



March 14, 2018

**HOUSE CONCURRENT
RESOLUTION No. 74**

DIGEST OF RESOLUTION

A CONCURRENT RESOLUTION expressing opposition to the federal mandate that the State of Indiana enact and enforce a law requiring revocation of the driver's license of a person upon conviction of any drug offense, and urging Governor Holcomb to certify his opposition to the same to the United States Department of Transportation.

Brown T, Soliday, Porter

(SENATE SPONSORS — CRIDER, HOLDMAN)

March 12, 2018, read first time, adopted voice vote.

SENATE ACTION

March 13, 2018, read first time and referred to Committee on Rules and Legislative Procedure.

March 13, 2018, reported favorably — Do Pass.

HC 74—HC 1079/DI 84



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2 to the federal mandate that the State of Indiana enact and
3 enforce a law requiring revocation of the driver's license of a
4 person upon conviction of any drug offense, and urging
5 Governor Holcomb to certify his opposition to the same to the
6 United States Department of Transportation.

7 *Whereas, Pursuant to 23 U.S.C. 159, the United States*
8 *Secretary of Transportation is required to withhold eight*
9 *percent of a state's highway-related funds unless that state*
10 *either enacts and enforces a law requiring a six-month*
11 *suspension or revocation of the driver's license of any*
12 *individual convicted of any violation of the Controlled*
13 *Substances Act or other drug law, or the Governor of the state*
14 *submits written certifications by the Governor and the state*
15 *legislature that both are opposed to the enactment and*
16 *enforcement of such a law;*

17 *Whereas, After the careful examination of this mandate, the*
18 *Indiana General Assembly hereby determines that such a law*
19 *requiring the suspension or revocation of the driver's license of*
20 *an individual based upon a drug offense regardless of whether*
21 *the offense is related to the operation of a motor vehicle*
22 *needlessly strains limited state and local resources,*
23 *inappropriately limits the proper exercise of judicial discretion*
24 *by state courts, and unnecessarily increases the paperwork and*
25 *bureaucracy of the state government;*

26 *Whereas, The granting or withholding of driving privileges is*
27 *and has always been a prerogative of the states to decide for*
28 *themselves, and the State of Indiana has already enacted*



1 *sufficient laws to deter illegal drug activity; and*

2 *Whereas, At least 39 other states have adopted resolutions*
3 *opposing the federal mandate in accordance with 23 U.S.C.*
4 *159: Therefore,*

5 *Be it resolved by the House of Representatives*
6 *of the General Assembly of the State of Indiana,*
7 *the Senate concurring:*

8 SECTION 1. That, with the approval of the Governor, the
9 Indiana General Assembly opposes the federal government
10 mandate that the states enact and enforce a law that provides for
11 the suspension or revocation of the driver's license of an
12 individual based upon a conviction of a drug offense.

13 SECTION 2. That the Indiana General Assembly urges
14 Governor Eric Holcomb to submit written certification to the
15 United States Secretary of Transportation expressing his
16 opposition to this federal mandate along with a written
17 certification that the Indiana General Assembly has adopted this
18 Concurrent Resolution.



COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred House Concurrent Resolution No. 74, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution DO PASS.

(Reference is to HC 74 as introduced.)

LONG, Chairperson

Committee Vote: Yeas 12, Nays 0

