

# COMMITTEE REPORT

## MADAM PRESIDENT:

**The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill No. 528, 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           Replace the effective dates in SECTIONS 1 through 31 with  
2           "[EFFECTIVE JANUARY 1, 2012]".
- 3           Page 2, delete lines 1 through 10, begin a new paragraph and insert:  
4           "SECTION 2. IC 9-18-3-6 IS AMENDED TO READ AS  
5           FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 6. The bureau  
6           may issue distinctive permanent plates under this chapter to each of the  
7           following:
- 8           (1) The state police department.
  - 9           (2) The department of natural resources.
  - 10          (3) County police departments.
  - 11          (4) City police departments.
  - 12          **(5) The department of correction, for designated**  
13          **departmental vehicles used by correctional police officers**  
14          **appointed under IC 11-8-9-1."**
- 15          Page 11, between lines 35 and 36, begin a new paragraph and insert:  
16          "SECTION 16. IC 9-24-15-6, AS AMENDED BY P.L.28-2010,  
17          SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18          JANUARY 1, 2012]: Sec. 6. ~~(a)~~ The court shall, after hearing the  
19          evidence upon a petition filed under this chapter and without any  
20          requests, make, sign, and file special finding of facts in writing. Except

1 as provided in section 6.5 of this chapter, the court may do either of the  
2 following:

- 3 (1) Refuse to grant the petition.  
4 (2) Make a final determination in the nature of a recommendation  
5 to the bureau that the petitioner be granted a restricted driving  
6 permit.

7 The judge of the court shall sign the recommendation and have the  
8 recommendation entered in the order book by the clerk of the court,  
9 with a copy sent to the bureau.

10 ~~(b) If the court recommends that a person who is a habitual traffic~~  
11 ~~violationer under IC 9-30-10 be granted a restricted driving permit, the~~  
12 ~~court shall require the person to submit to reasonable monitoring~~  
13 ~~requirements.~~

14 SECTION 17. IC 9-24-15-6.5, AS AMENDED BY P.L.28-2010,  
15 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JANUARY 1, 2012]: Sec. 6.5. (a) The court shall grant a petition for  
17 a restricted driving permit filed under this chapter if all of the following  
18 conditions exist:

19 (1) The person was not convicted of one (1) or more of the  
20 following:

21 (A) A Class D felony under IC 9-30-5-4 before July 1, 1996,  
22 or a Class D felony or a Class C felony under IC 9-30-5-4 after  
23 June 30, 1996.

24 (B) A Class C felony under IC 9-30-5-5 before July 1, 1996, or  
25 a Class C felony or a Class B felony under IC 9-30-5-5 after  
26 June 30, 1996.

27 (2) The person's driving privileges were suspended under  
28 IC 9-30-6-9(c) or IC 35-48-4-15.

29 (3) The driving that was the basis of the suspension was not in  
30 connection with the person's work.

31 (4) The person does not have a previous conviction for operating  
32 while intoxicated.

33 (5) The person is participating in a rehabilitation program  
34 certified by either the division of mental health and addiction or  
35 the Indiana judicial center as a condition of the person's  
36 probation.

37 (b) The person filing the petition for a restricted driving permit shall  
38 include in the petition the information specified in subsection (a) in

1 addition to the information required by sections 3 through 4 of this  
2 chapter.

3 (c) Whenever the court grants a person restricted driving privileges  
4 under this chapter, that part of the court's order granting probationary  
5 driving privileges shall not take effect until the person's driving  
6 privileges have been suspended for at least thirty (30) days under  
7 IC 9-30-6-9. In a county that provides for the installation of an ignition  
8 interlock device under IC 9-30-8, installation of an ignition interlock  
9 device is required as a condition of probationary driving privileges for  
10 the entire duration of the probationary driving privileges.

11 (d) If a court requires installation of a certified ignition interlock  
12 device under subsection (c), the court shall order the bureau to record  
13 this requirement in the person's operating record in accordance with  
14 IC 9-14-3-7. When the person is no longer required to operate only a  
15 motor vehicle equipped with an ignition interlock device, the court  
16 shall notify the bureau that the ignition interlock use requirement has  
17 expired and order the bureau to update its records accordingly.

