



Reprinted
March 29, 2005

ENGROSSED HOUSE BILL No. 1765

DIGEST OF HB 1765 (Updated March 28, 2005 3:05 pm - DI 77)

Citations Affected: IC 14-8; IC 14-16; IC 14-19; IC 14-22; noncode.

Synopsis: Off-road vehicles and hunting and fishing licenses. Requires the department of natural resources to adopt rules to allow the use of certain motorized carts during daylight hours by an individual who is: (1) the holder of a driver's license; and (2) at least 65 years of age or disabled. Discontinues the fishing license exemption for residents who are at least 65 years of age. Establishes a senior fishing license for residents who are at least 60 years of age. Specifies that for purposes of the law regulating off-road vehicles and snowmobiles, the definition of "operate" applies to both types of vehicles. Specifies that snowmobiles must be registered under the off-road vehicle and snowmobile law. Makes possessing an off-road vehicle or snowmobile with an altered or defaced vehicle number a Class B misdemeanor. Makes failure of a dealer to maintain rented vehicles in a safe operating condition or to maintain liability insurance a Class C infraction (instead of a Class B misdemeanor). Allows bird hunting stamps in an electronically generated form. Allows commemorative bird hunting stamps to be sold. Provides that hunting and fishing licenses and stamps expire on March 31. Requires electronically obtained licenses to be signed to be valid. Amends procedures to obtain a duplicate license. Repeals and relocates the definition of "off-road vehicle". Makes conforming amendments. (The introduced version of this bill was prepared by the natural resources study committee.)

Effective: Upon passage; July 1, 2005.

Hoffman

(SENATE SPONSORS — WEATHERWAX, WATERMAN)

January 19, 2005, read first time and referred to Committee on Natural Resources.
February 8, 2005, reported — Do Pass.
February 14, 2005, read second time, ordered engrossed. Engrossed.
February 15, 2005, read third time, passed. Yeas 95, nays 0.

SENATE ACTION

February 24, 2005, read first time and referred to Committee on Natural Resources.
March 21, 2005, amended, reported favorably — Do Pass.
March 28, 2005, read second time, amended, ordered engrossed.

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First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1765

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 14-8-2-169.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: **Sec. 169.5. "Motorized cart", for**
4 **purposes of IC 14-19-1-1, has the meaning set forth in**
5 **IC 14-19-1-0.5.**
- 6 SECTION 2. IC 14-8-2-185 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 185. **(a) "Off-road**
8 **vehicle", for purposes of IC 14-16-1 ~~has the meaning set forth in~~**
9 **~~IC 14-16-1-3; and IC 14-19-1-0.5, means a motor driven vehicle~~**
10 **capable of cross-country travel:**
- 11 **(1) without benefit of a road; and**
 - 12 **(2) on or immediately over land, water, snow, ice, marsh,**
13 **swampland, or other natural terrain.**
 - 14 **(b) The term includes the following:**
 - 15 **(1) A multi-wheel drive or low pressure tire vehicle.**
 - 16 **(2) An amphibious machine.**
 - 17 **(3) A ground effect air cushion vehicle.**

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- 1 **(4) Other means of transportation deriving motive power**
- 2 **from a source other than muscle or wind.**
- 3 **(c) The term does not include the following:**
- 4 **(1) A farm vehicle being used for farming.**
- 5 **(2) A vehicle used for military or law enforcement purposes.**
- 6 **(3) A construction, mining, or other industrial related vehicle**
- 7 **used in performance of the vehicle's common function.**
- 8 **(4) A snowmobile.**
- 9 **(5) A registered aircraft.**
- 10 **(6) Any other vehicle properly registered by the bureau of**
- 11 **motor vehicles.**
- 12 **(7) Any watercraft that is registered under Indiana statutes.**
- 13 **(8) A golf cart vehicle.**

14 SECTION 3. IC 14-8-2-261 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 261.
 16 "Snowmobile", for purposes of **IC 14-8-2-185** and IC 14-16, means a
 17 motor driven vehicle:

- 18 (1) designed for travel primarily on snow or ice; and
- 19 (2) of a type that uses:
 - 20 (A) sled type runners or skis;
 - 21 (B) an endless belt tread; or
 - 22 (C) any combination of these or other similar means of contact
 - 23 with the surface upon which the vehicle is operated.

