
HOUSE BILL No. 2138

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-24-18-12; IC 35-46-1-10.5.

Synopsis: Driver's license suspension for minors who smoke. Provides that if after June 30, 2003, a minor born after June 30, 1987, is found to have purchased tobacco, accepted tobacco for personal use, or possessed tobacco on the minor's person, a court may order the minor's driver's license suspended for up to one year. Provides that if a minor has an infraction judgment for tobacco purchase, accepting tobacco for personal use, or possessing tobacco on the minor's person, and the minor does not hold an operator's license or a learner's permit, the court may order that the minor may not receive an operator's license or a learner's permit from the bureau of motor vehicles for at least six months after the earliest date that the minor would be eligible to receive a permit from the bureau of motor vehicles. Provides that upon receipt of a court order following an infraction judgment against a minor for tobacco purchase, accepting tobacco for personal use, or possessing tobacco on the minor's person, the bureau of motor vehicles shall suspend the minor's driver's license for the period ordered by the court.

Effective: July 1, 2001.

Thompson, Smith V

January 17, 2001, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 112th General Assembly (2001)

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 2000 General Assembly.

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HOUSE BILL No. 2138



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 9-24-18-12 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12. Upon receipt of a
3 court order under:

4 (1) IC 7.1-5-7-7 (minor possessing, consuming, or transporting
5 alcohol or having alcohol present in a bodily substance); **or**
6 (2) **IC 35-46-1-10.5(a) (individual less than eighteen (18) years**
7 **of age purchasing tobacco, accepting tobacco for personal use,**
8 **or possessing tobacco on the individual's person);**
9 the bureau shall suspend the minor's driver's license for the period
10 ordered by the court.

11 SECTION 2. IC 35-46-1-10.5 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10.5. (a) A person less
13 than eighteen (18) years of age who:

14 (1) purchases tobacco;
15 (2) accepts tobacco for personal use; or
16 (3) possesses tobacco on his **or her** person;
17 commits a Class C infraction.



1 (b) It is a defense under subsection (a) that the accused person acted
2 in the ordinary course of employment in a business concerning tobacco:

- 3 (1) agriculture;
4 (2) processing;
5 (3) transporting;
6 (4) wholesaling; or
7 (5) retailing.

8 **(c) If a person:**

- 9 (1) less than eighteen (18) years of age; and
10 (2) born after June 30, 1987;

11 violates subsection (a) after June 30, 2003, the court that enters the
12 judgment for the infraction under subsection (a) may issue an
13 order recommending that the person's driver's license be
14 suspended for up to one (1) year.

15 (d) The court shall deliver an order recommending the
16 suspension of the person's driver's license under subsection (c) to
17 the bureau of motor vehicles. The bureau shall suspend the
18 person's driver's license under IC 9-24-18-12 for the period
19 ordered by the court.

20 (e) If a person receives a judgment for an infraction described
21 in subsection (a) and the person does not hold an operator's license
22 or a learner's permit, the court may issue an order recommending
23 that the person may not receive an operator's license or a learner's
24 permit from the bureau of motor vehicles until six (6) months after
25 the earliest date the person would otherwise be eligible to receive
26 an operator's license or learner's permit from the bureau of motor
27 vehicles. The bureau may not issue an operator's license or
28 learner's permit to the person until the date specified in the court's
29 order.

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