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# HOUSE BILL No. 1232

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-24; IC 9-29-13-1; IC 9-30; IC 31-37.

**Synopsis:** Driver's licenses and suspensions. Provides that a court may grant probationary driving privileges to a person who has been convicted of operating while intoxicated in certain circumstances. Provides that if a person has been convicted twice in a ten year period of operating a vehicle or a motorboat while intoxicated, the court shall order each motor vehicle owned or leased by the person to be equipped with a functioning certified ignition interlock device (device), and if the court grants probationary driving privileges, the person must use the device. Makes it a Class B misdemeanor and requires a 30 day driver's license suspension if a person knowingly or intentionally authorizes or permits a motor vehicle to be driven by another person whose driving privileges have been suspended without probationary driving privileges. Makes it a Class B infraction if a person fails to equip each vehicle owned or leased by the person with a device within ten days after an order by the court. Makes conforming amendments.

**Effective:** July 1, 2003.

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### Duncan

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January 8, 2003, read first time and referred to Committee on Judiciary.

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First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

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## HOUSE BILL No. 1232



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 9-24-15-6.7, AS AMENDED BY P.L.117-2001,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2003]: Sec. 6.7. (a) If a petitioner whose driving license or  
4 permit is suspended under **IC 9-24-18-4**, IC 9-25-6-19, IC 9-25-6-20,  
5 or IC 9-25-6-21 proves to the satisfaction of the court that public  
6 transportation is unavailable for travel by the petitioner:  
7 (1) to and from the petitioner's regular place of employment;  
8 (2) in the course of the petitioner's regular employment;  
9 (3) to and from the petitioner's place of worship; or  
10 (4) to participate in visitation with the petitioner's children  
11 consistent with a court order granting visitation;  
12 the court may grant a petition for a restricted driving permit filed under  
13 this chapter.  
14 (b) A restricted driving permit issued by the bureau under this  
15 section must specify that the restricted driving permit is valid only for  
16 purposes of driving under the conditions described in subsection (a).  
17 (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.

5 SECTION 2. IC 9-24-18-4 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) **Except as  
7 provided in subsection (b)**, a person ~~may not authorize or who~~  
8 knowingly ~~permit or intentionally authorizes or permits~~ a motor  
9 vehicle owned by the person or under the person's control to be driven  
10 by a person who does not have a legal right to do so or in violation of  
11 this title

12 ~~(b) A person who violates this section~~ commits a Class C infraction.

13 **(b) A person who knowingly or intentionally authorizes or  
14 permits a motor vehicle owned by the person or under the person's  
15 control to be driven by another person:**

16 (1) whose driving privileges have been suspended under  
17 IC 9-30-5-10; and

18 (2) who does not have probationary driving privileges granted  
19 under IC 9-30-5-10;

20 commits a Class B misdemeanor.

21 (c) A conviction for an offense under subsection (b) must result  
22 in the suspension of the driving privileges of the convicted person.

23 (d) The court imposing sentence for a violation under subsection  
24 (b) shall recommend to the bureau the suspension of the person's  
25 driving privileges under section 4.5 of this chapter.

26 SECTION 3. IC 9-24-18-4.5 IS ADDED TO THE INDIANA CODE  
27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
28 1, 2003]: Sec. 4.5. (a) **Upon receiving a recommendation from a  
29 court under section 4(d) of this chapter, the bureau shall do the  
30 following:**

31 (1) Suspend under subsection (b) the driving privileges of the  
32 person who is the subject of the order, whether or not the  
33 person's current driver's license accompanies the order.

34 (2) Mail to the last known address of the person who is the  
35 subject of the order a notice:

36 (A) stating that the person's driver's license is being  
37 suspended because the person violated section 4(b) of this  
38 chapter by permitting a motor vehicle to be driven by  
39 another person whose driver's license is suspended;

40 (B) setting forth the dates on which the suspension takes  
41 effect and ends; and

42 (C) stating that the person may be granted a restricted

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1 driving permit under IC 9-24-15 if the person meets the  
2 conditions for obtaining a restricted driving permit.

3 (b) The suspension of the driving privileges of a person who is  
4 the subject of a recommendation issued under section 4(d) of this  
5 chapter:

6 (1) begins five (5) business days after the date on which the  
7 bureau mails the notice to the person under subsection (a)(2);  
8 and

9 (2) ends thirty (30) days after the suspension begins.

