

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1128 be amended to read as follows:

- 1 Page 2, line 22, after "IC 9-30-8." insert "**The person granted**
2 **probationary driving privileges under this subsection shall pay all**
3 **costs associated with the installation of an ignition interlock device**
4 **unless the sentencing court determines that the person is indigent.**".
- 5 Page 2, between lines 35 and 36, begin a new paragraph and insert:
6 "SECTION 2. IC 9-30-5-16 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) Except as
8 provided in subsections (b) and (c) **and section 10 of this chapter**, the
9 court may, in granting probationary driving privileges under this
10 chapter, also order that the probationary driving privileges include the
11 requirement that a person may not operate a motor vehicle unless the
12 vehicle is equipped with a functioning certified ignition interlock device
13 under IC 9-30-8.
- 14 (b) An order granting probationary driving privileges:
15 (1) under:
16 (A) section 12(a) of this chapter, if the person has a previous
17 conviction that occurred at least ten (10) years before the
18 conviction under consideration by the court; or
19 (B) section 12(c) of this chapter; or
20 (2) to a person who has a prior unrelated conviction for an offense
21 under this chapter of which the consumption of alcohol is an
22 element;
- 23 must prohibit the person from operating a motor vehicle unless the
24 vehicle is equipped with a functioning certified ignition interlock device
25 under IC 9-30-8. However, a court is not required to order the
26 installation of an ignition interlock device for a person described in
27 subdivision (1) or (2) if the person is successfully participating in a
28 court supervised alcohol treatment program in which the person is
29 taking disulfiram or a similar substance that the court determines is
30 effective in treating alcohol abuse.

1 (c) A court may not order the installation of an ignition interlock
2 device on a vehicle operated by an employee to whom any of the
3 following apply:

- 4 (1) Has been convicted of violating section 1 or 2 of this chapter.
5 (2) Is employed as the operator of a vehicle owned, leased, or
6 provided by the employee's employer.
7 (3) Is subject to a labor agreement that prohibits an employee who
8 is convicted of an alcohol related offense from operating the
9 employer's vehicle."

10 Page 3, line 1, after "installation" delete "." and insert "**unless the**
11 **sentencing court determines that the person is indigent.**".

12 Renumber all SECTIONS consecutively.
(Reference is to EHB 1128 as printed February 24, 2006.)

Senator LANANE