18 ~~(e) If the court recommends that a person who is a habitual traffic~~  
19 ~~violation under IC 9-30-10 be granted a restricted driving permit, the~~  
20 ~~court shall require the person to submit to reasonable monitoring~~  
21 ~~requirements.~~

22 SECTION 18. IC 9-24-15-6.7, AS AMENDED BY P.L.28-2010,  
23 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 JANUARY 1, 2012]: Sec. 6.7. (a) If a petitioner whose driving license  
25 or permit is suspended under IC 9-25-6-19, IC 9-25-6-20, or  
26 IC 9-25-6-21 proves to the satisfaction of the court that public  
27 transportation is unavailable for travel by the petitioner:

- 28 (1) to and from the petitioner's regular place of employment;  
29 (2) in the course of the petitioner's regular employment;  
30 (3) to and from the petitioner's place of worship; or  
31 (4) to participate in parenting time with the petitioner's children  
32 consistent with a court order granting parenting time;

33 the court may grant a petition for a restricted driving permit filed under  
34 this chapter.

35 (b) A restricted driving permit issued by the bureau under this  
36 section must specify that the restricted driving permit is valid only for  
37 purposes of driving under the conditions described in subsection (a).

38 (c) A restricted driving permit issued by the bureau under this

1 section shall be:

2 (1) issued in the same manner; and

3 (2) subject to all requirements;

4 as other permits under this chapter. ~~If the court recommends that a~~  
 5 ~~person who is a habitual traffic violator under IC 9-30-10 be granted a~~  
 6 ~~restricted driving permit, the court shall require the person to submit to~~  
 7 ~~reasonable monitoring requirements.~~

8 SECTION 19. IC 9-24-15-9, AS AMENDED BY P.L.2-2005,  
 9 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JANUARY 1, 2012]: Sec. 9. ~~(a)~~ Except as provided in ~~subsection (b)~~  
 11 ~~and~~ section 6.5 of this chapter, an individual may not receive a  
 12 restricted driving permit if the individual's driving privileges are  
 13 suspended under IC 9-30-5 through IC 9-30-9 or IC 9-30-13-3.

14 ~~(b) If the individual's driving privileges are suspended under~~  
 15 ~~IC 9-30-6-9(c) and the individual does not have a previous conviction~~  
 16 ~~for operating while intoxicated, the individual may receive a restricted~~  
 17 ~~driving permit if the individual otherwise qualifies for the permit."~~

18 Page 16, between lines 40 and 41, begin a new paragraph and insert:

19 "SECTION 34. IC 9-30-6-12 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 12. (a) If a court  
 21 recommends suspension of the driving privileges under this chapter,  
 22 IC 9-30-5, or IC 9-30-9:

23 (1) the bureau shall comply with the recommendation of  
 24 suspension, and the driving privileges of the person remain  
 25 suspended for the period set by the court; and

26 (2) the person shall surrender to the court all licenses, permits, or  
 27 receipts issued to the person, and the court shall immediately  
 28 forward the licenses, permits, or receipts to the bureau with the  
 29 abstract of conviction or judgment.

30 (b) During the three (3) years following the termination of the  
 31 suspension the person's driving privileges remain suspended until the  
 32 person provides proof of **future** financial responsibility in force under  
 33 IC 9-25.

34 (c) If at any time during the three (3) years following the termination  
 35 of the suspension imposed under subsection (a) a person who has  
 36 provided proof of **future** financial responsibility under IC 9-25 fails to  
 37 maintain the proof, the bureau shall suspend the person's driving  
 38 privileges until the person again provides proof of **future** financial

1 responsibility under IC 9-25.

2 (d) An agency action under this section is not subject to IC 4-21.5.

3 SECTION 35. IC 9-30-10-9, AS AMENDED BY P.L.28-2010,  
4 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JANUARY 1, 2012]: Sec. 9. (a) After June 30, 2005, this section does  
6 not apply to a person who:

7 (1) holds a commercial driver's license; and  
8 (2) has been charged with an offense involving the operation of  
9 a motor vehicle in accordance with the federal Motor Carrier  
10 Safety Improvement Act of 1999 (MCSIA) (Public Law  
11 106-159.113 Stat. 1748).

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

13 (1) is a habitual violator under section 4(c) of this chapter;  
14 (2) has not been previously placed on probation under this section  
15 by a court;

16 (3) operates a vehicle for commercial or business purposes, and  
17 the person's mileage for commercial or business purposes:

18 (A) is substantially in excess of the mileage of an average  
19 driver; and

20 (B) may have been a factor that contributed to the person's  
21 poor driving record; and

22 (4) does not have:

23 (A) a judgment for a violation enumerated in section 4(a) of  
24 this chapter; or

25 (B) at least three (3) judgments (singularly or in combination  
26 and not arising out of the same incident) of the violations  
27 enumerated in section 4(b) of this chapter;

28 the court may place the person on probation in accordance with  
29 subsection (d).