24 SECTION 4. IC 14-16-1-4 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. As used in this
 26 chapter, "operate" means to:

- 27 (1) ride in or on; and
- 28 (2) be in actual physical control of the operation of;

29 ~~an off-road~~ a vehicle.

30 SECTION 5. IC 14-16-1-8 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) Except as
 32 otherwise provided, the following may not be operated on public
 33 property unless registered:

- 34 (1) An off-road vehicle.
- 35 (2) A snowmobile.
- 36 (b) Except as provided under subsection (c), ~~an off-road~~ a vehicle
- 37 that is purchased after December 31, 2003, must be registered under
- 38 this chapter.
- 39 (c) Registration is not required for the following vehicles:
 - 40 (1) A vehicle that is exclusively operated in a special event of
 - 41 limited duration that is conducted according to a prearranged
 - 42 schedule under a permit from the governmental unit having

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- 1 jurisdiction.
- 2 (2) A vehicle being operated by a nonresident of Indiana as
- 3 authorized under section 19 of this chapter.
- 4 (3) A vehicle being operated for purposes of testing or
- 5 demonstration with temporary placement of numbers as set forth
- 6 in section 16 of this chapter.
- 7 (4) A vehicle the operator of which has in the operator's
- 8 possession a bill of sale from a dealer or private individual that
- 9 includes the following:
 - 10 (A) The purchaser's name and address.
 - 11 (B) A date of purchase that is not more than thirty-one (31)
 - 12 days preceding the date that the operator is required to show
 - 13 the bill of sale.
 - 14 (C) The make, model, and vehicle number of the vehicle
 - 15 provided by the manufacturer as required by section 13 of this
 - 16 chapter.

17 SECTION 6. IC 14-16-1-29 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 29. (a) Except as
 19 provided in subsection (b), a person who violates this chapter commits
 20 a Class C infraction.

21 (b) A person who violates ~~section 18, 23(1), 23(2)~~, **section 17,**
 22 **23(a)(1), 23(a)(2)**, or 24 of this chapter commits a Class B
 23 misdemeanor.

24 SECTION 7. IC 14-19-1-0.5 IS ADDED TO THE INDIANA CODE
 25 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 26 UPON PASSAGE]: Sec. 0.5. (a) **"Motorized cart" means a**
 27 **conveyance that is:**

- 28 (1) **motor driven, either by gas or electricity;**
- 29 (2) **used to carry passengers or equipment; and**
- 30 (3) **smaller than the types of motor vehicles required to be**
 31 **registered by the bureau of motor vehicles such as a:**
 - 32 (A) **passenger motor vehicle (as defined in IC 9-13-2-123);**
 - 33 (B) **recreational vehicle (as defined in IC 9-13-2-150); or**
 - 34 (C) **truck (as defined in IC 9-13-2-188).**

35 **A motorized cart may be characterized as a golf cart, utility cart,**
 36 **or similar form of motor vehicle.**

- 37 (b) **The term does not include:**
 - 38 (1) **an electric personal assistive mobility device (as defined in**
 39 **IC 9-13-2-49.3);**
 - 40 (2) **a motorcycle (as defined in IC 9-13-2-108);**
 - 41 (3) **a motor scooter (as defined in IC 9-13-2-104);**
 - 42 (4) **a motorized bicycle (as defined in IC 9-13-2-109); or**

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(5) an off-road vehicle.
SECTION 8. IC 14-19-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The department shall do the following:

(1) Have the custody of and maintain the parks, preserves, forests, reservoirs, and memorials owned by the state.

(2) Adopt the necessary rules under IC 4-22-2 to secure enforcement of this title, **which must include provisions for the use of motorized carts during the hours specified in IC 9-21-7-2(a)(1) at state parks and recreation areas by an individual who is the holder of a driver's license and who:**

(A) is at least sixty-five (65) years of age; or

(B) has a disability as defined by the federal Social Security Administration guidelines (42 U.S.C. 416).

(3) Prepare, print, post, or distribute printed matter relating to the state parks and preserves.

(4) Subject to the approval of the governor, purchase land for parks or preserves and scenic and historic places. For the purpose of acquiring land for parks or preserves and scenic and historic places, the commission may exercise the power of eminent domain in the manner provided in IC 14-17-3.

