



February 11, 2011

HOUSE BILL No. 1334

DIGEST OF HB 1334 (Updated February 10, 2011 8:45 am - DI 96)

Citations Affected: IC 6-3.5; IC 6-6; IC 7.1-1; IC 9-13; IC 9-17; IC 9-18; IC 9-19; IC 9-21; IC 9-24; IC 9-25; IC 9-26; IC 9-29; IC 9-30; IC 13-11; IC 14-19; IC 20-30; noncode.

Synopsis: Mopeds. Changes the term motorized bicycle to moped. Requires that a moped operated on a highway must be titled and registered with the bureau of motor vehicles, with a registration fee equal to that of a motorcycle. Requires that certain funds received from the registration of a moped be deposited in the motorcycle operator safety education fund. Requires the operator of a moped on a highway to have an identification card or driver's license in the operator's immediate possession when operating the moped. Requires a dealer who sells at least 12 mopeds a year to register as a dealer with the secretary of state. Prohibits the operation of a moped without financial responsibility in effect on the moped. Requires certain individuals to file accident reports after an accident involving a moped. Repeals the term "motor scooter". Makes conforming changes. Makes technical corrections. Deletes outdated language.

Effective: Upon passage.

Smith M, Riecken, Neese, Fry C

January 13, 2011, read first time and referred to Committee on Roads and Transportation.
February 10, 2011, amended, reported — Do Pass.

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February 11, 2011

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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HOUSE BILL No. 1334

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 6-3.5-4-0.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 0.5. This chapter applies to a moped that**
4 **is registered with the bureau of motor vehicles after December 31,**
5 **2011.**

6 SECTION 2. IC 6-6-5-1, AS AMENDED BY P.L.2-2007,
7 SECTION 126, IS AMENDED TO READ AS FOLLOWS
8 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) As used in this chapter,
9 "vehicle" means a vehicle subject to annual registration as a condition
10 of its operation on the public highways pursuant to the motor vehicle
11 registration laws of the state. **After December 31, 2011, the term**
12 **includes a moped (as defined in IC 9-13-2-109).**

13 (b) As used in this chapter, "mobile home" means a
14 nonself-propelled vehicle designed for occupancy as a dwelling or
15 sleeping place.

16 (c) As used in this chapter, "bureau" means the bureau of motor
17 vehicles.

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- 1 (d) As used in this chapter, "license branch" means a branch office
- 2 of the bureau authorized to register motor vehicles pursuant to the laws
- 3 of the state.
- 4 (e) As used in this chapter, "owner" means the person in whose
- 5 name the vehicle or trailer is registered (as defined in IC 9-13-2).
- 6 (f) As used in this chapter, "motor home" means a self-propelled
- 7 vehicle having been designed and built as an integral part thereof
- 8 having living and sleeping quarters, including that which is commonly
- 9 referred to as a recreational vehicle.
- 10 (g) As used in this chapter, "last preceding annual excise tax
- 11 liability" means either:
- 12 (1) the amount of excise tax liability to which the vehicle was
- 13 subject on the owner's last preceding regular annual registration
- 14 date; or
- 15 (2) the amount of excise tax liability to which a vehicle that was
- 16 registered after the owner's last preceding annual registration date
- 17 would have been subject if it had been registered on that date.
- 18 (h) As used in this chapter, "trailer" means a device having a gross
- 19 vehicle weight equal to or less than three thousand (3,000) pounds that
- 20 is pulled behind a vehicle and that is subject to annual registration as
- 21 a condition of its operation on the public highways pursuant to the
- 22 motor vehicle registration laws of the state. The term includes any
- 23 utility, boat, or other two (2) wheeled trailer.
- 24 (i) This chapter does not apply to the following:
- 25 (1) Vehicles owned, or leased and operated, by the United States,
- 26 the state, or political subdivisions of the state.
- 27 (2) Mobile homes and motor homes.
- 28 (3) Vehicles assessed under IC 6-1.1-8.
- 29 (4) Vehicles subject to registration as trucks under the motor
- 30 vehicle registration laws of the state, except trucks having a
- 31 declared gross weight not exceeding eleven thousand (11,000)
- 32 pounds, trailers, semitrailers, tractors, and buses.
- 33 (5) Vehicles owned, or leased and operated, by a postsecondary
- 34 educational institution described in IC 6-3-3-5(d).
- 35 (6) Vehicles owned, or leased and operated, by a volunteer fire
- 36 department (as defined in IC 36-8-12-2).
- 37 (7) Vehicles owned, or leased and operated, by a volunteer
- 38 emergency ambulance service that:
- 39 (A) meets the requirements of IC 16-31; and
- 40 (B) has only members that serve for no compensation or a
- 41 nominal annual compensation of not more than three thousand
- 42 five hundred dollars (\$3,500).

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1 (8) Vehicles that are exempt from the payment of registration fees
2 under IC 9-18-3-1.

3 (9) Farm wagons.

4 SECTION 3. IC 7.1-1-3-26.3 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26.3. ~~(a)~~ "Motor
6 vehicle" means a vehicle that is self-propelled.

7 ~~(b) The term does not include a motorized bicycle (as defined in~~
8 ~~IC 9-13-2-109).~~

9 SECTION 4. IC 9-13-1-5 IS ADDED TO THE INDIANA CODE
10 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
11 UPON PASSAGE]: **Sec. 5. A reference to a motorized bicycle in any**
12 **law, rule, or other document in effect on January 1, 2012, shall be**
13 **treated after December 31, 2011, as a reference to a moped.**

14 SECTION 5. IC 9-13-2-3, AS AMENDED BY P.L.146-2009,
15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 UPON PASSAGE]: Sec. 3. (a) Except as provided in subsection (b),
17 "antique motor vehicle" means a motor vehicle ~~or motor scooter~~ that is
18 at least twenty-five (25) years old.

19 (b) "Antique motor vehicle", for purposes of IC 9-19-11-1(6), means
20 a passenger motor vehicle or truck that was manufactured without a
21 safety belt as a part of the standard equipment installed by the
22 manufacturer at each designated seating position, before the
23 requirement of the installation of safety belts in the motor vehicle
24 according to the standards stated in the Federal Motor Vehicle Safety
25 Standard Number 208 (49 CFR 571.208).

26 SECTION 6. IC 9-13-2-42, AS AMENDED BY P.L.93-2010,
27 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 UPON PASSAGE]: Sec. 42. (a) "Dealer" means, except as otherwise
29 provided in this section, a person who sells to the general public,
30 including a person who sells directly by the Internet or other computer
31 network, at least twelve (12) vehicles each year for delivery in Indiana.
32 The term includes a person who sells off-road vehicles **or mopeds**. A
33 dealer must have an established place of business that meets the
34 minimum standards prescribed by the secretary of state under rules
35 adopted under IC 4-22-2.