10 (c) A person who operates a motor vehicle during a suspension  
11 of the person's driving privileges under this section commits a  
12 Class A infraction unless the person's operation of the motor  
13 vehicle is authorized by a restricted driving permit issued to the  
14 person under IC 9-24-15-6.7.

15 (d) The suspension of a person's driving privileges under this  
16 section is in addition to other penalties prescribed by IC 35-50-3-3  
17 for a Class B misdemeanor.

18 SECTION 4. IC 9-29-13-1, AS AMENDED BY P.L.117-2001,  
19 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 2003]: Sec. 1. The fee for the reinstatement of operating or  
21 registration privileges that have been suspended by administrative  
22 action under this title or by court:

23 (1) order under IC 9-25-6-21; or

24 (2) recommendation under IC 9-24-18-4(d);

25 is ten dollars (\$10).

26 SECTION 5. IC 9-30-5-7 IS AMENDED TO READ AS FOLLOWS  
27 [EFFECTIVE JULY 1, 2003]: Sec. 7. (a) A person who violates a court  
28 order issued under section 16 of this chapter commits a Class A  
29 misdemeanor.

30 (b) Except as provided in subsection (c), a person who knowingly  
31 assists another person who is restricted to the use of an ignition  
32 interlock device to violate a court order issued under this chapter  
33 commits a Class A misdemeanor.

34 (c) Subsection (b) does not apply if the starting of a motor vehicle,  
35 or the request to start a motor vehicle, equipped with an ignition  
36 interlock device:

37 (1) is done for the purpose of safety or mechanical repair of the  
38 device or the vehicle; and

39 (2) the restricted person does not operate the vehicle.

40 (d) A person who, except in an emergency, knowingly rents, leases,  
41 or loans a motor vehicle that is not equipped with a functioning ignition  
42 interlock device to a person who is restricted under a court order to the

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

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

6 **(f) A person who fails to equip each vehicle owned or leased by**  
7 **the person with a functioning certified ignition interlock device**  
8 **within ten (10) days after the court enters an order under section**  
9 **10(d) or 10(e) of this chapter commits a Class B infraction.**

10 SECTION 6. IC 9-30-5-10 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10. (a) In addition to a  
12 criminal penalty imposed for an offense under this chapter or  
13 IC 14-15-8, the court shall, after reviewing the person's bureau driving  
14 record and other relevant evidence, recommend the suspension of the  
15 person's driving privileges for the fixed period of time specified under  
16 this section.

17 (b) If the court finds that the person:

18 (1) does not have a previous conviction of operating a vehicle or  
19 a motorboat while intoxicated; or

20 (2) has a previous conviction of operating a vehicle or a  
21 motorboat while intoxicated that occurred at least ten (10) years  
22 before the conviction under consideration by the court;

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

25 (c) If:

26 **(1) a court recommends suspension of a person's driving**  
27 **privileges under subsection (b) for an offense committed**  
28 **under this chapter; and**

29 **(2) the person did not refuse to submit to a chemical test**  
30 **offered under IC 9-30-6-2 during the investigation of the**  
31 **offense;**

32 **the court may stay the execution of the suspension of the person's**  
33 **driving privileges and grant the person probationary driving**  
34 **privileges for one hundred eighty (180) days.**

35 (d) If the court finds that the person has a previous conviction of  
36 operating a vehicle or a motorboat while intoxicated and the previous  
37 conviction occurred more than five (5) years but less than ten (10)  
38 years before the conviction under consideration by the court, the court  
39 shall recommend the suspension of the person's driving privileges for  
40 at least one hundred eighty (180) days but not more than two (2) years.  
41 **The court shall order that each motor vehicle owned or leased by**  
42 **the person be equipped with a functioning certified ignition**

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1 **interlock device under IC 9-30-8 within ten (10) days after the date**  
 2 **the court enters the order.** The court may stay the execution of that  
 3 part of the suspension that exceeds the minimum period of suspension  
 4 and grant the person probationary driving privileges for a period of  
 5 time equal to the length of the stay. If the court grants probationary  
 6 driving privileges under this subsection, the court ~~may~~ **shall** order that  
 7 the probationary driving privileges include the requirement that the  
 8 person may not operate a motor vehicle unless the motor vehicle is  
 9 equipped with a functioning certified ignition interlock device under  
 10 IC 9-30-8.