(5) Accept in the name of the state by gift or devise the fee or other estate in land or scenic or historic places.

(6) Employ, with the approval of the authorities having control of a state penal institution, the convicts committed to a penal institution for the purpose of producing or planting trees, clearing, improving, repairing, draining, or developing land purchased or acquired by the state for parks or preserves or as scenic or historic places.

(7) Have the custody of all abstracts of title, papers, contracts, or related memoranda except original deeds to the state, for land purchased or received for parks or preserves or for scenic or historic purposes under this section.

(8) Cooperate with:

(A) the department of environmental management;

(B) other state agencies; and

(C) local units of government;

to protect the water and land of Indiana from pollution.

(9) Have general charge of the navigable water of Indiana.

SECTION 9. IC 14-22-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) A person may not hunt or take a migratory waterfowl within Indiana without having a

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1 migratory waterfowl stamp issued by the department. The stamp must
2 be in the possession of each person hunting or taking a migratory
3 waterfowl. ~~However, the stamp need not be affixed to the hunting~~
4 ~~license.~~ The licensee shall validate the stamp with the signature, in ink,
5 of the licensee ~~written across the face of the stamp~~ **on the hunting**
6 **license on which the electronically generated form of the stamp is**
7 **attached.**

8 (b) The department shall determine the form of the migratory
9 waterfowl stamp **and may create and sell commemorative migratory**
10 **waterfowl stamps.**

11 (c) The department may furnish the **commemorative** migratory
12 waterfowl stamps **or the electronically generated form of the stamps**
13 ~~to each a~~ clerk of the circuit court ~~and or~~ the clerk's designated
14 depositories for issuance or sale in the same manner as hunting licenses
15 are issued or sold under IC 14-22-11.

16 SECTION 10. IC 14-22-7-4 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. A stamp shall be
18 issued to each hunting license applicant or holder upon ~~written~~ request
19 ~~on forms furnished by the department~~ and the payment of a fee of six
20 dollars and seventy-five cents (\$6.75). Each stamp expires on ~~the last~~
21 ~~day of February~~ **March 31** of the year following issuance.

22 SECTION 11. IC 14-22-8-4 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) A person may not
24 hunt or take a game bird within Indiana without having a game bird
25 habitat restoration stamp issued by the department. The stamp must be
26 in the possession of each person hunting or taking a game bird. The
27 licensee shall validate the stamp with the signature of the licensee
28 ~~written across the face of the stamp~~ **on the hunting license on which**
29 **the electronically generated form of the stamp is attached.**

30 (b) The department shall do the following:

31 (1) Determine the form of the stamp **and may create and sell**
32 **commemorative game bird habitat restoration stamps.**

33 (2) Furnish the **commemorative stamps or the electronically**
34 **generated form of the stamps** to ~~each a~~ clerk of the circuit court
35 ~~and or~~ the clerk's designated depositories for issuance or sale in
36 the same manner as hunting licenses are issued or sold under
37 IC 14-22-11.

38 SECTION 12. IC 14-22-8-5 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. ~~An electronically~~
40 **generated** stamp shall be issued to each hunting license applicant or
41 holder upon ~~written~~ request ~~on forms furnished by the department~~ and
42 the payment of a fee of six dollars and seventy-five cents (\$6.75). Each

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1 stamp expires on ~~the last day of February~~ **March 31** of the year
2 following issuance.

3 SECTION 13. IC 14-22-11-3 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) An applicant for
5 a hunting, trapping, or fishing license must provide the applicant's
6 Social Security number in ~~the space provided on the application for~~
7 **order to obtain** the license. Social Security numbers acquired under
8 this subsection shall be kept confidential and used only to carry out the
9 purposes of the Title IV-D program.

10 (b) The director and agents appointed by the director as authorized
11 representatives of the department shall issue hunting, trapping, and
12 fishing licenses.

13 (c) The clerk of the circuit court in each county may issue hunting,
14 trapping, and fishing licenses.