- 36 (b) The term does not include the following:
- 37 (1) A receiver, trustee, or other person appointed by or acting
 - 38 under the judgment or order of a court.
 - 39 (2) A public officer while performing official duties.
 - 40 (3) A person who is a dealer solely because of activities as a
 - 41 transfer dealer.
 - 42 (4) An automotive mobility dealer.

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1 (c) "Dealer", for purposes of IC 9-31, means a person that sells to
2 the general public for delivery in Indiana at least six (6):

3 (1) boats; or

4 (2) trailers:

5 (A) designed and used exclusively for the transportation of
6 watercraft; and

7 (B) sold in general association with the sale of watercraft;
8 per year.

9 SECTION 7. IC 9-13-2-103 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 103. "Military
11 vehicle" means a vehicle that:

12 (1) was originally manufactured for military use;

13 (2) is motorized or nonmotorized, including a motorcycle ~~motor~~
14 ~~scooter~~, and a trailer;

15 (3) is at least twenty-five (25) years old; and

16 (4) is privately owned.

17 SECTION 8. IC 9-13-2-105, AS AMENDED BY P.L.9-2010,
18 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 UPON PASSAGE]: Sec. 105. (a) "Motor vehicle" means, except as
20 otherwise provided in this section, a vehicle that is self-propelled. The
21 term does not include a farm tractor, an implement of agriculture
22 designed to be operated primarily in a farm field or on farm premises,
23 or an electric personal assistive mobility device.

24 (b) "Motor vehicle", for purposes of IC 9-21, means:

25 (1) a vehicle ~~except a motorized bicycle~~ that is self-propelled; or

26 (2) a vehicle that is propelled by electric power obtained from
27 overhead trolley wires, but not operated upon rails.

28 (c) "Motor vehicle", for purposes of IC 9-19-10.5 and IC 9-25,
29 means a vehicle that is self-propelled upon a highway in Indiana. The
30 term does not include a farm tractor.

31 ~~(d) "Motor vehicle", for purposes of IC 9-30-10, does not include a~~
32 ~~motorized bicycle.~~

33 ~~(e)~~ (d) "Motor vehicle", for purposes of IC 9-23-2 and IC 9-23-3,
34 includes a semitrailer.

35 ~~(f)~~ (e) "Motor vehicle", for purposes of IC 9-24-6, has the meaning
36 set forth in 49 CFR 383.5 as in effect July 1, 2010.

37 SECTION 9. IC 9-13-2-108 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 108. "Motorcycle"
39 means a motor vehicle with motive power having a seat or saddle for
40 the use of the rider and designed to travel on not more than three (3)
41 wheels in contact with the ground. The term does not include a farm
42 tractor or a ~~motorized bicycle~~. **moped.**

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1 SECTION 10. IC 9-13-2-109 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 109. ~~"Motorized~~
3 ~~bicycle"~~ **"Moped"** means a two (2) or three (3) wheeled vehicle that
4 is propelled by an internal combustion engine or a battery powered
5 motor, and if powered by an internal combustion engine, has the
6 following:

- 7 (1) An engine rating of not more than two (2) horsepower and a
- 8 cylinder capacity not exceeding fifty (50) cubic centimeters.
- 9 (2) An automatic transmission.
- 10 (3) A maximum design speed of not more than twenty-five (25)
- 11 miles per hour on a flat surface.

12 The term does not include an electric personal assistive mobility
13 device.

14 SECTION 11. IC 9-13-2-123, AS AMENDED BY P.L.214-2007,
15 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 UPON PASSAGE]: Sec. 123. "Passenger motor vehicle" means a
17 motor vehicle designed for carrying passengers. The term includes a
18 low speed vehicle but does not include a motorcycle, **a moped**, a bus,
19 a school bus, or an off-road vehicle.

20 SECTION 12. IC 9-13-2-196, AS AMENDED BY P.L.9-2010,
21 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 UPON PASSAGE]: Sec. 196. (a) "Vehicle" means, except as otherwise
23 provided in this section, a device in, upon, or by which a person or
24 property is, or may be, transported or drawn upon a highway.

25 (b) "Vehicle", for purposes of IC 9-14 through IC 9-18, does not
26 include the following:

- 27 (1) A device moved by human power.
- 28 (2) A vehicle that runs only on rails or tracks.
- 29 (3) A vehicle propelled by electric power obtained from overhead
- 30 trolley wires but not operated upon rails or tracks.
- 31 (4) A firetruck and apparatus owned by a person or municipal
- 32 division of the state and used for fire protection.
- 33 (5) A municipally owned ambulance.
- 34 (6) A police patrol wagon.
- 35 (7) A vehicle not designed for or employed in general highway
- 36 transportation of persons or property and occasionally operated or
- 37 moved over the highway, including the following:
- 38 (A) Road construction or maintenance machinery.
- 39 (B) A movable device designed, used, or maintained to alert
- 40 motorists of hazardous conditions on highways.
- 41 (C) Construction dust control machinery.
- 42 (D) Well boring apparatus.

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- 1 (E) Ditch digging apparatus.
- 2 (F) An implement of agriculture designed to be operated
- 3 primarily in a farm field or on farm premises.
- 4 (G) An invalid chair.
- 5 (H) A yard tractor.
- 6 (8) An electric personal assistive mobility device.

7 (c) For purposes of IC 9-20 and IC 9-21, the term does not include
 8 devices moved by human power or used exclusively upon stationary
 9 rails or tracks.

10 (d) For purposes of IC 9-22, the term refers to an automobile, a
 11 motorcycle, a truck, a trailer, a semitrailer, a tractor, a bus, a school
 12 bus, a recreational vehicle, a trailer or semitrailer used in the
 13 transportation of watercraft, or a ~~motorized bicycle~~ **moped**.

14 (e) For purposes of IC 9-24-6, the term has the meaning set forth in
 15 49 CFR 383.5 as in effect July 1, 2010.

16 (f) For purposes of IC 9-30-5, IC 9-30-6, IC 9-30-8, and IC 9-30-9,
 17 the term means a device for transportation by land or air. The term does
 18 not include an electric personal assistive mobility device.

19 SECTION 13. IC 9-17-2-1.7 IS ADDED TO THE INDIANA CODE
 20 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
 21 **UPON PASSAGE]: Sec. 1.7. After December 31, 2011, a person may**
 22 **not operate a moped upon a highway without having obtained a**
 23 **certificate of title from the bureau.**

24 SECTION 14. IC 9-17-2-4 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. If a certificate of
 26 title:

- 27 (1) has been previously issued for a vehicle in Indiana, an
- 28 application for a certificate of title must be accompanied by the
- 29 previously issued certificate of title, unless otherwise provided; or
- 30 (2) has not previously been issued for a vehicle in Indiana, an
- 31 application for a certificate of title must be accompanied by a
- 32 manufacturer's certificate of origin as provided in IC 9-17-8,
- 33 unless otherwise provided.

