

# PROPOSED AMENDMENT

## SB 251 # 2

### DIGEST

Refusal. Reinstates language permitting license suspension for refusal to take a chemical test.

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- 1 Page 6, delete lines 31 through 42.
- 2 Page 7, delete lines 1 through 2.
- 3 Page 7, line 15, reset in roman "7(b)(2)".
- 4 Page 7, line 15, delete "7(2)".
- 5 Page 8, delete line 42, begin a new paragraph and insert:
- 6 "SECTION 9. IC 9-30-6-9, AS AMENDED BY P.L.141-2024,
- 7 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 8 JULY 1, 2026]: Sec. 9. (a) This section does not apply if an ignition
- 9 interlock device order is issued under section 8(d) of this chapter.
- 10 (b) If the affidavit under section 8(b) of this chapter states that a
- 11 person refused to submit to a chemical test, the bureau shall suspend
- 12 the driving privileges of the person:
- 13 (1) for:
- 14 (A) one (1) year; or
- 15 (B) if the person has at least one (1) previous conviction for
- 16 operating while intoxicated, two (2) years; or
- 17 (2) until the suspension is ordered terminated under IC 9-30-5.
- 18 (c) If the affidavit under section 8(b) of this chapter states that a
- 19 chemical test resulted in prima facie evidence that a person was
- 20 intoxicated, the bureau shall suspend the driving privileges of the
- 21 person:
- 22 (1) for one hundred eighty (180) days; or
- 23 (2) until the bureau is notified by a court that the charges have
- 24 been disposed of;
- 25 whichever occurs first.
- 26 (d) (c) Whenever the bureau is required to suspend a person's
- 27 driving privileges under this section, the bureau shall immediately do

1 the following:

2 (1) Mail notice to the person's address contained in the records of  
3 the bureau, or send the notice electronically if the person has  
4 indicated a preference for receiving notices from the bureau  
5 electronically, stating that the person's driving privileges will be  
6 suspended for a specified period, commencing:

7 (A) seven (7) days after the date of the notice; or

8 (B) on the date the court enters an order recommending  
9 suspension of the person's driving privileges under section 8(c)  
10 of this chapter;

11 whichever occurs first.

12 (2) Notify the person of the right to a judicial review under  
13 section 10 of this chapter."

14 Delete pages 9 through 10.

15 Page 11, delete lines 1 through 10.

16 Page 11, line 14, reset in roman "this chapter,".

17 Page 11, line 14, after "IC 9-30-5" insert ",".

18 Page 11, delete lines 40 through 42.

19 Page 12, delete lines 1 through 16, begin a new paragraph and  
20 insert:

21 "SECTION 14. IC 9-30-6-13.5, AS AMENDED BY P.L.110-2020,  
22 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 JULY 1, 2026]: Sec. 13.5. If:

24 (1) a case filed under IC 9-30-5 is terminated in favor of the  
25 defendant; and

26 (2) the defendant's driving privileges were suspended under ~~(A)~~  
27 section 9(b) of this chapter; ~~or~~

28 ~~(B) section 9(c) of this chapter;~~

29 the bureau shall remove any record of the suspension, including the  
30 reason for suspension, from the defendant's official driving record."

31 Page 18, reset in roman lines 12 through 16.

32 Page 18, line 17, reset in roman "(3)".

33 Page 18, line 17, delete "(2)".

34 Page 18, line 19, reset in roman "(4)".

35 Page 18, line 19, delete "(3)".

36 Page 19, line 11, delete "conviction." and insert "conviction".

37 Page 19, line 11, reset in roman "except as prohibited by section".

38 Page 19, line 12, after "6(a)(2)" insert "**6(a)**".

39 Page 19, line 12, reset in roman "of this chapter."

40 Page 21, delete lines 36 through 42, begin a new paragraph and

1 insert:

2 "SECTION 26. IC 9-30-16-6, AS AMENDED BY P.L.110-2020,  
3 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2026]: Sec. 6. (a) A person whose driving privileges are  
5 suspended under section 1(c) of this chapter ~~(1) is entitled to credit for~~  
6 ~~any days during which the license was suspended under IC 9-30-6-9(c);~~  
7 ~~and (2)~~ may not receive any credit for days during which the person's  
8 driving privileges were suspended under IC 9-30-6-9(b).

9 (b) A period of suspension of driving privileges imposed under  
10 section 1(c) of this chapter must be consecutive to any period of  
11 suspension imposed under IC 9-30-6-9(b). However, if the state and  
12 defendant agree pursuant to a term in an accepted plea agreement, or  
13 if the court finds at sentencing that it is in the best interest of society,  
14 the court shall terminate all or any part of the remaining suspension  
15 under IC 9-30-6-9(b) and shall enter this finding in its sentencing  
16 order.

17 (c) The bureau shall designate a period of suspension of driving  
18 privileges imposed under section 1(c) of this chapter as consecutive to  
19 any period of suspension imposed under IC 9-30-6-9(b) unless the  
20 sentencing order of the court under subsection (b) terminates all or part  
21 of the remaining suspension under IC 9-30-6-9(b).".

22 Page 22, delete lines 1 through 22.

23 Page 22, line 24, strike "Subject to".

24 Page 22, line 25, strike "subsection (b), if" and insert "**If**".

25 Page 22, line 33, delete "(b)".

26 Page 22, line 33, strike "If a defendant has at least one (1)  
27 conviction for an offense".

28 Page 22, strike lines 34 through 38.

29 Page 22, line 39, delete "(c)" and insert "**(b)**".

30 Page 23, line 11, delete "5(c)" and insert "**5(b)**".

31 Page 33, delete lines 39 through 42.

32 Page 34, delete lines 1 through 32.

33 Page 36, delete lines 28 through 42.

34 Page 37, delete lines 1 through 39.

35 Renumber all SECTIONS consecutively.

(Reference is to SB 251 as introduced.)