

HOUSE BILL No. 1360

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-30.

Synopsis: Certified ignition interlock devices. Requires the court to order the installation of a certified ignition interlock device for a period of at least six months for repeat intoxicated drivers if the court grants specialized driving privileges.

Effective: July 1, 2019.

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January 14, 2019, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1360

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 9-30-8-1, AS AMENDED BY P.L.188-2015,
2 SECTION 112, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: Sec. 1. **Except as provided in**
4 **IC 9-30-16-3**, if a court orders the installation of a certified ignition
5 interlock device on a motor vehicle that a person whose license is
6 restricted owns or expects to operate, the court shall set the time that
7 the installation must remain in effect. However, the term may not
8 exceed the maximum term of imprisonment the court could have
9 imposed. The person shall pay the cost of installation unless the
10 sentencing court determines that the person is indigent.

11 SECTION 2. IC 9-30-16-3, AS AMENDED BY P.L.161-2018,
12 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2019]: Sec. 3. (a) This section does not apply to specialized
14 driving privileges granted in accordance with section 3.5 of this
15 chapter. If a court orders a suspension of driving privileges under this
16 chapter, or imposes a suspension of driving privileges under
17 IC 9-30-6-9(c), the court may stay the suspension and grant a



1 specialized driving privilege as set forth in this section.

2 (b) An individual who seeks specialized driving privileges must file
3 a petition for specialized driving privileges in each court that has
4 ordered or imposed a suspension of the individual's driving privileges.

5 Each petition must:

- 6 (1) be verified by the petitioner;
7 (2) state the petitioner's age, date of birth, and address;
8 (3) state the grounds for relief and the relief sought;
9 (4) be filed in the court case that resulted in the order of
10 suspension; and
11 (5) be served on the bureau and the prosecuting attorney.

12 A prosecuting attorney shall appear on behalf of the bureau to respond
13 to a petition filed under this subsection.

14 (c) Except as provided in subsection ~~(h)~~, **(i)**, regardless of the
15 underlying offense, specialized driving privileges granted under this
16 section shall be granted for:

- 17 (1) at least one hundred eighty (180) days; and
18 (2) not more than two and one-half (2 1/2) years.

19 **(d) Except as provided in subsection (e)**, the terms of specialized
20 driving privileges must be determined by a court.

21 **(e) If the court stays a suspension order under section 2(a)(3) of**
22 **this chapter for a violation of IC 9-30-5 and grants specialized**
23 **driving privileges, the court must order the installation of a**
24 **certified ignition interlock device under IC 9-30-8 for a period of**
25 **at least six (6) months.**

26 ~~(e)~~ **(f)** A stay of a suspension and specialized driving privileges may
27 not be granted to an individual who:

- 28 (1) has previously been granted specialized driving privileges;
29 and
30 (2) has more than one (1) conviction under section 5 of this
31 chapter.

32 ~~(f)~~ **(g)** An individual who has been granted specialized driving
33 privileges shall:

- 34 (1) maintain proof of future financial responsibility insurance
35 during the period of specialized driving privileges;
36 (2) carry a copy of the order granting specialized driving
37 privileges or have the order in the vehicle being operated by the
38 individual;
39 (3) produce the copy of the order granting specialized driving
40 privileges upon the request of a police officer; and
41 (4) carry a validly issued state identification card or driver's
42 license.



1 ~~(g)~~ **(h)** An individual who holds a commercial driver's license and
2 has been granted specialized driving privileges under this chapter may
3 not, for the duration of the suspension for which the specialized driving
4 privileges are sought, operate any vehicle that requires the individual
5 to hold a commercial driver's license to operate the vehicle.

6 ~~(h)~~ **(i)** Whenever a suspension of an individual's driving privileges
7 under this chapter is terminated because:

8 (1) the underlying conviction, judgment, or finding that forms the
9 basis of the suspension is reversed, vacated, or dismissed; or

10 (2) the individual is acquitted of, found not liable for, or otherwise
11 found not to have committed the underlying act or offense that
12 forms the basis of the suspension;

13 the individual's specialized driving privileges expire at the time the
14 suspension of the individual's driving privileges is terminated.

15 ~~(i)~~ **(j)** The court shall inform the bureau of a termination of a
16 suspension and expiration of specialized driving privileges as described
17 under subsection ~~(h)~~ **(i)** in a format designated by the bureau.

