



Reprinted
March 1, 2006

**ENGROSSED
HOUSE BILL No. 1128**

DIGEST OF HB 1128 (Updated February 28, 2006 5:51 pm - DI 106)

Citations Affected: IC 9-30.

Synopsis: Ignition interlock devices. Provides that when a court grants probationary driving privileges to certain persons, the order must include the requirement that for six months the person may not operate a motor vehicle unless: (1) the motor vehicle is equipped with a functioning certified ignition interlock device; or (2) the person is successfully participating in a court supervised alcohol treatment program involving disulfiram (antabuse) or a similar substance. Requires a person who is not indigent to pay the costs of the ignition interlock program.

Effective: July 1, 2006.

**Duncan, Messer, Summers,
Lawson L**

(SENATE SPONSORS — WYSS, KRUSE, HUME)

January 5, 2006, read first time and referred to Committee on Courts and Criminal Code.
January 26, 2006, reported — Do Pass.
January 30, 2006, read second time, ordered engrossed. Engrossed.
February 1, 2006, read third time, passed. Yeas 98, nays 0.

SENATE ACTION

February 6, 2006, read first time and referred to Committee on Judiciary.
February 23, 2006, reported favorably — Do Pass.
February 28, 2006, read second time, amended, ordered engrossed.

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March 1, 2006

Second Regular Session 114th General Assembly (2006)

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 2005 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1128

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 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) In addition to a
3 criminal penalty imposed for an offense under this chapter or
4 IC 14-15-8, the court shall, after reviewing the person's bureau driving
5 record and other relevant evidence, recommend the suspension of the
6 person's driving privileges for the fixed period of time specified under
7 this section.

8 (b) If the court finds that the person:
9 (1) does not have a previous conviction of operating a vehicle or
10 a motorboat while intoxicated; or
11 (2) has a previous conviction of operating a vehicle or a
12 motorboat while intoxicated that occurred at least ten (10) years
13 before the conviction under consideration by the court;

14 the court shall recommend the suspension of the person's driving
15 privileges for at least ninety (90) days but not more than two (2) years.

16 (c) If the court finds that the person has a previous conviction of
17 operating a vehicle or a motorboat while intoxicated and the previous

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1 conviction occurred more than five (5) years but less than ten (10)
 2 years before the conviction under consideration by the court, the court
 3 shall recommend the suspension of the person's driving privileges for
 4 at least one hundred eighty (180) days but not more than two (2) years.
 5 The court may stay the execution of that part of the suspension that
 6 exceeds the minimum period of suspension and grant the person
 7 probationary driving privileges for a period of time equal to the length
 8 of the stay.

9 (d) If the court finds that the person has a previous conviction of
 10 operating a vehicle or a motorboat while intoxicated and the previous
 11 conviction occurred less than five (5) years before the conviction under
 12 consideration by the court, the court shall recommend the suspension
 13 of the person's driving privileges for at least one (1) year but not more
 14 than two (2) years. The court may stay the execution of that part of the
 15 suspension that exceeds the minimum period of suspension and grant
 16 the person probationary driving privileges for a period of time equal to
 17 the length of the stay. **If the court grants probationary driving**
 18 **privileges under this subsection, the court shall order that the**
 19 **probationary driving privileges include the requirement that the**
 20 **person may not operate a motor vehicle unless the motor vehicle is**
 21 **equipped with a functioning certified ignition interlock device**
 22 **under IC 9-30-8. However, the court may grant probationary**
 23 **driving privileges under this subsection without requiring the**
 24 **installation of an ignition interlock device, if the person is**
 25 **successfully participating in a court supervised alcohol treatment**
 26 **program in which the person is taking disulfiram or a similar**
 27 **substance that the court determines is effective in treating alcohol**
 28 **abuse. The person granted probationary driving privileges under**
 29 **this subsection shall pay all costs associated with the installation of**
 30 **an ignition interlock device unless the sentencing court determines**
 31 **that the person is indigent.**

32 (e) If the conviction under consideration by the court is for an
 33 offense under:

- 34 (1) section 4 of this chapter;
- 35 (2) section 5 of this chapter;
- 36 (3) IC 14-15-8-8(b); or
- 37 (4) IC 14-15-8-8(c);

38 the court shall recommend the suspension of the person's driving
 39 privileges for at least two (2) years but not more than five (5) years.

40 (f) If the conviction under consideration by the court is for an
 41 offense involving the use of a controlled substance listed in schedule
 42 I, II, III, IV, or V of IC 35-48-2, in which a vehicle was used in the

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1 offense, the court shall recommend the suspension or revocation of the
2 person's driving privileges for at least six (6) months.