15 (d) Each hunting, trapping, or fishing license must be in a form
16 prescribed by the director. ~~and shall be countersigned by the clerk or~~
17 ~~agent issuing the license.~~ The director ~~shall may~~ furnish the clerks and
18 agents with all necessary ~~blank forms.~~ **equipment needed to issue a**
19 **license.**

20 (e) **All licenses, stamps, or permits purchased electronically are**
21 **valid only with the original signature of the licensee on the form**
22 **prescribed by the director. The licensee's signature serves as an**
23 **affidavit that the license, stamp, or permit information is true and**
24 **accurate.**

25 ~~(e)~~ (f) A person who violates the confidentiality requirement of
26 subsection (a) commits a Class A infraction.

27 SECTION 14. IC 14-22-11-4 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) Except as
29 provided in IC 14-22-13-9 and IC 14-22-15-3, each yearly hunting or
30 fishing license expires on ~~the last day of February~~ **March 31** of the
31 year following the year in which the license became effective.

32 (b) A yearly trapping license expires on March 31 of the year
33 following the year in which the license became effective.

34 SECTION 15. IC 14-22-11-8 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) This section does
36 not apply to the following:

- 37 ~~(1)~~ A person who is:
 - 38 ~~(A)~~ a resident of Indiana; and
 - 39 ~~(B)~~ at least sixty-five (65) years of age.
- 40 ~~(2)~~ (1) A person who is less than seventeen (17) years of age.
- 41 ~~(3)~~ (2) A person who is legally blind.
- 42 ~~(4)~~ (3) A person who is a resident patient of a state mental

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- 1 institution.
- 2 ~~(5)~~ (4) A person who is:
- 3 (A) a resident of a health facility (as defined in
- 4 IC 16-18-2-167) licensed in Indiana; and
- 5 (B) taking part in a supervised activity of the health facility.
- 6 ~~(6)~~ (5) A person who:
- 7 (A) is a resident of Indiana; and
- 8 (B) has a developmental disability (as defined by
- 9 IC 12-7-2-61).
- 10 ~~(7)~~ (6) A person whose only participation in fishing is to assist an
- 11 individual described in subdivision (2), (3), (4), or (5). ~~or (6).~~
- 12 ~~(8)~~ (7) A resident of Indiana who fishes during a free sport fishing
- 13 day designated under IC 14-22-18.
- 14 (b) Every person must have a fishing license in the person's
- 15 possession when fishing in:
- 16 (1) waters containing state owned fish;
- 17 (2) waters of the state; or
- 18 (3) boundary waters of the state.
- 19 (c) Every person must have a valid trout-salmon stamp in the
- 20 person's possession to legally fish for or take trout or salmon in:
- 21 (1) waters containing state owned fish;
- 22 (2) waters of the state; or
- 23 (3) boundary waters of the state.
- 24 SECTION 16. IC 14-22-12-1 IS AMENDED TO READ AS
- 25 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The department
- 26 may issue the following licenses and, except as provided in section 1.5
- 27 of this chapter and subject to subsection (b), shall charge the following
- 28 minimum license fees to hunt, trap, or fish in Indiana:
- 29 (1) A resident yearly license to fish, eight dollars and seventy-five
- 30 cents (\$8.75).
- 31 (2) A resident yearly license to hunt, eight dollars and
- 32 seventy-five cents (\$8.75).
- 33 (3) A resident yearly license to hunt and fish, thirteen dollars and
- 34 seventy-five cents (\$13.75).
- 35 (4) A resident yearly license to trap, eight dollars and seventy-five
- 36 cents (\$8.75).
- 37 (5) A nonresident yearly license to fish, twenty-four dollars and
- 38 seventy-five cents (\$24.75).
- 39 (6) A nonresident yearly license to hunt, sixty dollars and
- 40 seventy-five cents (\$60.75).
- 41 (7) A nonresident yearly license to trap, one hundred seventeen
- 42 dollars and seventy-five cents (\$117.75). However, a license may

