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# SENATE BILL No. 274

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-30.

**Synopsis:** Ignition interlock devices. Requires a court to prohibit a person convicted of operating while intoxicated from operating a motor vehicle for at least 90 days if the vehicle is not equipped with an ignition interlock device. Makes conforming amendments. Repeals superseded provisions.

**Effective:** July 1, 2009.

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January 7, 2009, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

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## SENATE BILL No. 274



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 9-30-5-7 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2009]: Sec. 7. ~~(a)~~ A person who violates a court  
3 order issued under section ~~16~~ of this chapter commits a Class A  
4 misdemeanor.  
5 ~~(b)~~ (a) Except as provided in subsection ~~(c)~~; (b), a person who  
6 knowingly assists another person who is restricted to the use of an  
7 ignition interlock device to violate a court order issued under this  
8 chapter commits a Class A misdemeanor.  
9 ~~(c)~~ (b) Subsection ~~(b)~~ (a) does not apply if:  
10 (1) the starting of a motor vehicle, or the request to start a motor  
11 vehicle, equipped with an ignition interlock device ~~(1)~~ is done for  
12 the purpose of safety or mechanical repair of the device or the  
13 vehicle; and  
14 (2) the restricted person does not operate the vehicle.  
15 ~~(d)~~ (c) A person who, except in an emergency, knowingly rents,  
16 leases, or loans a motor vehicle that is not equipped with a functioning  
17 ignition interlock device to a person who is restricted under a court



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

3 ~~(e)~~ (d) 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 SECTION 2. IC 9-30-5-18 IS ADDED TO THE INDIANA CODE  
7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
8 1, 2009]: **Sec. 18. (a) As used in this section, "impaired driving  
9 offense" means an offense described in sections 1 through 5 of this  
10 chapter.**

11 **(b) In addition to any sentence imposed on a person for a felony  
12 or a misdemeanor, a court shall prohibit a person convicted of an  
13 impaired driving offense from operating a motor vehicle unless the  
14 vehicle is equipped with a functioning certified ignition interlock  
15 device under IC 9-30-8. The court shall prohibit a person convicted  
16 of an impaired driving offense from operating a motor vehicle not  
17 equipped with a functioning certified ignition interlock device for  
18 at least ninety (90) days.**

19 **(c) The prohibition period described in subsection (b) may  
20 begin, if applicable, before a period of incarceration or after a  
21 period of incarceration as long as the suspension otherwise  
22 complies with the periods established in this section. The  
23 prohibition period may extend one (1) year beyond a sentence  
24 imposed under IC 35-50-2 or IC 35-50-3. This subsection does not  
25 prohibit a court from imposing a separate ignition interlock  
26 requirement as a condition of pretrial release or in accordance  
27 with IC 9-30-6-8. However, any period during which the person  
28 operated a motor vehicle with an ignition interlock device installed  
29 as a condition of pretrial release or under IC 9-30-6-8 does not  
30 count against the prohibition period described in subsection (b).**

31 **(d) A person prohibited from operating a motor vehicle without  
32 having an ignition interlock device installed shall pay the cost of  
33 installation and monitoring unless the court determines that the  
34 person is indigent.**

35 SECTION 3. IC 9-30-8-3 IS AMENDED TO READ AS FOLLOWS  
36 [EFFECTIVE JULY 1, 2009]: **Sec. 3. The bureau shall adopt rules  
37 under IC 4-22-2 to establish standards and specifications for an ignition  
38 interlock device. ~~the installation of which the courts may mandate  
39 under IC 9-30-5-16.~~ The standards and specifications must require at  
40 a minimum that the device meets the following requirements:**

- 41 (1) Is accurate.  
42 (2) Does not impede the safe operation of a vehicle.

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1 (3) Provides a minimum opportunity to be bypassed.  
2 (4) Shows evidence of tampering if tampering is attempted.  
3 (5) Has a label affixed warning that a person tampering with or  
4 misusing the device is subject to a civil penalty.  
5 SECTION 4. IC 9-30-8-5 IS AMENDED TO READ AS FOLLOWS  
6 [EFFECTIVE JULY 1, 2009]: Sec. 5. If a court orders a person ~~under~~  
7 ~~IC 9-30-5-16~~ to operate only a vehicle that is equipped with an ignition  
8 interlock device, the bureau shall include that condition when issuing  
9 a license.  
10 SECTION 5. THE FOLLOWING ARE REPEALED [EFFECTIVE  
11 JULY 1, 2009]: IC 9-30-5-16; IC 9-30-8-1.

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