

## SENATE BILL No. 240

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-13-2; IC 9-17; IC 9-21.

**Synopsis:** Low speed vehicles. Provides that certain low speed vehicles designed to have a maximum speed of not more than 35 miles per hour may be operated on highways as passenger motor vehicles, with certain exceptions. Permits the department of transportation and local authorities to regulate the operation of these low speed vehicles, with certain exceptions. Specifies certain equipment that must be standard on a low speed vehicle.

**Effective:** July 1, 2003.

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**Lawson C, Jackman, Lewis**

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January 9, 2003, read first time and referred to Committee on Transportation and Homeland Security.

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First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

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# SENATE BILL No. 240



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 9-13-2-94.5 IS ADDED TO THE INDIANA CODE  
 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 3 1, 2003]: **Sec. 94.5. "Low speed vehicle" means a four (4) wheeled**  
 4 **electrically powered motor vehicle:**  
 5 (1) **with a maximum design speed of not more than thirty-five**  
 6 **(35) miles per hour;**  
 7 (2) **with a maximum weight not to exceed two thousand two**  
 8 **hundred (2,200) pounds;**  
 9 (3) **with a seating capacity of not more than four (4) persons;**  
 10 (4) **with operational and equipment specifications described**  
 11 **in 49 CFR 571.500;**  
 12 (5) **that is equipped with:**  
 13 (A) **headlamps;**  
 14 (B) **front and rear turn signal lamps, tail lamps, and stop**  
 15 **lamps;**  
 16 (C) **reflex reflectors;**  
 17 (D) **exterior or interior mirrors;**



- 1 (E) brakes as specified in IC 9-19-3-1;  
 2 (F) a windshield;  
 3 (G) a vehicle identification number; and  
 4 (H) a safety belt installed at each designated seating  
 5 position; and  
 6 (6) that has not been privately assembled as described in  
 7 IC 9-17-4-1.

8 SECTION 2. IC 9-13-2-97, AS AMENDED BY P.L.78-2002,  
 9 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2003]: Sec. 97. (a) "Manufacturer" means, except as provided  
 11 in subsection (b), a person engaged in the business of constructing or  
 12 assembling vehicles, of a type required to be registered under IC 9-18,  
 13 at an established place of business. ~~in Indiana~~. The term does not  
 14 include a converter manufacturer or recreational vehicle manufacturer.

15 (b) "Manufacturer", for purposes of IC 9-23, means a person who is  
 16 engaged in the business of manufacturing or assembling new motor  
 17 vehicles or major component parts of motor vehicles, or both, and sells  
 18 new motor vehicles to dealers, wholesale dealers, distributors, or the  
 19 general public. The term includes the following:

- 20 (1) A factory branch office of the manufacturer.  
 21 (2) An authorized representative of the manufacturer.  
 22 (3) A partnership, a firm, an association, a joint venture, a limited  
 23 liability company, a corporation, or a trust, resident or  
 24 nonresident, that is controlled by the manufacturer.

25 The term does not include a converter manufacturer or recreational  
 26 vehicle manufacturer.

27 SECTION 3. IC 9-13-2-123 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 123. (a) "Passenger  
 29 motor vehicle" means, except as provided in subsection (b), a motor  
 30 vehicle designed for carrying passengers. The term **includes a low  
 31 speed vehicle but** does not include a motorcycle, bus, or school bus.

32 (b) For purposes of IC 9-19-10, the term includes buses, school  
 33 buses, and private buses, and excludes trucks, tractors, and recreational  
 34 vehicles.

35 SECTION 4. IC 9-17-1-1 IS AMENDED TO READ AS FOLLOWS  
 36 [EFFECTIVE JULY 1, 2003]: Sec. 1. This article does not apply to  
 37 farm wagons **or to a motor vehicle that was designed to have a  
 38 maximum design speed of not more than twenty-five (25) miles per  
 39 hour and that was built, constructed, modified, or assembled by a  
 40 person other than the manufacturer.**

41 SECTION 5. IC 9-17-8-3 IS AMENDED TO READ AS FOLLOWS  
 42 [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) **Except as provided in**

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1 **subsection (b)**, certificates of origin and assignments of certificates of  
2 origin must be in a form:

- 3 (1) prescribed by the bureau; or  
4 (2) approved by the bureau.

5 **(b) A manufacturer's certificate of origin for a low speed vehicle**  
6 **must indicate that the motor vehicle is a low speed vehicle.**

7 SECTION 6. IC 9-21-1-3, AS AMENDED BY P.L.128-2002,  
8 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2003]: Sec. 3. (a) A local authority, with respect to private  
10 roads and highways under the authority's jurisdiction, in accordance  
11 with section 2 of this chapter, and within the reasonable exercise of the  
12 police power, may do the following:

- 13 (1) Regulate the standing or parking of vehicles.  
14 (2) Regulate traffic by means of police officers or traffic control  
15 signals.  
16 (3) Regulate or prohibit processions or assemblages on the  
17 highways.  
18 (4) Designate a highway as a one-way highway and require that  
19 all vehicles operated on the highway be moved in one (1) specific  
20 direction.  
21 (5) Regulate the speed of vehicles in public parks.  
22 (6) Designate a highway as a through highway and require that all  
23 vehicles stop before entering or crossing the highway.  
24 (7) Designate an intersection as a stop intersection and require all  
25 vehicles to stop at one (1) or more entrances to the intersection.  
26 (8) Restrict the use of highways as authorized in IC 9-21-4-7.  
27 (9) Regulate the operation of bicycles and require the registration  
28 and licensing of bicycles, including the requirement of a  
29 registration fee.  
30 (10) Regulate or prohibit the turning of vehicles at intersections.  
31 (11) Alter the prima facie speed limits authorized under  
32 IC 9-21-5.  
33 (12) Adopt other traffic regulations specifically authorized by this  
34 article.  
35 (13) Adopt traffic regulations governing traffic control on public  
36 school grounds when requested by the governing body of the  
37 school corporations.