34 **The bureau shall adopt rules under IC 4-22-2 to determine the**
 35 **indication of ownership for a moped.**

36 SECTION 15. IC 9-17-2-5, AS AMENDED BY P.L.219-2005,
 37 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 UPON PASSAGE]: Sec. 5. If an application for a certificate of title is
 39 for a vehicle or off-road vehicle brought into Indiana from another
 40 state, the application must be accompanied by:

- 41 (1) the certificate of title issued for the vehicle or off-road vehicle
- 42 by the other state if the other state has a certificate of title law;

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- 1 (2) a sworn bill of sale or dealer's invoice fully describing the
- 2 vehicle or off-road vehicle and the most recent registration receipt
- 3 issued for the vehicle or off-road vehicle if the other state does not
- 4 have a certificate of title law; or
- 5 (3) other information that the bureau requires, if the other state
- 6 does not have a certificate of title or registration law that pertains
- 7 to the vehicle or off-road vehicle.

8 **The bureau shall adopt rules under IC 4-22-2 to determine the**
 9 **indication of ownership for a moped.**

10 SECTION 16. IC 9-17-2-12, AS AMENDED BY P.L.1-2009,
 11 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 UPON PASSAGE]: Sec. 12. (a) As used in this section, "dealer" refers
 13 to a dealer that has:

- 14 (1) been in business for not less than five (5) years; and
- 15 (2) sold not less than one hundred fifty (150) motor vehicles
- 16 during the preceding calendar year.

17 (b) This section does not apply to the following:

- 18 (1) A new motor vehicle or recreational vehicle sold by a dealer
- 19 licensed by the state.
- 20 (2) A motor vehicle or recreational vehicle transferred or assigned
- 21 on a certificate of title issued by the bureau.
- 22 (3) A motor vehicle that is registered under the International
- 23 Registration Plan.
- 24 (4) A motor vehicle that is titled in the name of a financial
- 25 institution, lending institution, or insurance company in Canada
- 26 and imported by a registered importer, if:
 - 27 (A) the registered importer complies with section 12.5(a) of
 - 28 this chapter; and
 - 29 (B) section 12.5(d) of this chapter does not apply to the motor
 - 30 vehicle.
- 31 (5) A motor vehicle that is titled in another state and is in the
- 32 lawful possession of a financial institution, a lending institution,
- 33 or an insurance company, if:
 - 34 (A) the financial institution, lending institution, or insurance
 - 35 company complies with section 12.5(b) of this chapter; and
 - 36 (B) section 12.5(d) of this chapter does not apply to the motor
 - 37 vehicle.

38 **(6) A moped.**

39 (c) An application for a certificate of title for a motor vehicle or
 40 recreational vehicle may not be accepted by the bureau unless the
 41 motor vehicle or recreational vehicle has been inspected by one (1) of
 42 the following:

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- 1 (1) An employee of a dealer designated by the secretary of state
- 2 to perform an inspection.
- 3 (2) A military policeman assigned to a military post in Indiana.
- 4 (3) A police officer.
- 5 (4) A designated employee of the bureau.

6 (d) A person described in subsection (c) inspecting a motor vehicle,
 7 semitrailer, or recreational vehicle shall do the following:

- 8 (1) Make a record of inspection upon the application form
- 9 prepared by the bureau.
- 10 (2) Verify the facts set out in the application.

11 SECTION 17. IC 9-18-2-29, AS AMENDED BY P.L.210-2005,
 12 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 UPON PASSAGE]: Sec. 29. Except as otherwise provided, before:

- 14 (1) a motor vehicle;
- 15 (2) a motorcycle;
- 16 (3) a truck;
- 17 (4) a trailer;
- 18 (5) a semitrailer;
- 19 (6) a tractor;
- 20 (7) a bus;
- 21 (8) a school bus;
- 22 (9) a recreational vehicle; or
- 23 (10) special machinery; or

24 **(11) a moped, beginning January 1, 2012;**
 25 is operated or driven on a highway, the person who owns the vehicle
 26 must register the vehicle with the bureau and pay the applicable
 27 registration fee.

28 SECTION 18. IC 9-18-12-4 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) If a person
 30 who registers an antique motor vehicle under this chapter makes
 31 substantial alterations or changes to the vehicle after the date of the
 32 antique motor vehicle's registration, the registrant shall have the
 33 vehicle reinspected by the state police department.

34 (b) If the antique motor vehicle is not found to be in a mechanical
 35 condition that guarantees the vehicle's safe operation upon the
 36 highways, the mechanical condition shall be reported to the bureau.
 37 The bureau shall do the following:

- 38 (1) Immediately cancel the registration of the antique motor
- 39 vehicle.
- 40 (2) Notify the person who registered the antique motor vehicle of
- 41 the cancellation.

42 ~~(c) A motor scooter registered under this chapter is not required to~~

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1 ~~have equipment that was not original on the motor scooter.~~
2 SECTION 19. IC 9-19-3-1 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. A motor vehicle
4 other than a motorcycle or ~~motor-driven cycle~~; **moped**, when operated
5 upon a highway, must be equipped with brakes adequate to control the
6 movement of and to stop and hold the vehicle. The brakes must include
7 two (2) separate means of applying the brakes, each of which means
8 must apply the brakes to at least two (2) wheels. If these two (2)
9 separate means of applying the brakes are connected in any way, the
10 means must be constructed so that failure of one (1) part of the
11 operating mechanism does not leave the motor vehicle without brakes
12 on at least two (2) wheels.
13 SECTION 20. IC 9-19-3-2 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. A motorcycle
15 and a ~~motor-driven cycle~~; **moped**, when operated upon a highway,
16 must be equipped with at least one (1) brake, which may be operated
17 by hand or foot.
18 SECTION 21. IC 9-19-3-4 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Except as
20 provided in subsections (b) through (c), a new motor vehicle, trailer, or
21 semitrailer sold in Indiana and operated upon the highways must be
22 equipped with service brakes upon all wheels of the vehicle.
23 (b) The following are not required to be equipped with **service**
24 **brakes**:
25 (1) A motorcycle or ~~motor-driven cycle~~; **moped**.
26 (2) A semitrailer of less than three thousand (3,000) pounds gross
27 weight.
28 (c) A truck or truck-tractor having at least three (3) axles is not
29 required to have service brakes on the front wheels. If a truck or
30 truck-tractor is equipped with at least two (2) steerable axles, the
31 wheels of one (1) steerable axle are not required to have service brakes
32 although the truck or truck-tractor must be capable of complying with
33 the performance requirements of sections 7 through 8 of this chapter.
34 SECTION 22. IC 9-19-6-3 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A motor
36 vehicle other than a motorcycle or ~~motor-driven cycle~~ **moped** must be
37 equipped with at least two (2) head lamps, with at least one (1) of the
38 head lamps on each side of the front of the motor vehicle. The head
39 lamps must comply with this chapter.
40 (b) Except as provided in subsection (c), a motorcycle and
41 ~~motor-driven cycle~~ **moped** must be equipped with at least one (1) and
42 not more than two (2) head lamps that comply with this chapter.