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- 1 not be issued to a resident of another state if that state does not
- 2 give reciprocity rights to Indiana residents similar to those
- 3 nonresident trapping privileges extended in Indiana.
- 4 (8) A resident or nonresident license to fish, including for trout
- 5 and salmon, for one (1) day only, four dollars and seventy-five
- 6 cents (\$4.75).
- 7 (9) A nonresident license to fish, excluding for trout and salmon,
- 8 for seven (7) days only, twelve dollars and seventy-five cents
- 9 (\$12.75).
- 10 (10) A nonresident license to hunt for five (5) consecutive days
- 11 only, twenty-five dollars and seventy-five cents (\$25.75).
- 12 (11) A resident or nonresident yearly stamp to fish for trout and
- 13 salmon, six dollars and seventy-five cents (\$6.75).
- 14 (12) A resident yearly license to take a deer with a shotgun,
- 15 muzzle loading gun, or handgun, thirteen dollars and seventy-five
- 16 cents (\$13.75).
- 17 (13) A resident yearly license to take a deer with a muzzle loading
- 18 gun, thirteen dollars and seventy-five cents (\$13.75).
- 19 (14) A resident yearly license to take a deer with a bow and
- 20 arrow, thirteen dollars and seventy-five cents (\$13.75).
- 21 (15) A nonresident yearly license to take a deer with a shotgun,
- 22 muzzle loading gun, or handgun, one hundred twenty dollars and
- 23 seventy-five cents (\$120.75).
- 24 (16) A nonresident yearly license to take a deer with a muzzle
- 25 loading gun, one hundred twenty dollars and seventy-five cents
- 26 (\$120.75).
- 27 (17) A nonresident yearly license to take a deer with a bow and
- 28 arrow, one hundred twenty dollars and seventy-five cents
- 29 (\$120.75).
- 30 (18) A resident license to take an extra deer by a means, in a
- 31 location, and under conditions established by rule adopted by the
- 32 department under IC 4-22-2, thirteen dollars and seventy-five
- 33 cents (\$13.75).
- 34 (19) A nonresident license to take an extra deer by a means, in a
- 35 location, and under conditions established by rule adopted by the
- 36 department under IC 4-22-2, one hundred twenty dollars and
- 37 seventy-five cents (\$120.75).
- 38 (20) A resident yearly license to take a turkey, fourteen dollars
- 39 and seventy-five cents (\$14.75).
- 40 (21) A nonresident yearly license to take a turkey, one hundred
- 41 fourteen dollars and seventy-five cents (\$114.75). However, if the
- 42 state of residence of the nonresident applicant requires that before

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1 a resident of Indiana may take turkey in that state the resident of
 2 Indiana must also purchase another license in addition to a
 3 nonresident license to take turkey, the applicant must also
 4 purchase a nonresident yearly license to hunt under this section.

5 (22) If a fall wild turkey season is established, a resident license
 6 to take an extra turkey by a means, in a location, and under
 7 conditions established by rule adopted by the department under
 8 IC 4-22-2, fourteen dollars and seventy-five cents (\$14.75).

9 (23) If a fall wild turkey season is established, a nonresident
 10 license to take an extra turkey by a means, in a location, and
 11 under conditions established by rule adopted by the department
 12 under IC 4-22-2, one hundred fourteen dollars and seventy-five
 13 cents (\$114.75). However, if the state of residence of the
 14 nonresident applicant requires that before a resident of Indiana
 15 may take turkey in that state the resident of Indiana must also
 16 purchase another license in addition to a nonresident license to
 17 take turkey, the applicant must also purchase a nonresident yearly
 18 license to hunt under this section.

19 (24) A resident youth yearly consolidated license to hunt and fish,
 20 six dollars (\$6). This license is subject to the following:

21 (A) An applicant must be less than eighteen (18) years of age.

22 (B) The license is in lieu of the resident yearly license to hunt
 23 and fish and all other yearly licenses, stamps, or permits to
 24 hunt and fish for a specific species or by a specific means.

25 **(25) A resident senior yearly license to fish, three dollars (\$3).**

26 **This license is subject to the following:**

27 **(A) An applicant must be at least sixty (60) years of age.**

28 **(B) The license is in place of the resident yearly license to**
 29 **fish and all other yearly licenses, stamps, or permits to fish**
 30 **for a specific species or by a specific means.**

31 (b) The commission may set license fees to hunt, trap, or fish above
 32 the minimum fees established under subsection (a).

33 SECTION 17. IC 14-22-12-5 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) ~~Upon receiving~~
 35 ~~an application~~; The department may issue a duplicate license to replace
 36 a lost license issued to an Indiana resident under sections 1 and 4 of
 37 this chapter.