38 **(14) Regulate or prohibit the operation of low speed vehicles**  
39 **on highways.**

40 (b) An ordinance or regulation adopted under subsection (a)(4),  
41 (a)(5), (a)(6), (a)(7), (a)(8), (a)(10), (a)(11), (a)(12), ~~or~~ (a)(13), **or**  
42 **(a)(14)**, is effective when signs giving notice of the local traffic

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1 regulations are posted upon or at the entrances to the highway or part  
2 of the highway that is affected.

3 SECTION 7. IC 9-21-4-7 IS AMENDED TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2003]: Sec. 7. (a) Whenever, under this article,  
5 the Indiana department of transportation designates or determines the  
6 location of, necessity for, and extent of:

- 7 (1) traffic control devices;
- 8 (2) state speed limits, other than maximum limits;
- 9 (3) speed limits on elevated structures;
- 10 (4) no passing zones;
- 11 (5) one-way roadways;
- 12 (6) certain lanes for slow moving traffic;
- 13 (7) course of turning movements at intersections;
- 14 (8) dangerous railroad crossings requiring stops;
- 15 (9) through highways and stop intersections;
- 16 (10) angle parking; or
- 17 (11) restrictions on the use of highways for certain periods or for  
18 certain vehicles, **including low speed vehicles;**

19 the designation or determination shall be by order of the commissioner  
20 of the Indiana department of transportation and shall, except for  
21 subdivision (1), be evidenced by official signs or markings under this  
22 article.

23 (b) At a trial of a person charged with a violation of the restrictions  
24 imposed by subsection (a) and in all civil actions, oral evidence of the  
25 location and content of the signs or markings is prima facie evidence  
26 of the adoption and application of the restriction by the Indiana  
27 department of transportation and the validity of the adoption and  
28 application of the restriction. The Indiana department of transportation  
29 shall, upon request by a party in an action at law, furnish, under the seal  
30 of the Indiana department of transportation, a certification of the order  
31 establishing the restriction in question. A certification under this  
32 subsection shall be accepted by any court as conclusive proof of the  
33 designation or determination by the commissioner of the Indiana  
34 department of transportation. Certified copies shall be furnished  
35 without cost to the parties to a court action involving the restriction  
36 upon request.

37 (c) Whenever, under this article, a permit or permission of the  
38 Indiana department of transportation is required, the permit must be in  
39 writing and under the seal of the Indiana department of transportation.

40 SECTION 8. IC 9-21-5-2 IS AMENDED TO READ AS FOLLOWS  
41 [EFFECTIVE JULY 1, 2003]: Sec. 2. Except when a special hazard  
42 exists that requires lower speed for compliance with section 1 of this

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1 chapter, the slower speed limit specified in this section or established  
 2 as authorized by section 3 of this chapter is the maximum lawful speed.  
 3 A person may not drive a vehicle on a highway at a speed in excess of  
 4 the following maximum limits:

5 (1) Thirty (30) miles per hour in an urban district, **except that a**  
 6 **person may not drive a low speed vehicle at a speed in excess**  
 7 **of twenty-five (25) miles per hour, other than when crossing**  
 8 **the highway at a right angle.**

9 (2) Fifty-five (55) miles per hour, except as provided in  
 10 subdivisions (1), (3), and (4).

11 (3) Sixty-five (65) miles per hour on a highway on the national  
 12 system of interstate and defense highways located outside of an  
 13 urbanized area (as defined in 23 U.S.C. 101) with a population of  
 14 at least fifty thousand (50,000), except as provided in subdivision  
 15 (4).

16 (4) Sixty (60) miles per hour for a vehicle (other than a bus)  
 17 having a declared gross weight greater than twenty-six thousand  
 18 (26,000) pounds on a highway on the national system of interstate  
 19 and defense highways located outside an urbanized area (as  
 20 defined in 23 U.S.C. 101) with a population of at least fifty  
 21 thousand (50,000).

22 (5) Fifteen (15) miles per hour in an alley.

23 SECTION 9. IC 9-21-5-8.5 IS ADDED TO THE INDIANA CODE  
 24 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY  
 25 1, 2003]: **Sec. 8.5. A person may not drive a low speed vehicle on a**  
 26 **highway that has a speed limit in excess of thirty-five (35) miles per**  
 27 **hour.**

28 SECTION 10. IC 9-21-9-0.5, AS ADDED BY P.L.143-2002,  
 29 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2003]: Sec. 0.5. This chapter does not apply to **the following:**

31 (1) An electric personal assistive mobility device.

32 (2) A low speed vehicle.

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