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1 (c) A motorcycle manufactured before January 1, 1956, is not
2 required to be equipped with a head lamp if the motorcycle is not
3 operated at the times when lighted head lamps and other illuminating
4 devices are required under IC 9-21-7-2.

5 (d) A head lamp upon a motor vehicle, including a motorcycle and
6 ~~motor-driven cycle~~, **moped**, must be located at a height measured from
7 the center of the head lamp of not less than twenty-four (24) inches and
8 not more than fifty-four (54) inches to be measured as set forth in
9 section 2(b) of this chapter.

10 SECTION 23. IC 9-19-6-5 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as
12 provided in subsections (b) through (d), a new motor vehicle sold and
13 operated upon a highway, other than a truck-tractor, must carry on the
14 rear, either as a part of the tail lamps or separately, two (2) red
15 reflectors.

16 (b) Except as provided in subsection (c), a motorcycle and
17 ~~motor-driven cycle~~ **moped** must carry at least one (1) reflector meeting
18 the requirements of this section.

19 (c) A motorcycle manufactured before January 1, 1956, is not
20 required to carry a reflector under this section if the motorcycle is not
21 operated at the times when lighted head lamps and other illuminating
22 devices are required under IC 9-21-7-2.

23 (d) A vehicle of the type listed in section 7 of this chapter must be
24 equipped with reflectors as required in those sections applicable to
25 those vehicles.

26 (e) A reflector must be mounted on a vehicle at a height not less
27 than twenty (20) inches and not more than sixty (60) inches as
28 measured in the manner set forth in section 2(b) of this chapter. Except
29 as otherwise provided, a reflector must be of the size and
30 characteristics and mounted so as to be visible at night from all
31 distances within three hundred fifty (350) feet to one hundred (100)
32 feet from the vehicle when directly in front of lawful upper beams of
33 head lamps.

34 SECTION 24. IC 9-19-6-6 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Except as
36 provided in subsection (b), a person may not:

- 37 (1) sell; or
38 (2) drive on the highways;
39 in Indiana a motor vehicle, including a motorcycle or ~~motor-driven~~
40 **cycle moped**, unless the vehicle is equipped with at least one (1)
41 stoplight meeting the requirements of section 17 of this chapter.

42 (b) A motorcycle manufactured before January 1, 1956, is not

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1 required to be equipped with a stoplight under subsection (a) if the
2 motorcycle is not operated at the times when lighted head lamps and
3 other illuminating devices are required under IC 9-21-7-2.

4 (c) This subsection does not apply to a motorcycle or ~~motor-driven~~
5 ~~cycle~~; **moped**. A person may not:

- 6 (1) sell;
- 7 (2) offer for sale; or
- 8 (3) operate on the highways;

9 a motor vehicle, trailer, or semitrailer registered in Indiana and
10 manufactured or assembled after January 1, 1956, unless the vehicle is
11 equipped with mechanical or electrical turn signals meeting the
12 requirements of section 17 of this chapter.

13 SECTION 25. IC 9-19-6-20 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. Except as
15 otherwise provided in this chapter, the head lamps, the auxiliary
16 driving lamp, the auxiliary passing lamp, or a combination of these
17 lamps on motor vehicles, other than motorcycles or ~~motor-driven~~
18 ~~cycles~~; **mopeds**, must be arranged so that the driver may select between
19 distributions of light projected to different elevations. The lamps may,
20 in addition, be arranged so that the selection can be made
21 automatically, subject to the following limitations:

- 22 (1) There must be an uppermost distribution of light, or composite
23 beam, aimed and of an intensity to reveal persons and vehicles at
24 a distance of at least three hundred fifty (350) feet ahead for all
25 conditions of loading.
- 26 (2) There must be a lowermost distribution of light, or composite
27 beam, aimed and of an intensity to reveal persons and vehicles at
28 a distance of at least one hundred (100) feet ahead. On a straight
29 level road, under any condition of loading, none of the
30 high-intensity part of the beam may be directed to strike the eyes
31 of an approaching driver.
- 32 (3) A new motor vehicle, other than a motorcycle or ~~motor-driven~~
33 ~~cycle~~; **moped**, registered in Indiana ~~after January 1, 1956~~; that has
34 multiple-beam road lighting equipment must be equipped with a
35 beam indicator that must be lighted whenever the uppermost
36 distribution of light from the head lamps is in use. The beam
37 indicator must not otherwise be lighted. The beam indicator must
38 be designed and located so that when lighted the indicator is
39 readily visible without glare to the driver of the vehicle so
40 equipped.

41 SECTION 26. IC 9-19-6-22 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) The head

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1 lamp or head lamps upon a ~~motor-driven cycle~~ **motorcycle or moped**
2 may be of the single-beam or multiple-beam type.

3 (b) A head lamp on a ~~motor-driven cycle~~ **motorcycle or moped**
4 must be of sufficient intensity to reveal a person or a vehicle at a
5 distance of not less than:

6 (1) one hundred (100) feet when the ~~motor-driven cycle~~
7 **motorcycle or moped** is operated at a speed of less than
8 twenty-five (25) miles per hour;

9 (2) two hundred (200) feet when the ~~motor-driven cycle~~
10 **motorcycle or moped** is operated at a speed of at least
11 twenty-five (25) miles per hour; and

12 (3) three hundred (300) feet when the ~~motor-driven cycle~~
13 **motorcycle or moped** is operated at a speed of at least thirty-five
14 (35) miles per hour.

15 (c) If a ~~motor-driven cycle~~ **motorcycle or moped** is equipped with
16 a multiple beam head lamp, the upper beam must meet the minimum
17 requirements set forth in this section and must not exceed the
18 limitations set forth in section 20(1) of this chapter and the lowermost
19 distribution of light as set forth in section 20(2) of this chapter.