11 ~~(d)~~ **(e)** If the court finds that the person has a previous conviction of  
 12 operating a vehicle or a motorboat while intoxicated and the previous  
 13 conviction occurred less than five (5) years before the conviction under  
 14 consideration by the court, the court shall recommend the suspension  
 15 of the person's driving privileges for at least one (1) year but not more  
 16 than two (2) years. **The court shall order that each motor vehicle**  
 17 **owned or leased by the person be equipped with a functioning**  
 18 **certified ignition interlock device under IC 9-30-8 within ten (10)**  
 19 **days after the date the court enters the order.** The court may stay the  
 20 execution of that part of the suspension that exceeds the minimum  
 21 period of suspension and grant the person probationary driving  
 22 privileges for a period of time equal to the length of the stay. If the  
 23 court grants probationary driving privileges under this subsection, the  
 24 court ~~may~~ **shall** order that the probationary driving privileges include  
 25 the requirement that the person may not operate a motor vehicle unless  
 26 the motor vehicle is equipped with a functioning certified ignition  
 27 interlock device under IC 9-30-8.

28 ~~(e)~~ **(f)** If the conviction under consideration by the court is for an  
 29 offense under:

- 30 (1) section 4 of this chapter;
- 31 (2) section 5 of this chapter;
- 32 (3) IC 14-15-8-8(b); or
- 33 (4) IC 14-15-8-8(c);

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

36 ~~(f)~~ **(g)** If the conviction under consideration by the court is for an  
 37 offense involving the use of a controlled substance listed in schedule  
 38 I, II, III, IV, or V of IC 35-48-2, the court shall recommend the  
 39 suspension or revocation of the person's driving privileges for at least  
 40 six (6) months.

41 SECTION 7. IC 9-30-5-11 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. (a) If a court grants

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1 a person probationary driving privileges under ~~section 12~~ of this  
2 chapter, the person may operate a vehicle only as follows:

- 3 (1) To and from the person's place of employment.  
4 (2) For specific purposes in exceptional circumstances.  
5 (3) To and from a court-ordered treatment program.

6 (b) If the court grants the person probationary driving privileges  
7 under ~~section 12(a)~~ **section 10(c)** of this chapter, that part of the court's  
8 order granting probationary driving privileges does not take effect until  
9 the person's driving privileges have been suspended for at least thirty  
10 (30) days under IC 9-30-6-9.

11 (c) The court shall notify a person who is granted probationary  
12 driving privileges of the following:

- 13 (1) That the probationary driving period commences when the  
14 bureau issues the probationary license.  
15 (2) That the bureau may not issue a probationary license until the  
16 bureau receives a reinstatement fee from the person and the  
17 person otherwise qualifies for a license.

18 SECTION 8. IC 9-30-5-12 IS AMENDED TO READ AS  
19 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. ~~(a) If:~~

- 20 ~~(1) a court recommends suspension of a person's driving~~  
21 ~~privileges under section 10(b) of this chapter for an offense~~  
22 ~~committed under this chapter; and~~  
23 ~~(2) the person did not refuse to submit to a chemical test offered~~  
24 ~~under IC 9-30-6-2 during the investigation of the offense;~~

25 the court may stay the execution of the suspension of the person's  
26 driving privileges and grant the person probationary driving privileges  
27 for one hundred eighty (180) days.

28 ~~(b) An order (a) All orders~~ for probationary privileges must be  
29 issued in accordance with sections 11 and 13 of this chapter.

30 ~~(c)~~ **(b)** If:

- 31 (1) a court recommends suspension of a person's driving  
32 privileges under section ~~10(c)~~, 10(d), ~~or~~ 10(e), **or 10(f)** of this  
33 chapter for an offense committed under this chapter; and  
34 (2) the period of suspension recommended by the court exceeds  
35 the minimum permissible fixed period of suspension specified  
36 under section 10 of this chapter;

37 the court may stay the execution of that part of the suspension that  
38 exceeds the minimum fixed period of suspension and grant the person  
39 probationary driving privileges for a period of time equal to the length  
40 of the stay.

