



January 29, 2010

SENATE BILL No. 247

DIGEST OF SB 247 (Updated January 27, 2010 1:54 pm - DI 106)

Citations Affected: IC 9-30.

Synopsis: Ignition interlock devices. Provides that a court may prohibit a person convicted of operating while intoxicated from operating a motor vehicle for at least 90 days if the vehicle is not equipped with an ignition interlock device. Makes conforming amendments. Repeals superseded provisions.

Effective: July 1, 2010.

**Head, Zakas, Arnold, Broden,
Randolph**

January 11, 2010, read first time and referred to Committee on Judiciary.
January 28, 2010, amended, reported favorably — Do Pass.

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SB 247—LS 6532/DI 107+



January 29, 2010

Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

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SENATE BILL No. 247



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 9-30-5-7 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2010]: Sec. 7. (a) A person who violates a court
3 order issued under section ~~16~~ **18** of this chapter commits a Class A
4 misdemeanor.
5 (b) Except as provided in subsection (c), a person who knowingly
6 assists another person who is restricted to the use of an ignition
7 interlock device to violate a court order issued under this chapter
8 commits a Class A misdemeanor.
9 (c) Subsection (b) does not apply if the starting of a motor vehicle,
10 or the request to start a motor vehicle, equipped with an ignition
11 interlock device:
12 (1) is done for the purpose of safety or mechanical repair of the
13 device or the vehicle; and
14 (2) the restricted person does not operate the vehicle.
15 (d) A person who, except in an emergency, knowingly rents, leases,
16 or loans a motor vehicle that is not equipped with a functioning ignition
17 interlock device to a person who is restricted under a court order to the

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use of a vehicle with an ignition interlock device commits a Class A infraction.

(e) A person who is subject to an ignition interlock device restriction and drives another vehicle in an emergency situation must notify the court of the emergency within twenty-four (24) hours.

SECTION 2. IC 9-30-5-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 18. (a) As used in this section, "impaired driving offense" means an offense described in sections 1 through 5 of this chapter.**

(b) In addition to any sentence imposed on a person for a felony or a misdemeanor, a court may prohibit a person convicted of an impaired driving offense from operating a motor vehicle unless the vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8. The court may prohibit a person convicted of an impaired driving offense from operating a motor vehicle not equipped with a functioning certified ignition interlock device for at least ninety (90) days.

(c) The prohibition period described in subsection (b) may begin, if applicable, before a period of incarceration or after a period of incarceration as long as the suspension otherwise complies with the periods established in this section. This subsection does not prohibit a court from imposing a separate ignition interlock device requirement as a condition of pretrial release or in accordance with IC 9-30-6-8. However, any period during which the person operated a motor vehicle with an ignition interlock device installed as a condition of pretrial release or under IC 9-30-6-8 does not count against the prohibition period described in subsection (b).

(d) A person prohibited from operating a motor vehicle without having an ignition interlock device installed shall pay the cost of installation and monitoring unless the court determines that the person is indigent.

SECTION 3. IC 9-30-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 3. The bureau shall adopt rules under IC 4-22-2 to establish standards and specifications for an ignition interlock device. ~~the installation of which the courts may mandate under IC 9-30-5-16.~~ The standards and specifications must require at a minimum that the device meets the following requirements:**

- (1) Is accurate.
- (2) Does not impede the safe operation of a vehicle.
- (3) Provides a minimum opportunity to be bypassed.

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1 (4) Shows evidence of tampering if tampering is attempted.
2 (5) Has a label affixed warning that a person tampering with or
3 misusing the device is subject to a civil penalty.
4 SECTION 4. IC 9-30-8-5 IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2010]: Sec. 5. If a court orders a person ~~under~~
6 ~~IC 9-30-5-16~~ to operate only a vehicle that is equipped with an ignition
7 interlock device, the bureau shall include that condition when issuing
8 a license.
9 SECTION 5. THE FOLLOWING ARE REPEALED [EFFECTIVE
10 JULY 1, 2010]: IC 9-30-5-16; IC 9-30-8-1.

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COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 247, 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:

Page 2, line 22, delete "The".

Page 2, delete line 23.

Page 2, line 24, delete "imposed under IC 35-50-2 or IC 35-50-3".

and when so amended that said bill do pass.

(Reference is to SB 247 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 8, Nays 0.

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