38 (b) ~~An application for~~ A duplicate license under subsection (a) must
 39 meet the following conditions:

40 (1) ~~Be in writing on a form prescribed by the department.~~

41 (2) ~~State that the applicant had been issued a license.~~

42 (3) ~~State that the license was lost.~~

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1 (4) (1) Be signed by the applicant.
 2 (5) (2) Be accompanied by a fee equal to one-half (1/2) the cost
 3 of the lost license, rounded to the next highest dollar.
 4 (6) Be submitted to the division office in Indianapolis.
 5 (7) State that the applicant is an Indiana resident.
 6 **established by the commission.**
 7 SECTION 18. IC 14-16-1-3 IS REPEALED [EFFECTIVE UPON
 8 PASSAGE].
 9 SECTION 19. [EFFECTIVE UPON PASSAGE] (a)
 10 **Notwithstanding IC 14-19-1-1(2), as amended by this act, the**
 11 **department of natural resources shall carry out the duties imposed**
 12 **upon it under IC 14-19-1-1(2) under interim written guidelines**
 13 **approved by the director of the department of natural resources.**
 14 (b) This SECTION expires on the earlier of the following:
 15 (1) The date rules are adopted under IC 14-19-1-1(2).
 16 (2) December 31, 2006.
 17 SECTION 20. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1765, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

HOFFMAN, Chair

Committee Vote: yeas 12, nays 0.

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COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred House Bill No. 1765, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 4, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 10. IC 14-22-11-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) This section does not apply to the following:

~~(1)~~ A person who is:

~~(A)~~ a resident of Indiana; and

~~(B)~~ at least sixty-five ~~(65)~~ years of age.

~~(2)~~ (1) A person who is less than seventeen (17) years of age.

~~(3)~~ (2) A person who is legally blind.

~~(4)~~ (3) A person who is a resident patient of a state mental institution.

~~(5)~~ (4) A person who is:

(A) a resident of a health facility (as defined in IC 16-18-2-167) licensed in Indiana; and

(B) taking part in a supervised activity of the health facility.

~~(6)~~ (5) A person who:

(A) is a resident of Indiana; and

(B) has a developmental disability (as defined by IC 12-7-2-61).

~~(7)~~ (6) A person whose only participation in fishing is to assist an individual described in subdivision (2), (3), (4), or (5). ~~or (6):~~

~~(8)~~ (7) A resident of Indiana who fishes during a free sport fishing day designated under IC 14-22-18.

(b) Every person must have a fishing license in the person's possession when fishing in:

(1) waters containing state owned fish;

(2) waters of the state; or

(3) boundary waters of the state.

(c) Every person must have a valid trout-salmon stamp in the person's possession to legally fish for or take trout or salmon in:

(1) waters containing state owned fish;

(2) waters of the state; or

(3) boundary waters of the state.

SECTION 11. IC 14-22-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The department may issue the following licenses and, except as provided in section 1.5

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of this chapter and subject to subsection (b), shall charge the following minimum license fees to hunt, trap, or fish in Indiana:

- (1) A resident yearly license to fish, eight dollars and seventy-five cents (\$8.75).
- (2) A resident yearly license to hunt, eight dollars and seventy-five cents (\$8.75).
- (3) A resident yearly license to hunt and fish, thirteen dollars and seventy-five cents (\$13.75).
- (4) A resident yearly license to trap, eight dollars and seventy-five cents (\$8.75).
- (5) A nonresident yearly license to fish, twenty-four dollars and seventy-five cents (\$24.75).
- (6) A nonresident yearly license to hunt, sixty dollars and seventy-five cents (\$60.75).
- (7) A nonresident yearly license to trap, one hundred seventeen dollars and seventy-five cents (\$117.75). However, a license may not be issued to a resident of another state if that state does not give reciprocity rights to Indiana residents similar to those nonresident trapping privileges extended in Indiana.
- (8) A resident or nonresident license to fish, including for trout and salmon, for one (1) day only, four dollars and seventy-five cents (\$4.75).
- (9) A nonresident license to fish, excluding for trout and salmon, for seven (7) days only, twelve dollars and seventy-five cents (\$12.75).
- (10) A nonresident license to hunt for five (5) consecutive days only, twenty-five dollars and seventy-five cents (\$25.75).
- (11) A resident or nonresident yearly stamp to fish for trout and salmon, six dollars and seventy-five cents (\$6.75).
- (12) A resident yearly license to take a deer with a shotgun, muzzle loading gun, or handgun, thirteen dollars and seventy-five cents (\$13.75).
- (13) A resident yearly license to take a deer with a muzzle loading gun, thirteen dollars and seventy-five cents (\$13.75).
- (14) A resident yearly license to take a deer with a bow and arrow, thirteen dollars and seventy-five cents (\$13.75).
- (15) A nonresident yearly license to take a deer with a shotgun, muzzle loading gun, or handgun, one hundred twenty dollars and seventy-five cents (\$120.75).
- (16) A nonresident yearly license to take a deer with a muzzle loading gun, one hundred twenty dollars and seventy-five cents (\$120.75).

