



March 13, 2007

**ENGROSSED
HOUSE BILL No. 1237**

DIGEST OF HB 1237 (Updated March 13, 2007 1:00 pm - DI 71)

Citations Affected: IC 6-6; IC 9-13; IC 9-19.

Synopsis: Motor vehicle restraint systems. Requires occupants of motor vehicles to wear safety belts, with certain exceptions.

Effective: July 1, 2007.

Welch, Brown C, Duncan, Crouch

(SENATE SPONSORS — WYSS, ROGERS)

January 11, 2007, read first time and referred to Committee on Roads and Transportation.
January 25, 2007, reported — Do Pass; recommitted to Committee on Ways and Means.
February 8, 2007, reported — Do Pass.
February 15, 2007, read second time, amended, ordered engrossed.
February 16, 2007, engrossed.
February 20, 2007, read third time, passed. Yeas 55, nays 41.

SENATE ACTION

February 27, 2007, read first time and referred to Committee on Homeland Security, Transportation and Veterans Affairs.
March 13, 2007, amended, reported favorably — Do Pass.

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March 13, 2007

First Regular Session 115th General Assembly (2007)

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 2006 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1237

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 6-6-5-6.7 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6.7. (a) As used in this
3 section, "passenger motor vehicle" and "truck" have the meanings set
4 forth for those terms in ~~IC 9-13-2-123(a)~~ **IC 9-13-2-123** and
5 IC 9-13-2-188(a).

6 (b) Every owner of a passenger motor vehicle or passenger motor
7 vehicles or of a truck or trucks who during a registration year regularly
8 rents those vehicles or trucks for periods of under thirty (30) days to
9 others in the regular course of the owner's business is entitled to a
10 credit against the motor vehicle excise tax liability owed for those
11 passenger motor vehicles or trucks for that registration year. The
12 maximum credit an owner is entitled to claim against the tax owed for
13 all those passenger motor vehicles and trucks for a registration year
14 under this section equals the lesser of:

15 (1) the total motor vehicle excise taxes due for those passenger
16 motor vehicles and trucks for that registration year, before the
17 application of the credit allowed by this section; or

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1 (2) the total auto rental excise taxes collected by the owner
2 during the immediately preceding registration year.

3 (c) A passenger motor vehicle or truck is regularly rented by a
4 person in the regular course of the person's business during a
5 registration year if the passenger motor vehicle or truck is rented by the
6 person to another person an average of ten (10) days each month of the
7 registration year that the person owned the passenger motor vehicle or
8 truck.

9 SECTION 2. IC 6-6-9-3 IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2007]: Sec. 3. As used in this chapter,
11 "passenger motor vehicle" has the meaning set forth in
12 ~~IC 9-13-2-123(a)~~. **IC 9-13-2-123.**

13 SECTION 3. IC 6-6-9.5-4, AS ADDED BY P.L.214-2005,
14 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2007]: Sec. 4. As used in this chapter, "passenger motor
16 vehicle" has the meaning set forth in ~~IC 9-13-2-123(a)~~. **IC 9-13-2-123.**

17 SECTION 4. IC 6-6-9.7-3 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. As used in this
19 chapter, "passenger motor vehicle" has the meaning set forth in
20 ~~IC 9-13-2-123(a)~~. **IC 9-13-2-123.**

21 SECTION 5. IC 9-13-2-123, AS AMENDED BY P.L.219-2005,
22 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2007]: Sec. 123. ~~(a)~~ "Passenger motor vehicle" means **except**
24 **as provided in subsection (b)**; a motor vehicle designed for carrying
25 passengers. The term includes a low speed vehicle but does not include
26 a motorcycle, a bus, a school bus, or an off-road vehicle.

27 ~~(b)~~ For purposes of ~~IC 9-19-10~~, the term includes buses, school
28 buses, and private buses, and excludes trucks, tractors, and recreational
29 vehicles.

30 SECTION 6. IC 9-19-10-1 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. This chapter does not
32 apply to a **front seat occupant of a motor vehicle** who meets any of
33 the following conditions:

- 34 (1) For medical reasons should not wear safety belts, **provided**
- 35 **the occupant has written documentation of the medical**
- 36 **reasons from a physician.**
- 37 (2) Is a child required to be restrained by a child restraint system
- 38 under IC 9-19-11.
- 39 (3) Is traveling in a commercial or a United States Postal Service
- 40 vehicle that makes frequent stops for the purpose of pickup or
- 41 delivery of goods or services.
- 42 (4) Is a rural carrier of the United States Postal Service and is

