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# SENATE BILL No. 164

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## 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. Permits a court to order a: (1) one year suspension of a driver's license of; or (2) a six month delay in the issuance of a driver's license to; a minor who violates tobacco laws.

**Effective:** July 1, 2007.

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### Boots

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January 8, 2007, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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First Regular Session 115th General Assembly (2007)

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 2006 Regular Session of the General Assembly.

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**SENATE BILL No. 164**



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, 2007]: Sec. 12. **(a)** Upon receipt of
- 3 a 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(c) (tobacco violation);**
- 7 the bureau shall suspend the minor's driver's license for the period
- 8 ordered by the court.
- 9 **(b) Upon receipt of a court order under IC 35-46-1-10.5(d)**
- 10 **(tobacco violation), the bureau shall withhold the issuance of a**
- 11 **driver's license to the minor until the date specified in the court's**
- 12 **order.**
- 13 SECTION 2. IC 35-46-1-10.5 IS AMENDED TO READ AS
- 14 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10.5. (a) A person less
- 15 than eighteen (18) years of age who:
- 16 (1) purchases tobacco;
- 17 (2) accepts tobacco for personal use; or



1           (3) ~~possesses has actual possession of~~ tobacco; ~~or his person;~~  
2           commits a Class C infraction.  
3           (b) It is a defense under subsection (a) that the accused person acted  
4           in the ordinary course of employment in a business concerning tobacco:  
5           (1) agriculture;  
6           (2) processing;  
7           (3) transporting;  
8           (4) wholesaling; or  
9           (5) retailing.  
10          (c) **If a person who:**  
11           (1) **holds an Indiana driver's license; and**  
12           (2) **is:**  
13            (A) **less than eighteen (18) years of age; and**  
14            (B) **at least sixteen (16) years of age;**  
15          **commits a Class C infraction under subsection (a), the court that**  
16          **enters judgment may issue an order recommending that the**  
17          **person's driver's license be suspended for up to one (1) year.**  
18          (d) **If a person commits a Class C infraction under subsection**  
19          **(a) and the person does not have a driver's license, the court that**  
20          **enters judgment may issue an order recommending that the**  
21          **bureau of motor vehicles not issue a driver's license to the person**  
22          **until six (6) months after the earliest date the person would**  
23          **otherwise be eligible to receive a driver's license from the bureau**  
24          **of motor vehicles.**  
25          (e) **The court shall deliver any order recommending:**  
26            (1) **the suspension of a person's driver's license under**  
27            **subsection (c); or**  
28            (2) **the withholding of a person's driver's license under**  
29            **subsection (d);**  
30          **to the bureau of motor vehicles.**  
31          SECTION 3. [EFFECTIVE JULY 1, 2007] **IC 35-46-1-10.5(a), as**  
32          **amended by this act, applies only to Class C infractions committed**  
33          **under IC 35-46-1-10.5(a) after June 30, 2007.**

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