20 (d) If a ~~motor-driven cycle~~ **motorcycle or moped** is equipped with
21 a single beam lamp, the lamp must be aimed so that when the vehicle
22 is loaded none of the high-intensity part of the light will, at a distance
23 of twenty-five (25) feet ahead, project higher than the level of the
24 center of the lamp from which the light comes.

25 SECTION 27. IC 9-19-19-2 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. A motor vehicle,
27 except a motorcycle or a ~~motor-driven cycle~~, **moped**, required to be
28 registered with the bureau must be equipped with a front windshield.

29 SECTION 28. IC 9-21-7-3 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) This section
31 does not apply to a motorcycle or ~~motorized bicycle~~. **moped**.

32 (b) A motor vehicle must display at least two (2) lighted lamps, one
33 (1) on each side at the front of the motor vehicle.

34 (c) Whenever a motor vehicle equipped with head lamps required
35 under subsection (b) is also equipped with:

36 (1) auxiliary lamps;

37 (2) a spot lamp; or

38 (3) any other lamp on the front of the motor vehicle projecting a
39 beam of intensity greater than three hundred (300) candlepower;
40 not more than a total of four (4) lamps described in this subsection on
41 the front of a vehicle may be lighted at one (1) time when upon a
42 highway.

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1 (d) Passenger buses, trucks, truck tractors, and certain trailers,
2 semitrailers, and pole trailers must display clearance and marker lamps,
3 reflectors, and stop lights as required under this title when operated
4 upon a highway. Except as provided in subsection (e), all lamp
5 equipment required on vehicles described in this subsection shall be
6 lighted at the times specified in section 2 of this chapter.

7 (e) Clearance and sidemarker lamps are not required to be lighted
8 on a vehicle described in subsection (d) when the vehicle is operated
9 within a municipality where there is sufficient light to render clearly
10 discernible persons and vehicles on the highway at a distance of five
11 hundred (500) feet.

12 SECTION 29. IC 9-21-7-8 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) This section
14 applies to a vehicle that is parked or stopped upon a roadway or
15 shoulder adjacent to a roadway between thirty (30) minutes after sunset
16 and thirty (30) minutes before sunrise.

17 (b) If there is sufficient light to reveal a person or object within a
18 distance of five hundred (500) feet upon the street or highway upon
19 which the vehicle is parked, no lights need be displayed upon the
20 parked vehicle.

21 (c) This subsection does not apply to a ~~motor-driven cycle~~. **moped**.
22 This subsection applies whether a vehicle parked or stopped is attended
23 or unattended. If there is not sufficient light to reveal a person or object
24 within a distance of five hundred (500) feet upon the highway upon
25 which the vehicle is parked or stopped, the vehicle parked or stopped
26 shall be equipped with one (1) or more lamps that meet the following
27 requirements:

28 (1) At least one (1) lamp must display a white or amber light
29 visible from a distance of five hundred (500) feet to the front of
30 the vehicle.

31 (2) The lamp described in subdivision (1) or at least one (1) other
32 lamp must display a red light visible from a distance of five
33 hundred (500) feet to the rear of the vehicle.

34 (3) The lamp or lamps described in subdivisions (1) and (2) shall
35 be installed as near as practicable on the side of the vehicle that
36 is closest to passing traffic.

37 (d) Lighted head lamps upon a parked vehicle must be depressed or
38 dimmed.

39 SECTION 30. IC 9-21-8-20 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. The Indiana
41 department of transportation may by resolution or order entered in its
42 minutes, and local authorities may by ordinance, with respect to any

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1 freeway or interstate highway system under their respective
2 jurisdictions, prohibit the use of a highway by pedestrians, bicycles, or
3 other nonmotorized traffic or by a person operating a ~~motor-driven~~
4 ~~cycle~~ **moped**. The Indiana department of transportation or the local
5 authority adopting a prohibiting regulation shall erect and maintain
6 official signs on the freeway or interstate highway system on which the
7 regulations are applicable. If signs are erected, a person may not
8 disobey the restrictions stated on the signs.

9 SECTION 31. IC 9-21-11-12 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. A ~~motorized~~
11 ~~bicycle~~ **moped** may not be operated under any of the following
12 conditions:

- 13 (1) By a person less than fifteen (15) years of age.
- 14 (2) By a person who has not obtained an identification card under
- 15 IC 9-24, a permit under IC 9-24, an operator's license under
- 16 IC 9-24, a chauffeur's license under IC 9-24, or a public passenger
- 17 chauffeur's license under IC 9-24.
- 18 (3) On an interstate highway or a sidewalk.
- 19 (4) At a speed greater than twenty-five (25) miles per hour.

20 SECTION 32. IC 9-21-11-13 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. A person less
22 than eighteen (18) years of age who operates or rides a ~~motorized~~
23 ~~bicycle~~ **moped** on a street or highway shall do the following:

- 24 (1) Wear protective headgear meeting the minimum standards set
- 25 by the bureau or a helmet that meets the standards established by
- 26 the United States Department of Transportation under 49 CFR
- 27 571.218 in effect January 1, 1979.
- 28 (2) Wear protective glasses, goggles, or a transparent face shield.

29 SECTION 33. IC 9-24-13-3 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) An
31 individual holding a permit or license issued under this article must
32 have the permit or license in the individual's immediate possession
33 when driving or operating a motor vehicle. The permittee or licensee
34 shall display the license or permit upon demand of a court or a police
35 officer authorized by law to enforce motor vehicle rules.

36 (b) **An individual operating a moped under IC 9-21-11-12 must**
37 **have the identification card, permit, operator's license, chauffeur's**
38 **license, or public passenger chauffeur's license in the individual's**
39 **immediate possession when driving or operating the moped. The**
40 **individual shall display the identification card, permit, or license**
41 **upon demand of a court or a police officer authorized by law to**
42 **enforce motor vehicle rules.**

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1 SECTION 34. IC 9-24-13-6 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Subject to
 3 subsection (b), in a proceeding to enforce section 3 of this chapter, the
 4 burden is on the defendant to prove by a preponderance of the evidence
 5 that the defendant had been issued a ~~driving driver's~~ license or ~~permit~~
 6 **identification card** that was valid at the time of the alleged violation.

7 (b) ~~A person~~ **An individual** may not be convicted of violating
 8 section 3 of this chapter if the ~~person,~~ **individual**, within five (5) days
 9 from the time of apprehension, produces to the apprehending officer or
 10 headquarters of the apprehending officer satisfactory evidence of a
 11 ~~permit or the driver's~~ license or ~~permit~~ issued to the ~~person~~
 12 **individual** that was valid at the time of the ~~person's individual's~~
 13 apprehension.