30 (c) If a court finds that a person:

31 (1) is a habitual violator under section 4(b) of this chapter;

32 (2) has not been previously placed on probation under this section  
33 by a court;

34 (3) does not have a judgment for any violation listed in section  
35 4(a) of this chapter;

36 (4) has had the person's driving privileges suspended under this  
37 chapter for at least five (5) consecutive years; and

38 (5) has not violated the terms of the person's suspension by

1 operating a vehicle;  
2 the court may place the person on probation in accordance with  
3 subsection (d). However, if the person has any judgments for operation  
4 of a vehicle before July 1, 2001, while intoxicated or with an alcohol  
5 concentration equivalent to at least ten-hundredths (0.10) gram of  
6 alcohol per one hundred (100) milliliters of the blood or two hundred  
7 ten (210) liters of the breath, or for the operation of a vehicle after June  
8 30, 2001, while intoxicated or with an alcohol concentration equivalent  
9 to at least eight-hundredths (0.08) gram of alcohol per one hundred  
10 (100) milliliters of the blood or two hundred ten (210) liters of the  
11 breath, the court, before the court places a person on probation under  
12 subsection (d), must find that the person has successfully fulfilled the  
13 requirements of a rehabilitation program certified by one (1) or both of  
14 the following:

15 (A) The division of mental health and addiction.

16 (B) The Indiana judicial center.

17 (d) Whenever a court places a habitual violator on probation, the  
18 court:

19 (1) shall record each of the court's findings under this section in  
20 writing;

21 (2) shall obtain the person's driver's license or permit and send the  
22 license or permit to the bureau;

23 (3) shall direct the person to apply to the bureau for a restricted  
24 driver's license;

25 (4) shall order the bureau to issue the person an appropriate  
26 license;

27 (5) shall place the person on probation for a fixed period of not  
28 less than three (3) years and not more than ten (10) years;

29 (6) shall attach restrictions to the person's driving privileges,  
30 including restrictions limiting the person's driving to:

31 (A) commercial or business purposes or other employment  
32 related driving;

33 (B) specific purposes in exceptional circumstances;

34 (C) rehabilitation programs; and

35 (D) specified hours during which the person may drive;

36 (7) shall require the person to submit to reasonable monitoring  
37 requirements;

38 (8) shall order the person to file proof of financial responsibility

- 1 for three (3) years following the date of being placed on  
2 probation; and  
3 (9) shall impose other appropriate conditions of probation, which  
4 must include one (1) or more of the following conditions if the  
5 person was determined to be a habitual violator under  
6 ~~IC 9-30-10-4(a)(4)~~ through ~~IC 9-30-10-4(a)(7)~~ or  
7 IC 9-30-10-4(b)(1) through IC 9-30-10-4(b)(4), and at least one  
8 (1) of the offenses occurred within five (5) years prior to the  
9 granting of the probationary or restricted license:
- 10 (A) An order prohibiting the person from operating a motor  
11 vehicle or motorized bicycle with an alcohol concentration  
12 equivalent to at least two-hundredths (0.02) gram of alcohol  
13 per:
- 14 (i) one hundred (100) milliliters of the person's blood; or  
15 (ii) two hundred ten (210) liters of the person's breath;  
16 or while under the influence of any other intoxicating  
17 substance.
- 18 (B) An order that the person submit to a method to monitor the  
19 person's compliance with the prohibition against operating a  
20 motor vehicle or motorized bicycle with an alcohol  
21 concentration equivalent to at least two-hundredths (0.02)  
22 gram of alcohol per:
- 23 (i) one hundred (100) milliliters of the person's blood; or  
24 (ii) two hundred ten (210) liters of the person's breath;  
25 or while intoxicated (as defined under IC 9-13-2-86).
- 26 (C) The court shall determine the appropriate monitoring  
27 method, which may include one (1) or more of the following:
- 28 (i) The person may operate only a motor vehicle equipped  
29 with an ignition interlock device.
- 30 (ii) The person must submit to a chemical test if a law  
31 enforcement officer lawfully stops the person while  
32 operating a motor vehicle or motorized bicycle and the law  
33 enforcement officer requests that the person submit to a  
34 chemical test.
- 35 (iii) The person must wear a device that detects and records  
36 the person's use of alcohol.
- 37 (iv) The person must submit to any other reasonable  
38 monitoring requirement as determined by the court.