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- 1 operating a vehicle while serving a rural postal route.
- 2 (5) Is a newspaper motor route carrier or newspaper bundle hauler
- 3 who stops to make deliveries from a vehicle.
- 4 (6) Is a driver examiner designated and appointed under
- 5 IC 9-14-2-3 and is conducting an examination of an applicant for
- 6 a permit or license under IC 9-24-10.
- 7 **(7) Is an occupant of a farm truck being used on a farm in**
- 8 **connection with agricultural pursuits that are usual and**
- 9 **normal to the farming operation, as set forth in**
- 10 **IC 9-29-5-13(b)(2).**
- 11 **(8) Is an occupant of a motor vehicle participating in a**
- 12 **parade.**
- 13 **(9) Is an occupant of the living quarters area of a recreational**
- 14 **vehicle.**
- 15 **(10) Is an occupant of the treatment area of an ambulance (as**
- 16 **defined in IC 16-18-2-13).**
- 17 **(11) Is an occupant of the sleeping area of a tractor.**
- 18 **(12) Is an occupant other than the operator of a vehicle**
- 19 **described in IC 9-20-11-1(1).**
- 20 **(13) Is an occupant other than the operator of a truck on a**
- 21 **construction site.**
- 22 **(14) Is a passenger other than the operator in a cab of a Class**
- 23 **A recovery vehicle or a Class B recovery vehicle who is being**
- 24 **transported in the cab because the motor vehicle of the**
- 25 **passenger is being towed by the recovery vehicle.**
- 26 **(15) Is an occupant other than the operator of a motor vehicle**
- 27 **being used by a public utility in an emergency as set forth in**
- 28 **IC 9-20-6-5.**

29 SECTION 7. IC 9-19-10-2 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. Each front seat
 31 occupant of a passenger motor vehicle that is equipped with a safety
 32 belt that:

- 33 (1) ~~meeting~~ **meets** the standards stated in the Federal Motor
- 34 Vehicle Safety Standard Number 208 (49 CFR 571.208); **and**
- 35 **(2) is standard equipment installed by the manufacturer;**
- 36 shall have a safety belt properly fastened about the occupant's body at
- 37 all times when the vehicle is in forward motion.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1237, 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.

AUSTIN, Chair

Committee Vote: yeas 9, nays 1.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1237, 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.

CRAWFORD, Chair

Committee Vote: yeas 13, nays 9.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1237 be amended to read as follows:

Page 3, after line 17, begin a new paragraph and insert:

"SECTION 8. IC 9-21-8-56 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 56. (a) An individual may not operate a truck on a public highway (as defined in IC 9-25-2-4) while another individual is in the open bed of the truck.**

(b) Subsection (a) does not apply to an individual operating a truck:

- (1) in a parade; or**
- (2) on a farm in connection with agricultural pursuits that are usual and normal to the farming operation, as set forth in IC 9-29-5-13(b)(2)."**

(Reference is to HB 1237 as printed February 9, 2007.)

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1237 be amended to read as follows:

Page 2, between lines 20 and 21, begin a new paragraph and insert:
 "SECTION 5. IC 8-14-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) The auditor of state shall establish a special account to be called the "local road and street account" and **shall** credit this account monthly with forty-five percent (45%) of the money deposited in the highway, road and street fund.

(b) The auditor of state shall distribute to units of local government money from this account each month.

(c) The auditor of state shall allocate to each county the money in this account **based on the basis of** the ratio of each county's passenger car **and pickup truck** registrations to the total passenger car **and pickup truck** registrations of the state. **For purposes of this allocation, a pickup truck is a truck that is registered under IC 9-18-2-8 as a truck with a declared gross weight of not more than eleven thousand (11,000) pounds.** The auditor of state shall further determine the suballocation between the county and the cities within the county as follows:

(1) In counties having a population of more than fifty thousand (50,000), sixty percent (60%) of the money shall be distributed on the basis of the population of the city or town as a percentage of the total population of the county and forty percent (40%) distributed on the basis of the ratio of city and town street mileage to county road mileage.

(2) In counties having a population of fifty thousand (50,000) or less, twenty percent (20%) of the money shall be distributed on the basis of the population of the city or town as a percentage of the total population of the county and eighty percent (80%) distributed on the basis of the ratio of city and town street mileage to county road mileage.

(3) ~~For the purposes of allocating funds as provided in this section; towns which become incorporated as a town~~ **A town that incorporates** between the effective dates of decennial censuses ~~shall be becomes~~ eligible for allocations **under this section** upon the effectiveness of a corrected population count for the town under IC 1-1-3.5.

(4) Money allocated under the provisions of this section to counties containing a consolidated city shall be credited or allocated to the department of transportation of the consolidated

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city.

(d) Each month the auditor of state shall inform the department of the amounts allocated to each unit of local government from the local road and street account."

Page 3, after line 17, begin a new paragraph and insert:

"SECTION 9. [EFFECTIVE JULY 1, 2007] (a) **The auditor of state, in allocating money in the local road and street account to counties under IC 8-14-2-4, as amended by this act, shall recognize only the number of pickup truck registrations corresponding to the following percentages:**

(1) **For the period beginning July 1, 2007, and ending June 30, 2008, thirty-four percent (34%) of the total pickup truck registrations in Indiana and in each county.**

(2) **For the period beginning July 1, 2008, and ending June 30, 2009, sixty-seven percent (67%) of the total pickup truck registrations in Indiana and in each county.**

(3) **After June 30, 2009, one hundred percent (100%) of the total pickup truck registrations in Indiana and in each county.**

(b) **For purposes of this SECTION, the bureau of motor vehicles shall determine the number of pickup truck registrations in Indiana and in each county.**

(c) **This SECTION expires June 30, 2010."**

(Reference is to HB 1237 as printed February 9, 2007.)