14 SECTION 35. IC 9-25-1-7 IS ADDED TO THE INDIANA CODE
 15 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
 16 UPON PASSAGE]: **Sec. 7. After December 31, 2011, this article**
 17 **applies to a moped that is operated or driven on a highway.**

18 SECTION 36. IC 9-26-1-0.3 IS ADDED TO THE INDIANA CODE
 19 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
 20 UPON PASSAGE]: **Sec. 0.3. After December 31, 2011, this article**
 21 **applies to a moped that is operated or driven on a highway.**

22 SECTION 37. IC 9-29-5-2, AS AMENDED BY P.L.1-2010,
 23 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 UPON PASSAGE]: Sec. 2. The fee for the registration of a motorcycle
 25 **or a moped** is seventeen dollars and thirty cents (\$17.30). The revenue
 26 from this fee shall be allocated as follows:

- 27 (1) Seven dollars (\$7) to the motorcycle operator safety education
 28 fund established by IC 20-30-13-11.
- 29 (2) An amount prescribed as a license branch service charge
 30 under IC 9-29-3.
- 31 (3) Thirty cents (\$0.30) to the spinal cord and brain injury fund
 32 under IC 16-41-42.2-3, as provided under section 0.5 of this
 33 chapter.
- 34 (4) The balance to the state general fund for credit to the motor
 35 vehicle highway account.

36 SECTION 38. IC 9-30-10-9, AS AMENDED BY P.L.28-2010,
 37 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 UPON PASSAGE]: Sec. 9. (a) After June 30, 2005, this section does
 39 not apply to a person who:

- 40 (1) holds a commercial driver's license; and
- 41 (2) has been charged with an offense involving the operation of
 42 a motor vehicle in accordance with the federal Motor Carrier

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1 Safety Improvement Act of 1999 (MCSIA) (Public Law
2 106-159.113 Stat. 1748).
3 (b) If a court finds that a person:
4 (1) is a habitual violator under section 4(c) of this chapter;
5 (2) has not been previously placed on probation under this section
6 by a court;
7 (3) operates a vehicle for commercial or business purposes, and
8 the person's mileage for commercial or business purposes:
9 (A) is substantially in excess of the mileage of an average
10 driver; and
11 (B) may have been a factor that contributed to the person's
12 poor driving record; and
13 (4) does not have:
14 (A) a judgment for a violation enumerated in section 4(a) of
15 this chapter; or
16 (B) at least three (3) judgments (singularly or in combination
17 and not arising out of the same incident) of the violations
18 enumerated in section 4(b) of this chapter;
19 the court may place the person on probation in accordance with
20 subsection (d).
21 (c) If a court finds that a person:
22 (1) is a habitual violator under section 4(b) of this chapter;
23 (2) has not been previously placed on probation under this section
24 by a court;
25 (3) does not have a judgment for any violation listed in section
26 4(a) of this chapter;
27 (4) has had the person's driving privileges suspended under this
28 chapter for at least five (5) consecutive years; and
29 (5) has not violated the terms of the person's suspension by
30 operating a vehicle;
31 the court may place the person on probation in accordance with
32 subsection (d). However, if the person has any judgments for operation
33 of a vehicle before July 1, 2001, while intoxicated or with an alcohol
34 concentration equivalent to at least ten-hundredths (0.10) gram of
35 alcohol per one hundred (100) milliliters of the blood or two hundred
36 ten (210) liters of the breath, or for the operation of a vehicle after June
37 30, 2001, while intoxicated or with an alcohol concentration equivalent
38 to at least eight-hundredths (0.08) gram of alcohol per one hundred
39 (100) milliliters of the blood or two hundred ten (210) liters of the
40 breath, the court, before the court places a person on probation under
41 subsection (d), must find that the person has successfully fulfilled the
42 requirements of a rehabilitation program certified by one (1) or both of

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1 the following:

2 (A) The division of mental health and addiction.

3 (B) The Indiana judicial center.

4 (d) Whenever a court places a habitual violator on probation, the

5 court:

6 (1) shall record each of the court's findings under this section in

7 writing;

8 (2) shall obtain the person's driver's license or permit and send the

9 license or permit to the bureau;

10 (3) shall direct the person to apply to the bureau for a restricted

11 driver's license;

12 (4) shall order the bureau to issue the person an appropriate

13 license;

14 (5) shall place the person on probation for a fixed period of not

15 less than three (3) years and not more than ten (10) years;

16 (6) shall attach restrictions to the person's driving privileges,

17 including restrictions limiting the person's driving to:

18 (A) commercial or business purposes or other employment

19 related driving;

20 (B) specific purposes in exceptional circumstances;

21 (C) rehabilitation programs; and

22 (D) specified hours during which the person may drive;

23 (7) shall require the person to submit to reasonable monitoring

24 requirements;

25 (8) shall order the person to file proof of financial responsibility

26 for three (3) years following the date of being placed on

27 probation; and

28 (9) shall impose other appropriate conditions of probation, which

29 must include one (1) or more of the following conditions if the

30 person was determined to be a habitual violator under

31 IC 9-30-10-4(a)(4) through IC 9-30-10-4(a)(7) or

32 IC 9-30-10-4(b)(1) through IC 9-30-10-4(b)(4), and at least one

33 (1) of the offenses occurred within five (5) years prior to the

34 granting of the probationary or restricted license:

35 (A) An order prohibiting the person from operating a motor

36 vehicle or ~~motorized bicycle~~ **moped** with an alcohol

37 concentration equivalent to at least two-hundredths (0.02)

38 gram of alcohol per:

39 (i) one hundred (100) milliliters of the person's blood; or

40 (ii) two hundred ten (210) liters of the person's breath;

41 or while under the influence of any other intoxicating

42 substance.

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1 (B) An order that the person submit to a method to monitor the
 2 person's compliance with the prohibition against operating a
 3 motor vehicle or ~~motorized bicycle moped~~ with an alcohol
 4 concentration equivalent to at least two-hundredths (0.02)
 5 gram of alcohol per:
 6 (i) one hundred (100) milliliters of the person's blood; or
 7 (ii) two hundred ten (210) liters of the person's breath;
 8 or while intoxicated (as defined under IC 9-13-2-86).
 9 (C) The court shall determine the appropriate monitoring
 10 method, which may include one (1) or more of the following:
 11 (i) The person may operate only a motor vehicle equipped
 12 with an ignition interlock device.
 13 (ii) The person must submit to a chemical test if a law
 14 enforcement officer lawfully stops the person while
 15 operating a motor vehicle or ~~motorized bicycle moped~~ and
 16 the law enforcement officer requests that the person submit
 17 to a chemical test.
 18 (iii) The person must wear a device that detects and records
 19 the person's use of alcohol.
 20 (iv) The person must submit to any other reasonable
 21 monitoring requirement as determined by the court.
 22 (e) If a court finds that a person:
 23 (1) is a habitual violator under section 4(b) or 4(c) of this chapter;
 24 (2) does not have any judgments for violations under section 4(a)
 25 of this chapter;
 26 (3) does not have any judgments or convictions for violations
 27 under section 4(b) of this chapter, except for judgments or
 28 convictions under section 4(b)(5) of this chapter that resulted
 29 from driving on a suspended license that was suspended for:
 30 (A) the commission of infractions only; or
 31 (B) previously driving on a suspended license;
 32 (4) has not been previously placed on probation under this section
 33 by a court; and
 34 (5) has had the person's driving privileges suspended under this
 35 chapter for at least three (3) consecutive years and has not
 36 violated the terms of the person's suspension by operating a
 37 vehicle for at least three (3) consecutive years;
 38 the court may place the person on probation under subsection (d).
 39 SECTION 39. IC 9-30-10-13, AS AMENDED BY P.L.28-2010,
 40 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 UPON PASSAGE]: Sec. 13. (a) The bureau may issue a license to
 42 operate a motor vehicle to a habitual violator whose driving privileges