41 ~~(d)~~ **(c)** In addition to the other requirements of this section, if a  
42 person's driving privileges are suspended or revoked under ~~section~~

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1 ~~10(f)~~ **section 10(g)** of this chapter, a court must find that compelling  
2 circumstances warrant the issuance of probationary driving privileges.

3 ~~(e)~~ **(d)** Before a court may grant probationary driving privileges  
4 under this section, the person to whom the probationary driving  
5 privileges will be granted must meet the burden of proving eligibility  
6 to receive probationary driving privileges.

7 SECTION 9. IC 9-30-5-13 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 13. (a) An order for  
9 probationary driving privileges granted under ~~section 12~~ of this chapter  
10 must include the following:

- 11 (1) A requirement that the person may not violate a traffic law.  
12 (2) A restriction of a person's driving privileges providing for  
13 automatic execution of the suspension of driving privileges if an  
14 order is issued under subsection (b).  
15 (3) A written finding by the court that the court has reviewed the  
16 person's driving record and other relevant evidence and found that  
17 the person qualifies for a probationary license under ~~section 12~~ of  
18 this chapter.  
19 (4) Other reasonable terms of probation.

20 (b) If the court finds that the person has violated the terms of the  
21 order granting probationary driving privileges, the court shall order  
22 execution of that part of the sentence concerning the suspension of the  
23 person's driving privileges.

24 SECTION 10. IC 9-30-8-1 IS AMENDED TO READ AS  
25 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. If a court orders the  
26 installation of a certified ignition interlock device under:

- 27 **(1) IC 9-30-5-10 on a motor vehicle that a person whose**  
28 **license is suspended; or**  
29 **(2) IC 9-30-5-16 on a motor vehicle that a person whose license**  
30 **is restricted;**

31 owns, **leases**, or expects to operate, the court shall set the time that the  
32 installation must remain in effect. However, the term may not exceed  
33 the maximum term of imprisonment the court could have imposed. The  
34 person shall pay the cost of installation.

35 SECTION 11. IC 31-37-5-7, AS ADDED BY P.L.32-2000,  
36 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
37 JULY 1, 2003]: Sec. 7. (a) If a child is alleged to have committed an  
38 act that would be an offense under IC 9-30-5 if committed by an adult,  
39 a juvenile court shall recommend the immediate suspension of the  
40 child's driving privileges as provided in IC 9-30-5. If a court  
41 recommends suspension of a child's driving privileges under this  
42 section, the bureau of motor vehicles shall comply with the

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1 recommendation of suspension as provided in IC 9-30-6-12.

2 (b) If a court recommends suspension of a child's driving privileges  
3 under this section, the court may order the bureau of motor vehicles to  
4 reinstate the child's driving privileges as provided in IC 9-30-6-11.

5 (c) If a juvenile court orders the bureau of motor vehicles to  
6 reinstate a child's driving privileges under subsection (b), the bureau  
7 shall comply with the order. Unless the order for reinstatement is  
8 issued as provided under IC 9-30-6-11(a)(2) because of a violation of  
9 the speedy trial provisions applicable to the juvenile court, the bureau  
10 shall also do the following:

11 (1) Remove any record of the suspension from the bureau's record  
12 keeping system.

13 (2) Reinstate the privileges without cost to the person.

14 (d) If a juvenile court orders a suspension under this section and the  
15 child did not refuse to submit to a chemical test offered under  
16 IC 9-30-6-2 during the investigation of the delinquent act that would  
17 have been an offense under IC 9-30-5 if committed by an adult, the  
18 juvenile court may grant the child probationary driving privileges for  
19 one hundred eighty (180) days in conformity with the procedures in  
20 ~~IC 9-30-5-12~~. **IC 9-30-5-10(c)**. The standards and procedures in  
21 IC 9-30-5-11 and IC 9-30-5-13 apply to an action under this subsection.

22 (e) If a proceeding described in this section is terminated in favor of  
23 the child and the child did not refuse to submit to a chemical test  
24 offered as provided under IC 9-30-6-2 during the investigation of the  
25 delinquent act that would be an offense under IC 9-30-5 if committed  
26 by an adult, the bureau shall remove any record of the suspension,  
27 including the reasons for the suspension, from the child's official  
28 driving record.

29 (f) The bureau of motor vehicles may adopt rules under IC 4-22-2  
30 to carry out this section.