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1237 be amended to read as follows:

Page 2, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 5. IC 9-13-2-110.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2007]: **Sec. 110.7. "Municipality" has the meaning set forth in IC 36-1-2-11."**

Page 3, after line 17, begin a new paragraph and insert:

"SECTION 9. IC 9-19-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 4. (a)** The bureau, in cooperation with the Indiana department of transportation, division of traffic safety, shall develop and administer educational programs for the purpose of informing the general public of the benefits that will

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inure to passengers using safety belts.

(b) An educational program referenced in subsection (a) may not include a traffic stop for the purpose of determining compliance with this chapter.

SECTION 10. IC 9-19-10-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 4.5. A police officer employed by:**

- (1) the state;**
- (2) a municipality; or**
- (3) a county;**

may not participate in a program or activity under IC 9-27-2-4(a)(1), a program, service, or activity under IC 9-27-2-4(a)(3), or an activity under IC 9-27-2-4(a)(5) that includes a traffic stop for the purpose of determining compliance with this chapter.

SECTION 11. IC 9-27-2-4, AS AMENDED BY P.L.210-2005, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 4. (a)** The office shall do the following to carry out this chapter:

- (1) Develop, plan, and conduct programs and activities designed to prevent and reduce traffic accidents and to facilitate the control of traffic on Indiana streets and highways.
- (2) Advise, recommend, and consult with state departments, divisions, boards, commissions, and agencies concerning traffic safety, accident prevention, and traffic facilitation programs and activities and coordinate these programs and activities on an effective statewide basis.
- (3) Organize and conduct, in cooperation with state departments and agencies, programs, services, and activities designed to aid political subdivisions in the control of traffic and prevention of traffic accidents.
- (4) Develop informational, educational, and promotional material on traffic control and traffic accident prevention, disseminate the material through all possible means of public information, and serve as a clearinghouse for information and publicity on traffic control and accident prevention programs and activities of state departments and agencies. These activities must include materials and information designed to make senior citizens aware of the effect of age on driving ability.
- (5) Cooperate with public and private agencies interested in traffic control and traffic accident prevention in the development and conduct of public informational and educational activities

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designed to promote traffic safety or to support the official traffic safety program of Indiana.

(6) Study and determine the merits of proposals affecting traffic control, traffic safety, or traffic accident prevention activities in Indiana and recommend to the governor and the general assembly the measures that will serve to further control and reduce traffic accidents.

(7) Study proposed revisions and amendments to the motor vehicle laws and all other laws concerning traffic safety and make recommendations relative to those laws to the governor and general assembly.

(8) Develop and conduct a program of effective alcohol and drug countermeasures to protect and conserve life and property on Indiana streets and highways.

(9) Administer the operation lifesaver program referred to in section 12 of this chapter to promote and coordinate public education concerning railroad grade crossing safety.

(b) The office may not conduct:

(1) a program or an activity under subsection (a)(1);

(2) a program, a service, or an activity under subsection (a)(3); or

(3) an activity under subsection (a)(5);

that includes a traffic stop for the purpose of determining compliance with IC 9-19-10."

Renumber all SECTIONS consecutively.

(Reference is to HB 1237 as printed February 9, 2007.)

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1237 be amended to read as follows:

Page 2, line 34, delete "belts." and insert "belts, **provided the occupant has written documentation of the medical reasons from a physician.**"

Page 3, between lines 8 and 9, begin a new line block indented and insert:

"(8) Is an occupant of a motor vehicle participating in a parade.

(9) Is an occupant of the living quarters area of a recreational

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vehicle.

(10) Is an occupant of the treatment area of an ambulance (as defined in IC 16-18-2-13).

(11) Is an occupant of the sleeping area of a tractor.

(12) Is an occupant other than the operator of a vehicle described in IC 9-20-11-1(1).

(13) Is an occupant other than the operator of a truck on a construction site.

(14) Is a passenger other than the operator in a cab of a Class A recovery vehicle or a Class B recovery vehicle who is being transported in the cab because the motor vehicle of the passenger is being towed by the recovery vehicle.

(15) Is an occupant other than the operator of a motor vehicle being used by a public utility in an emergency as set forth in IC 9-20-6-5."

(Reference is to HB 1237 as printed February 9, 2007.)

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COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred House Bill No. 1237, 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 2, delete lines 21 through 42.

Page 3, delete lines 1 through 23.

Page 4, delete lines 41 through 42.

Delete pages 5 through 7.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1237 as reprinted February 16, 2007.)

WYSS, Chairperson

Committee Vote: Yeas 7, Nays 4.

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