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1 are suspended under section 5(b) of this chapter if the following
2 conditions exist:

3 (1) The time specified for the person's probation or the restriction
4 or suspension of the person's license has elapsed.

5 (2) The person has met all the requirements of all applicable
6 statutes and rules relating to the licensing of motor vehicle
7 operators.

8 (3) The person files with the bureau and maintains for three (3)
9 years after filing proof of financial responsibility in accordance
10 with IC 9-25.

11 (4) The bureau places a restriction on the person's driver's license
12 and driving record that indicates the person is prohibited from
13 operating a motor vehicle or ~~motorized bicycle~~ **moped** with an
14 alcohol concentration equivalent to at least two-hundredths (0.02)
15 gram of alcohol per:

16 (A) one hundred (100) milliliters of the person's blood; or
17 (B) two hundred ten (210) liters of the person's breath;
18 or while intoxicated (as defined under IC 9-13-2-86) for three (3)
19 years after the bureau issues the driver's license to the person.

20 (5) The person signs a bureau form by which the person agrees
21 that as a condition to obtaining the driver's license the person will
22 submit to a chemical test at any time during the period three (3)
23 years after the bureau issues the driver's license to the person if a
24 law enforcement officer lawfully stops the person while operating
25 a motor vehicle or ~~motorized bicycle~~ **moped** and the law
26 enforcement officer requests that the person submit to a chemical
27 test.

28 (b) The bureau may issue a license to operate a motor vehicle to a
29 habitual violator whose driving privileges have been suspended for life
30 if the following conditions exist:

31 (1) The bureau has received an order for rescission of suspension
32 and reinstatement issued under section 15 of this chapter.

33 (2) The person to whom the license is to be issued has never been
34 convicted of a violation described in section 4(a) or 17 of this
35 chapter.

36 (3) The person has not been convicted of an offense under section
37 16 of this chapter more than one (1) time.

38 (4) The person has met all the requirements of all applicable
39 statutes and rules relating to the licensing of motor vehicle
40 operators.

41 (5) The person files with the bureau, and maintains for three (3)
42 years after filing proof of financial responsibility in accordance

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with IC 9-25.

(6) The bureau places a restriction on the person's driver's license and driving record that indicates the person is prohibited from operating a motor vehicle or ~~motorized bicycle~~ **moped** with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:

- (A) one hundred (100) milliliters of the person's blood; or
- (B) two hundred ten (210) liters of the person's breath;

or while intoxicated (as defined under IC 9-13-2-86) for three (3) years after the bureau issues the driver's license to the person.

(7) The person signs a bureau form by which the person agrees that as a condition to obtaining the driver's license the person will submit to a chemical test at any time during the period three (3) years after the bureau issues the driver's license to the person if a law enforcement officer lawfully stops the person while operating a motor vehicle or ~~motorized bicycle~~ **moped** and the law enforcement officer requests that the person submit to a chemical test.

(c) A habitual violator is not eligible for relief under the hardship provisions of IC 9-24-15.

SECTION 40. IC 9-30-10-15, AS AMENDED BY P.L.28-2010, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) Upon receiving a petition filed under section 14 of this chapter, a court shall set a date for hearing the matter and direct the clerk of the court to provide notice of the hearing date to the following:

- (1) The petitioner.
- (2) The prosecuting attorney of the county where the petitioner resides.
- (3) The bureau.

(b) A court may order the rescission of the order that required the suspension of the petitioner's driving privileges for life and may order the bureau to reinstate the driving privileges of a petitioner whose driving privileges have been suspended for life if, after the hearing of the matter, the court makes the following written findings and conclusions, based on clear and convincing evidence:

- (1) That the petitioner has never been convicted of a violation described in section 4(a) of this chapter.
- (2) That the petitioner has never been convicted of an offense under section 17 of this chapter.
- (3) That the petitioner has not been convicted of an offense under section 16 of this chapter more than one (1) time.

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- 1 (4) If the person is petitioning the court under section 14(a) of this
 2 chapter that ten (10) years have elapsed since the date on which
 3 an order was issued that required the suspension of the petitioner's
 4 driving privileges for life.
- 5 (5) That there has been a substantial change in the petitioner's
 6 circumstances indicating the petitioner would no longer pose a
 7 risk to the safety of others if the petitioner's driving privileges
 8 were reinstated.
- 9 (6) That there has been a substantial change in the petitioner's
 10 circumstances indicating that the suspension of the petitioner's
 11 driving privileges for life has become unreasonable.
- 12 (7) That it is in the best interests of society for the petitioner's
 13 driving privileges to be reinstated.
- 14 (8) If the person is petitioning the court under section 14(e) of this
 15 chapter:
- 16 (A) that three (3) years have elapsed since the date the order
 17 was issued that required the suspension of the petitioner's
 18 driving privileges for life; and
- 19 (B) that the conditions listed under section 14(e) of this
 20 chapter are satisfied.
- 21 (c) The petitioner has the burden of proof under this section and an
 22 order issued under subsection (b) is a final order, appealable by any
 23 party to the action.
- 24 (d) In an order for reinstatement of driving privileges issued under
 25 this section, the court may require the bureau to issue to the prevailing
 26 petitioner:
- 27 (1) a license to operate a motor vehicle under section 13(b) of this
 28 chapter; or
- 29 (2) a restricted driving license for a time and subject to conditions
 30 specified by the court, which must include one (1) or more of the
 31 following conditions if the person was determined to be a habitual
 32 violator under IC 9-30-10-4(a)(4) through IC 9-30-10-4(a)(7) or
 33 IC 9-30-10-4(b)(1) through IC 9-30-10-4(b)(4), and at least one
 34 (1) of the offenses occurred within five (5) years prior to the
 35 granting of the probationary or restricted license:
- 36 (A) Specified hours during which the person may drive.
- 37 (B) An order prohibiting the person from operating a motor
 38 vehicle or ~~motorized bicycle~~ **moped** with an alcohol
 39 concentration equivalent to at least two-hundredths (0.02)
 40 gram of alcohol per:
- 41 (i) one hundred (100) milliliters of the person's blood; or
 42 (ii) two hundred ten (210) liters of the person's breath;

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or while intoxicated (as defined under IC 9-13-2-86).