- 1 (e) If a court finds that a person:
- 2 (1) is a habitual violator under section 4(b) or 4(c) of this chapter;
- 3 (2) does not have any judgments for violations under section 4(a)
- 4 of this chapter;
- 5 (3) does not have any judgments or convictions for violations
- 6 under section 4(b) of this chapter, except for judgments or
- 7 convictions under section 4(b)(5) of this chapter that resulted
- 8 from driving on a suspended license that was suspended for:
- 9 (A) the commission of infractions only; or
- 10 (B) previously driving on a suspended license;
- 11 (4) has not been previously placed on probation under this section
- 12 by a court; and
- 13 (5) has had the person's driving privileges suspended under this
- 14 chapter for at least three (3) consecutive years and has not
- 15 violated the terms of the person's suspension by operating a
- 16 vehicle for at least three (3) consecutive years;

17 the court may place the person on probation under subsection (d).

18 SECTION 36. IC 9-30-10-13, AS AMENDED BY P.L.28-2010,  
 19 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JANUARY 1, 2012]: Sec. 13. (a) The bureau may issue a license to  
 21 operate a motor vehicle to a habitual violator whose driving privileges  
 22 ~~are~~ were suspended under section 5(b) of this chapter if the following  
 23 conditions exist:

- 24 (1) The time specified for the person's probation or the restriction
- 25 or suspension of the person's license has elapsed.
- 26 (2) The person has met all the requirements of all applicable
- 27 statutes and rules relating to the licensing of motor vehicle
- 28 operators.
- 29 (3) The person files with the bureau and maintains for three (3)
- 30 years after filing proof of financial responsibility in accordance
- 31 with IC 9-25.
- 32 (4) The bureau places a restriction on the person's driver's license
- 33 and driving record that indicates the person is prohibited from
- 34 operating a motor vehicle or motorized bicycle with an alcohol
- 35 concentration equivalent to at least two-hundredths (0.02) gram
- 36 of alcohol per:
- 37 (A) one hundred (100) milliliters of the person's blood; or
- 38 (B) two hundred ten (210) liters of the person's breath;

1 or while intoxicated (as defined under IC 9-13-2-86) for three (3)  
2 years after the bureau issues the driver's license to the person.

3 (5) The person signs a bureau form by which the person agrees  
4 that as a condition to obtaining the driver's license the person will  
5 submit to a chemical test at any time during the period three (3)  
6 years after the bureau issues the driver's license to the person if a  
7 law enforcement officer lawfully stops the person while operating  
8 a motor vehicle or motorized bicycle and the law enforcement  
9 officer requests that the person submit to a chemical test.

10 (b) The bureau may issue a license to operate a motor vehicle to a  
11 habitual violator whose driving privileges have been suspended for life  
12 if the following conditions exist:

13 (1) The bureau has received an order for rescission of suspension  
14 and reinstatement issued under section 15 of this chapter.

15 (2) The person to whom the license is to be issued has never been  
16 convicted of a violation described in section 4(a) or 17 of this  
17 chapter.

18 (3) The person has not been convicted of an offense under section  
19 16 of this chapter more than one (1) time.

20 (4) The person has met all the requirements of all applicable  
21 statutes and rules relating to the licensing of motor vehicle  
22 operators.

23 (5) The person files with the bureau, and maintains for three (3)  
24 years after filing proof of financial responsibility in accordance  
25 with IC 9-25.

26 (6) The bureau places a restriction on the person's driver's license  
27 and driving record that indicates the person is prohibited from  
28 operating a motor vehicle or motorized bicycle with an alcohol  
29 concentration equivalent to at least two-hundredths (0.02) gram  
30 of alcohol per:

31 (A) one hundred (100) milliliters of the person's blood; or

32 (B) two hundred ten (210) liters of the person's breath;

33 or while intoxicated (as defined under IC 9-13-2-86) for three (3)  
34 years after the bureau issues the driver's license to the person.

35 (7) The person signs a bureau form by which the person agrees  
36 that as a condition to obtaining the driver's license the person will  
37 submit to a chemical test at any time during the period three (3)  
38 years after the bureau issues the driver's license to the person if a

- 1 law enforcement officer lawfully stops the person while operating
- 2 a motor vehicle or motorized bicycle and the law enforcement
- 3 officer requests that the person submit to a chemical test.
- 4 (c) A habitual violator is not eligible for relief under the hardship
- 5 provisions of IC 9-24-15."
- 6 Renumber all SECTIONS consecutively.  
(Reference is to SB 528 as introduced.)

**and when so amended that said bill do pass.**

Committee Vote: Yeas 7, Nays 0.

---

**Wyss**

**Chairperson**