31 SECTION 12. IC 31-37-19-17.3, AS ADDED BY P.L.32-2000,  
32 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
33 JULY 1, 2003]: Sec. 17.3. (a) This section applies if a child is a  
34 delinquent child under IC 31-37-1 due to the commission of a  
35 delinquent act that, if committed by an adult, would be an offense  
36 under IC 9-30-5.

37 (b) The juvenile court shall, in addition to any other order or decree  
38 the court makes under this chapter, recommend the suspension of the  
39 child's driving privileges as provided in IC 9-30-5. If a court  
40 recommends suspension of a child's driving privileges under this  
41 section, the bureau of motor vehicles shall comply with the  
42 recommendation of suspension as provided in IC 9-30-6-12.

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1 (c) If a court recommends suspension of a child's driving privileges  
2 under this section, the court may order the bureau of motor vehicles to  
3 reinstate the child's driving privileges as provided in IC 9-30-6-11.

4 (d) If a juvenile court orders the bureau of motor vehicles to  
5 reinstate a child's driving privileges under subsection (c), the bureau  
6 shall comply with the order. Unless the order for reinstatement is  
7 issued as provided under IC 9-30-6-11(a)(2) because of a violation of  
8 the speedy trial provisions applicable to the juvenile court, the bureau  
9 shall also do the following:

10 (1) Remove any record of the suspension from the bureau's record  
11 keeping system.

12 (2) Reinstate the privileges without cost to the person.

13 (e) If:

14 (1) a juvenile court recommends suspension of a child's driving  
15 privileges under this section; and

16 (2) the child did not refuse to submit to a chemical test offered as  
17 provided under IC 9-30-6-2 during the investigation of the  
18 delinquent act that would be an offense under IC 9-30-5 if  
19 committed by an adult;

20 the juvenile court may stay the execution of the suspension of the  
21 child's driving privileges and grant the child probationary driving  
22 privileges for one hundred eighty (180) days.

23 (f) If a juvenile court orders a suspension under this section and the  
24 child did not refuse to submit to a chemical test offered under  
25 IC 9-30-6-2 during the investigation of the delinquent act that would  
26 have been an offense under IC 9-30-5 if committed by an adult, the  
27 juvenile court may grant the child probationary driving privileges for  
28 one hundred eighty (180) days in conformity with the procedures in  
29 ~~IC 9-30-5-12~~. **IC 9-30-5-10(c)**. The standards and procedures in  
30 IC 9-30-5-11 and IC 9-30-5-13 apply to an action under this subsection.

31 (g) A child whose driving privileges are suspended under this  
32 section is entitled to credit for any days during which the license was  
33 suspended under IC 31-37-5-7 if the child did not refuse to submit to  
34 a chemical test offered as provided under IC 9-30-6-2 during the  
35 investigation of the delinquent act that would be an offense under  
36 IC 9-30-5 if committed by an adult.

37 (h) A period of suspension of driving privileges imposed under this  
38 section must be consecutive to any period of suspension imposed under  
39 IC 31-37-5-7. However, if the juvenile court finds in the sentencing  
40 order that it is in the best interest of society, the juvenile court may  
41 terminate all or any part of the remaining suspension under  
42 IC 31-37-5-7.

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1 (i) The bureau of motor vehicles may adopt rules under IC 4-22-2  
 2 to carry out this section.  
 3 SECTION 13. IC 31-37-19-17.4 IS ADDED TO THE INDIANA  
 4 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 5 [EFFECTIVE JULY 1, 2003]: **Sec. 17.4. (a) This section applies if a**  
 6 **child is adjudicated a delinquent child because the child committed**  
 7 **an act that, if committed by an adult, would be a crime under**  
 8 **IC 9-24-18-4(b) (permitting a motor vehicle to be driven by**  
 9 **another person whose driver's license is suspended).**  
 10 (b) The juvenile court shall, in addition to any other order or  
 11 decree the court makes under this chapter, order the bureau of  
 12 motor vehicles to:  
 13 (1) suspend the child's operator's license; or  
 14 (2) invalidate the child's learner's permit;  
 15 under IC 9-24-18-4.5 in the same manner as the bureau of motor  
 16 vehicles is required to suspend the driving privileges of a person  
 17 convicted of permitting a motor vehicle to be driven by another  
 18 person whose driver's license is suspended.

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