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(17) A nonresident yearly license to take a deer with a bow and arrow, one hundred twenty dollars and seventy-five cents (\$120.75).

(18) A resident license to take an extra deer by a means, in a location, and under conditions established by rule adopted by the department under IC 4-22-2, thirteen dollars and seventy-five cents (\$13.75).

(19) A nonresident license to take an extra deer by a means, in a location, and under conditions established by rule adopted by the department under IC 4-22-2, one hundred twenty dollars and seventy-five cents (\$120.75).

(20) A resident yearly license to take a turkey, fourteen dollars and seventy-five cents (\$14.75).

(21) A nonresident yearly license to take a turkey, one hundred fourteen dollars and seventy-five cents (\$114.75). However, if the state of residence of the nonresident applicant requires that before a resident of Indiana may take turkey in that state the resident of Indiana must also purchase another license in addition to a nonresident license to take turkey, the applicant must also purchase a nonresident yearly license to hunt under this section.

(22) If a fall wild turkey season is established, a resident license to take an extra turkey by a means, in a location, and under conditions established by rule adopted by the department under IC 4-22-2, fourteen dollars and seventy-five cents (\$14.75).

(23) If a fall wild turkey season is established, a nonresident license to take an extra turkey by a means, in a location, and under conditions established by rule adopted by the department under IC 4-22-2, one hundred fourteen dollars and seventy-five cents (\$114.75). However, if the state of residence of the nonresident applicant requires that before a resident of Indiana may take turkey in that state the resident of Indiana must also purchase another license in addition to a nonresident license to take turkey, the applicant must also purchase a nonresident yearly license to hunt under this section.

(24) A resident youth yearly consolidated license to hunt and fish, six dollars (\$6). This license is subject to the following:

(A) An applicant must be less than eighteen (18) years of age.

(B) The license is in lieu of the resident yearly license to hunt and fish and all other yearly licenses, stamps, or permits to hunt and fish for a specific species or by a specific means.

(25) A resident senior yearly license to fish, three dollars (\$3). This license is subject to the following:

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(A) An applicant must be at least sixty (60) years of age.

(B) The license is in place of the resident yearly license to fish and all other yearly licenses, stamps, or permits to fish for a specific species or by a specific means.

(b) The commission may set license fees to hunt, trap, or fish above the minimum fees established under subsection (a)."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1765 as printed February 9, 2005.)

WEATHERWAX, Chairperson

Committee Vote: Yeas 7, Nays 0.

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SENATE MOTION

Madam President: I move that Engrossed House Bill 1765 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 14-8-2-169.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 169.5. "Motorized cart", for purposes of IC 14-19-1-1, has the meaning set forth in IC 14-19-1-0.5.**

SECTION 2. IC 14-8-2-185 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 185. (a) "Off-road vehicle", for purposes of IC 14-16-1 ~~has the meaning set forth in IC 14-16-1-3.~~ and IC 14-19-1-0.5, means a motor driven vehicle capable of cross-country travel:

- (1) without benefit of a road; and
- (2) on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain.

(b) The term includes the following:

- (1) A multi-wheel drive or low pressure tire vehicle.
- (2) An amphibious machine.
- (3) A ground effect air cushion vehicle.
- (4) Other means of transportation deriving motive power from a source other than muscle or wind.

