-30-5-5 after  
13 June 30, 1996.  
14 (2) The person's driving privileges were suspended under  
15 IC 9-30-6-9(b) or IC 35-48-4-15.  
16 (3) The driving that was the basis of the suspension was not in  
17 connection with the person's work.  
18 (4) The person does not have a previous conviction for operating  
19 while intoxicated.  
20 (5) The person is participating in a rehabilitation program  
21 certified by **either** the division of mental health **or the Indiana**  
22 **judicial center** as a condition of the person's probation.  
23 (b) The person filing the petition for a restricted driving permit shall  
24 include in the petition the information specified in subsection (a) in  
25 addition to the information required by sections 3 through 4 of this  
26 chapter.  
27 (c) Whenever the court grants a person restricted driving privileges  
28 under this chapter, that part of the court's order granting probationary  
29 driving privileges shall not take effect until the person's driving  
30 privileges have been suspended for at least thirty (30) days under  
31 IC 9-30-6-9.

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

- 4 (1) is a habitual violator under section 4(c) of this chapter;  
 5 (2) has not been previously placed on probation under this section  
 6 by a court;  
 7 (3) operates a vehicle for commercial or business purposes, and  
 8 the person's mileage for commercial or business purposes:  
 9 (A) is substantially in excess of the mileage of an average  
 10 driver; and  
 11 (B) may have been a factor that contributed to the person's  
 12 poor driving record; and  
 13 (4) does not have:  
 14 (A) a judgment for a violation enumerated in section 4(a) of  
 15 this chapter; or  
 16 (B) at least three (3) judgments (singularly or in combination  
 17 and not arising out of the same incident) of the violations  
 18 enumerated in section 4(b) of this chapter;

19 the court may place the person on probation in accordance with  
 20 subsection (c).

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

- 22 (1) is a habitual violator under section 4(b) of this chapter;  
 23 (2) has not been previously placed on probation under this section  
 24 by a court;  
 25 (3) does not have a judgment for any violation listed in section  
 26 4(a) of this chapter;  
 27 (4) has had the person's driving privileges suspended under this  
 28 chapter for at least five (5) consecutive years; and  
 29 (5) has not violated the terms of the person's suspension by  
 30 operating a vehicle;

31 the court may place the person on probation in accordance with  
 32 subsection (c). However, if the person has any judgments for operation  
 33 of a vehicle while intoxicated or with at least ten-hundredths percent  
 34 (0.10%) alcohol by weight in grams in one hundred (100) milliliters of  
 35 the blood, or two hundred ten (210) liters of the breath, the court,  
 36 before the court places a person on probation under subsection (c),  
 37 must find that the person has successfully fulfilled the requirements of  
 38 a rehabilitation program certified by **one (1) or both of the following:**

- 39 (A) The division of mental health.  
 40 (B) **The Indiana judicial center.**

41 (c) Whenever a court places a habitual violator on probation, the  
 42 court:

- 43 (1) shall record each of the court's findings under this section in  
 44 writing;  
 45 (2) shall obtain the person's driver's license or permit and send the  
 46 license or permit to the bureau;  
 47 (3) shall direct the person to apply to the bureau for a restricted  
 48 driver's license;  
 49 (4) shall order the bureau to issue the person an appropriate  
 50 license;

- 1 (5) shall place the person on probation for a fixed period of not  
 2 less than three (3) years and not more than ten (10) years;  
 3 (6) shall attach restrictions to the person's driving privileges,  
 4 including restrictions limiting the person's driving to:  
 5 (A) commercial or business purposes or other employment  
 6 related driving;  
 7 (B) specific purposes in exceptional circumstances; and  
 8 (C) rehabilitation programs;  
 9 (7) shall order the person to file proof of financial responsibility  
 10 for three (3) years following the date of being placed on  
 11 probation; and  
 12 (8) may impose other appropriate conditions of probation.  
 13 (d) If a court finds that a person:  
 14 (1) is a habitual violator under section 4(b) or 4(c) of this chapter;  
 15 (2) does not have any judgments for violations under section 4(a)  
 16 of this chapter;  
 17 (3) does not have any judgments or convictions for violations  
 18 under section 4(b) of this chapter, except for judgments or  
 19 convictions under section 4(b)(4) of this chapter that resulted  
 20 from driving on a suspended license that was suspended for:  
 21 (A) the commission of infractions only; or  
 22 (B) previously driving on a suspended license;  
 23 (4) has not been previously placed on probation under this section  
 24 by a court; and  
 25 (5) has had the person's driving privileges suspended under this  
 26 chapter for at least three (3) consecutive years and has not  
 27 violated the terms of the person's suspension by operating a  
 28 vehicle for at least three (3) consecutive years;  
 29 the court may place the person on probation under subsection (c).

(Reference is to 24 as introduced.)

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

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GARTON

Chairperson