



January 27, 2006

HOUSE BILL No. 1128

DIGEST OF HB 1128 (Updated January 25, 2006 4:54 pm - DI 69)

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 the motor vehicle is equipped with a functioning certified ignition interlock device.

Effective: July 1, 2006.

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

January 5, 2006, read first time and referred to Committee on Courts and Criminal Code.
January 26, 2006, reported — Do Pass.

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HB 1128—LS 6784/DI 96+



January 27, 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.

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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.**

23 (e) If the conviction under consideration by the court is for an
 24 offense under:

- 25 (1) section 4 of this chapter;
- 26 (2) section 5 of this chapter;
- 27 (3) IC 14-15-8-8(b); or
- 28 (4) IC 14-15-8-8(c);

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

31 (f) If the conviction under consideration by the court is for an
 32 offense involving the use of a controlled substance listed in schedule
 33 I, II, III, IV, or V of IC 35-48-2, in which a vehicle was used in the
 34 offense, the court shall recommend the suspension or revocation of the
 35 person's driving privileges for at least six (6) months.

36 SECTION 2. IC 9-30-8-1 IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) If a court orders the
 38 installation of a certified ignition interlock device under IC 9-30-5 on
 39 a motor vehicle that a person whose license is restricted owns or
 40 expects to operate, **except as provided in subsection (b)**, the court
 41 shall set the time that the installation must remain in effect. However,
 42 the term may not exceed the maximum term of imprisonment the court

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1 could have imposed. The person shall pay the cost of installation.
2 (b) If the court orders installation of a certified ignition
3 interlock device under IC 9-30-5-10(d), the installation must
4 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.

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