(c) The term does not include the following:

- (1) A farm vehicle being used for farming.
- (2) A vehicle used for military or law enforcement purposes.
- (3) A construction, mining, or other industrial related vehicle used in performance of the vehicle's common function.
- (4) A snowmobile.
- (5) A registered aircraft.
- (6) Any other vehicle properly registered by the bureau of motor vehicles.
- (7) Any watercraft that is registered under Indiana statutes.
- (8) A golf cart vehicle.

SECTION 3. IC 14-8-2-261 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 261. "Snowmobile", for purposes of IC 14-8-2-185 and IC 14-16, means a motor driven vehicle:

- (1) designed for travel primarily on snow or ice; and
- (2) of a type that uses:
 - (A) sled type runners or skis;

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- (B) an endless belt tread; or
- (C) any combination of these or other similar means of contact with the surface upon which the vehicle is operated."

Page 2, between lines 25 and 26, begin a new paragraph and insert:
 "SECTION 5. IC 14-19-1-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. (a) "Motorized cart" means a conveyance that is:**

- (1) motor driven, either by gas or electricity;**
- (2) used to carry passengers or equipment; and**
- (3) smaller than the types of motor vehicles required to be registered by the bureau of motor vehicles such as a:**
 - (A) passenger motor vehicle (as defined in IC 9-13-2-123);**
 - (B) recreational vehicle (as defined in IC 9-13-2-150); or**
 - (C) truck (as defined in IC 9-13-2-188).**

A motorized cart may be characterized as a golf cart, utility cart, or similar form of motor vehicle.

(b) The term does not include:

- (1) an electric personal assistive mobility device (as defined in IC 9-13-2-49.3);**
- (2) a motorcycle (as defined in IC 9-13-2-108);**
- (3) a motor scooter (as defined in IC 9-13-2-104);**
- (4) a motorized bicycle (as defined in IC 9-13-2-109); or**
- (5) an off-road vehicle.**

SECTION 5. IC 14-19-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1. The department shall do the following:**

- (1) Have the custody of and maintain the parks, preserves, forests, reservoirs, and memorials owned by the state.**
- (2) Adopt the necessary rules under IC 4-22-2 to secure enforcement of this title, which must include provisions for the use of motorized carts during the hours specified in IC 9-21-7-2(a)(1) at state parks and recreation areas by an individual who is the holder of a driver's license and who:**
 - (A) is at least sixty-five (65) years of age; or**
 - (B) has a disability as defined by the federal Social Security Administration guidelines (42 U.S.C. 416).**
- (3) Prepare, print, post, or distribute printed matter relating to the state parks and preserves.**
- (4) Subject to the approval of the governor, purchase land for parks or preserves and scenic and historic places. For the purpose of acquiring land for parks or preserves and scenic and historic**

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places, the commission may exercise the power of eminent domain in the manner provided in IC 14-17-3.

(5) Accept in the name of the state by gift or devise the fee or other estate in land or scenic or historic places.

(6) Employ, with the approval of the authorities having control of a state penal institution, the convicts committed to a penal institution for the purpose of producing or planting trees, clearing, improving, repairing, draining, or developing land purchased or acquired by the state for parks or preserves or as scenic or historic places.

(7) Have the custody of all abstracts of title, papers, contracts, or related memoranda except original deeds to the state, for land purchased or received for parks or preserves or for scenic or historic purposes under this section.

(8) Cooperate with:

(A) the department of environmental management;

(B) other state agencies; and

(C) local units of government;

to protect the water and land of Indiana from pollution.

(9) Have general charge of the navigable water of Indiana."

Page 7, after line 34 , begin a new paragraph and insert:

"SECTION 13. IC 14-16-1-3 IS REPEALED [EFFECTIVE UPON PASSAGE].

SECTION 14. [EFFECTIVE UPON PASSAGE] (a) **Notwithstanding IC 14-19-1-1(2), as amended by this act, the department of natural resources shall carry out the duties imposed upon it under IC 14-19-1-1(2) under interim written guidelines approved by the director of the department of natural resources.**

(b) **This SECTION expires on the earlier of the following:**

(1) **The date rules are adopted under IC 14-19-1-1(2).**

(2) **December 31, 2006.**

SECTION 15. **An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1765 as printed March 22, 2005.)

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