(C) An order that the person submit to a method to monitor the person's compliance with the prohibition against operating a motor vehicle or ~~motorized bicycle~~ **moped** with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:

- (i) one hundred (100) milliliters of the person's blood; or
- (ii) two hundred ten (210) liters of the person's breath;

or while intoxicated (as defined under IC 9-13-2-86).

(D) The court shall determine the appropriate monitoring method, which may include one (1) or more of the following:

- (i) The person may operate only a motor vehicle equipped with an ignition interlock device.
- (ii) The person must submit to a chemical test if a law enforcement officer lawfully stops the person while operating a motor vehicle or ~~motorized bicycle~~ **moped** and the law enforcement officer requests that the person submit to a chemical test.
- (iii) The person must wear a device that detects and records the person's use of alcohol.
- (iv) The person must submit to any other reasonable monitoring requirement as determined by the court.

(e) If a court orders the bureau to issue a restricted driving license to a petitioner under subsection (d), the court shall specify the conditions under which the petitioner may be issued a license to operate a motor vehicle under section 13(b) of this chapter. After the expiration date of the restricted license and upon:

- (1) fulfillment by the petitioner of the conditions specified by the court; and
- (2) the expiration of the restricted license issued under subsection (d)(2);

the bureau shall issue to the petitioner a license to operate a motor vehicle under section 13(b) of this chapter.

SECTION 41. IC 9-30-10-17.5, AS ADDED BY P.L.28-2010, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17.5. A person who operates a vehicle or ~~motorized bicycle~~ **moped** in violation of conditions of a restricted license ordered by a court under IC 9-30-10-9(d)(9) or IC 9-30-10-15(d)(2) commits a Class A misdemeanor.

SECTION 42. IC 9-30-10-18, AS AMENDED BY P.L.28-2010, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. In a criminal action brought under section

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1 16, 17, or 17.5 of this chapter, it is a defense that the operation of a
2 motor vehicle or ~~motorized bicycle~~ **moped** was necessary to save life
3 or limb in an extreme emergency. The defendant must bear the burden
4 of proof by a preponderance of the evidence to establish this defense.

5 SECTION 43. IC 13-11-2-130.1, AS ADDED BY P.L.170-2006,
6 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 UPON PASSAGE]: Sec. 130.1. (a) "Motor vehicle", for purposes of
8 this chapter, means a vehicle that is self-propelled on a highway in
9 Indiana. The term does not include a farm tractor or a ~~motorized~~
10 ~~bicycle~~. **moped**.

11 (b) This section expires on the date IC 13-20-17.7 expires under
12 IC 13-20-17.7-9.

13 SECTION 44. IC 14-19-1-0.5, AS ADDED BY P.L.225-2005,
14 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 UPON PASSAGE]: Sec. 0.5. (a) "Motorized cart" means a conveyance
16 that is:

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

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

26 (b) The term does not include:

- 27 (1) an electric personal assistive mobility device (as defined in
28 IC 9-13-2-49.3);
- 29 (2) a motorcycle (as defined in IC 9-13-2-108);
- 30 ~~(3) a motor scooter (as defined in IC 9-13-2-104);~~
- 31 ~~(4) (3) a motorized bicycle moped~~ (as defined in IC 9-13-2-109);
- 32 or
- 33 ~~(5) (4) an off-road vehicle.~~

34 SECTION 45. IC 20-30-13-11, AS ADDED BY P.L.1-2005,
35 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 UPON PASSAGE]: Sec. 11. The motorcycle operator safety education
37 fund is established. The fund consists of money received from
38 motorcycle **and moped** registrations as provided under IC 9-29. The
39 money in the fund is appropriated to the department for the
40 administration of the program and expenses related to the program,
41 including:

- 42 (1) reimbursement for course sites;

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1 (2) instructor training;
2 (3) purchase of equipment and course materials; and
3 (4) technical assistance.
4 SECTION 46. IC 9-13-2-104 IS REPEALED [EFFECTIVE UPON
5 PASSAGE].
6 SECTION 47. [EFFECTIVE UPON PASSAGE] (a)
7 **Notwithstanding IC 9-17-2-4 and IC 9-17-2-5, both as amended by**
8 **this act, the bureau of motor vehicles shall carry out the duties**
9 **imposed upon the bureau of motor vehicles under interim written**
10 **guidelines approved by the commissioner of the bureau of motor**
11 **vehicles.**
12 (b) This SECTION expires on the earlier of the following:
13 (1) The date rules are adopted under IC 9-17-2-4 and
14 IC 9-17-2-5, both as amended by this act.
15 (2) December 31, 2013.
16 SECTION 48. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1334, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 46 with "[EFFECTIVE UPON PASSAGE]".

Replace the effective date in SECTION 48 with "[EFFECTIVE UPON PASSAGE]".

Page 1, line 4, delete "June 30, 2011." and insert "**December 31, 2011.**".

Page 1, line 10, delete "June 30, 2011," and insert "**December 31, 2011,**".

Page 3, line 11, delete "July 1, 2011," and insert "**January 1, 2012,**".

Page 3, line 12, delete "June 30, 2011," and insert "**December 31, 2011,**".

Page 4, line 23, after "means" insert ":".

Page 4, line 24, reset in roman "(1) a vehicle".

Page 4, line 24, reset in roman "that is self-propelled; or".

Page 4, line 25. reset in roman "(2)".

Page 6, line 20, delete "June 30, 2011," and insert "**December 31, 2011,**".

Page 8, line 23, delete "July 1, 2011;" and insert "**January 1, 2012;**".

Page 15, line 15, delete "June 30, 2011," and insert "**December 31, 2011,**".

Page 15, line 19, delete "June 30, 2011," and insert "**December 31, 2011,**".

Page 24, delete lines 4 through 13.

Page 24, line 22, delete "2012." and insert "**2013.**".

Page 24, after line 22, begin a new paragraph and insert:

"SECTION 49. **An emergency is declared for this act.**".

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1334 as introduced.)

SOLIDAY, Chair

Committee Vote: yeas 10, nays 1.

HB 1334—LS 7397/DI 51+



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