3 SECTION 2. IC 9-30-5-16 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) Except as
5 provided in subsections (b) and (c) **and section 10 of this chapter**, the
6 court may, in granting probationary driving privileges under this
7 chapter, also order that the probationary driving privileges include the
8 requirement that a person may not operate a motor vehicle unless the
9 vehicle is equipped with a functioning certified ignition interlock
10 device under IC 9-30-8.

11 (b) An order granting probationary driving privileges:

12 (1) under:

13 (A) section 12(a) of this chapter, if the person has a previous
14 conviction that occurred at least ten (10) years before the
15 conviction under consideration by the court; or

16 (B) section 12(c) of this chapter; or

17 (2) to a person who has a prior unrelated conviction for an offense
18 under this chapter of which the consumption of alcohol is an
19 element;

20 must prohibit the person from operating a motor vehicle unless the
21 vehicle is equipped with a functioning certified ignition interlock
22 device under IC 9-30-8. However, a court is not required to order the
23 installation of an ignition interlock device for a person described in
24 subdivision (1) or (2) if the person is successfully participating in a
25 court supervised alcohol treatment program in which the person is
26 taking disulfiram or a similar substance that the court determines is
27 effective in treating alcohol abuse.

28 (c) A court may not order the installation of an ignition interlock
29 device on a vehicle operated by an employee to whom any of the
30 following apply:

31 (1) Has been convicted of violating section 1 or 2 of this chapter.

32 (2) Is employed as the operator of a vehicle owned, leased, or
33 provided by the employee's employer.

34 (3) Is subject to a labor agreement that prohibits an employee who
35 is convicted of an alcohol related offense from operating the
36 employer's vehicle.

37 SECTION 3. IC 9-30-8-1 IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) If a court orders the
39 installation of a certified ignition interlock device under IC 9-30-5 on
40 a motor vehicle that a person whose license is restricted owns or
41 expects to operate, **except as provided in subsection (b)**, the court
42 shall set the time that the installation must remain in effect. However,

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1 the term may not exceed the maximum term of imprisonment the court
2 could have imposed. The person shall pay the cost of installation
3 **unless the sentencing court determines that the person is indigent.**

4 **(b) If the court orders installation of a certified ignition**
5 **interlock device under IC 9-30-5-10(d), the installation must**
6 **remain in effect for a period of six (6) months.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1128, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

ULMER, Chair

Committee Vote: yeas 10, nays 0.



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1128, 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 House Bill 1128 as printed January 27, 2006.)

BRAY, Chairperson

Committee Vote: Yeas 7, Nays 0.



SENATE MOTION

Madam President: I move that Senators Kruse and Hume be added as cosponsors of Engrossed House Bill 1128.

WYSS



SENATE MOTION

Madam President: I move that Engrossed House Bill 1128 be amended to read as follows:

Page 2, line 22, after "IC 9-30-8." insert "**However, the court may grant probationary driving privileges under this subsection without requiring the installation of an ignition interlock device, if the person is successfully participating in a court supervised alcohol treatment program in which the person is taking disulfiram or a similar substance that the court determines is effective in**

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treating alcohol abuse."

(Reference is to EHB 1128 as printed February 24, 2006.)

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SENATE MOTION

Madam President: I move that Engrossed House Bill 1128 be amended to read as follows:

Page 2, line 22, after "IC 9-30-8." insert "**The person granted probationary driving privileges under this subsection shall pay all costs associated with the installation of an ignition interlock device unless the sentencing court determines that the person is indigent.**".

Page 2, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 2. IC 9-30-5-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) Except as provided in subsections (b) and (c) **and section 10 of this chapter**, the court may, in granting probationary driving privileges under this chapter, also order that the probationary driving privileges include the requirement that a person may not operate a motor vehicle unless the vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8.

(b) An order granting probationary driving privileges:

(1) under:

(A) section 12(a) of this chapter, if the person has a previous conviction that occurred at least ten (10) years before the conviction under consideration by the court; or

(B) section 12(c) of this chapter; or

(2) to a person who has a prior unrelated conviction for an offense under this chapter of which the consumption of alcohol is an element;

must prohibit the person from operating a motor vehicle unless the vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8. However, a court is not required to order the installation of an ignition interlock device for a person described in subdivision (1) or (2) if the person is successfully participating in a court supervised alcohol treatment program in which the person is taking disulfiram or a similar substance that the court determines is effective in treating alcohol abuse.

(c) A court may not order the installation of an ignition interlock

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device on a vehicle operated by an employee to whom any of the following apply:

- (1) Has been convicted of violating section 1 or 2 of this chapter.
- (2) Is employed as the operator of a vehicle owned, leased, or provided by the employee's employer.
- (3) Is subject to a labor agreement that prohibits an employee who is convicted of an alcohol related offense from operating the employer's vehicle."

Page 3, line 1, after "installation" delete "." and insert "**unless the sentencing court determines that the person is indigent.**".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1128 as printed February 24, 2006.)

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