
HOUSE BILL No. 1334

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-3.5-4-0.5; IC 6-6-5-1; IC 7.1-1-3-26.3; IC 9-13; IC 9-17-2; IC 9-18; IC 9-19; IC 9-21; IC 9-24-13; IC 9-25-1-7; IC 9-26-1-0.3; IC 9-29-5-2; IC 9-30-10; IC 13-11-2-130.1; IC 14-19-1-0.5; IC 20-30-13-11.

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 Deletes outdated language.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: July 1, 2011.

Smith M

January 13, 2011, read first time and referred to Committee on Roads and Transportation.

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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 JULY
- 3 1, 2011]: **Sec. 0.5. This chapter applies to a moped that is registered**
- 4 **with the bureau of motor vehicles after June 30, 2011.**
- 5 SECTION 2. IC 6-6-5-1, AS AMENDED BY P.L.2-2007,
- 6 SECTION 126, IS AMENDED TO READ AS FOLLOWS
- 7 [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) As used in this chapter,
- 8 "vehicle" means a vehicle subject to annual registration as a condition
- 9 of its operation on the public highways pursuant to the motor vehicle
- 10 registration laws of the state. **After June 30, 2011, the term includes**
- 11 **a moped (as defined in IC 9-13-2-109).**
- 12 (b) As used in this chapter, "mobile home" means a
- 13 nonself-propelled vehicle designed for occupancy as a dwelling or
- 14 sleeping place.
- 15 (c) As used in this chapter, "bureau" means the bureau of motor
- 16 vehicles.
- 17 (d) As used in this chapter, "license branch" means a branch office



1 of the bureau authorized to register motor vehicles pursuant to the laws
2 of the state.

3 (e) As used in this chapter, "owner" means the person in whose
4 name the vehicle or trailer is registered (as defined in IC 9-13-2).

5 (f) As used in this chapter, "motor home" means a self-propelled
6 vehicle having been designed and built as an integral part thereof
7 having living and sleeping quarters, including that which is commonly
8 referred to as a recreational vehicle.

9 (g) As used in this chapter, "last preceding annual excise tax
10 liability" means either:

11 (1) the amount of excise tax liability to which the vehicle was
12 subject on the owner's last preceding regular annual registration
13 date; or

14 (2) the amount of excise tax liability to which a vehicle that was
15 registered after the owner's last preceding annual registration date
16 would have been subject if it had been registered on that date.

17 (h) As used in this chapter, "trailer" means a device having a gross
18 vehicle weight equal to or less than three thousand (3,000) pounds that
19 is pulled behind a vehicle and that is subject to annual registration as
20 a condition of its operation on the public highways pursuant to the
21 motor vehicle registration laws of the state. The term includes any
22 utility, boat, or other two (2) wheeled trailer.

23 (i) This chapter does not apply to the following:

24 (1) Vehicles owned, or leased and operated, by the United States,
25 the state, or political subdivisions of the state.

26 (2) Mobile homes and motor homes.

27 (3) Vehicles assessed under IC 6-1.1-8.

28 (4) Vehicles subject to registration as trucks under the motor
29 vehicle registration laws of the state, except trucks having a
30 declared gross weight not exceeding eleven thousand (11,000)
31 pounds, trailers, semitrailers, tractors, and buses.

32 (5) Vehicles owned, or leased and operated, by a postsecondary
33 educational institution described in IC 6-3-3-5(d).

34 (6) Vehicles owned, or leased and operated, by a volunteer fire
35 department (as defined in IC 36-8-12-2).

36 (7) Vehicles owned, or leased and operated, by a volunteer
37 emergency ambulance service that:

38 (A) meets the requirements of IC 16-31; and

39 (B) has only members that serve for no compensation or a
40 nominal annual compensation of not more than three thousand
41 five hundred dollars (\$3,500).

42 (8) Vehicles that are exempt from the payment of registration fees

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1 under IC 9-18-3-1.

2 (9) Farm wagons.

3 SECTION 3. IC 7.1-1-3-26.3 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 26.3. ~~(a)~~ "Motor
5 vehicle" means a vehicle that is self-propelled.

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

8 SECTION 4. IC 9-13-1-5 IS ADDED TO THE INDIANA CODE
9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
10 1, 2011]: **Sec. 5. A reference to a motorized bicycle in any law, rule,**
11 **or other document in effect on July 1, 2011, shall be treated after**
12 **June 30, 2011, as a reference to a moped.**

13 SECTION 5. IC 9-13-2-3, AS AMENDED BY P.L.146-2009,
14 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2011]: Sec. 3. (a) Except as provided in subsection (b),
16 "antique motor vehicle" means a motor vehicle ~~or motor scooter~~ that is
17 at least twenty-five (25) years old.

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

25 SECTION 6. IC 9-13-2-42, AS AMENDED BY P.L.93-2010,
26 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2011]: Sec. 42. (a) "Dealer" means, except as otherwise
28 provided in this section, a person who sells to the general public,
29 including a person who sells directly by the Internet or other computer
30 network, at least twelve (12) vehicles each year for delivery in Indiana.
31 The term includes a person who sells off-road vehicles **or mopeds**. A
32 dealer must have an established place of business that meets the
33 minimum standards prescribed by the secretary of state under rules
34 adopted under IC 4-22-2.

35 (b) The term does not include the following:

- 36 (1) A receiver, trustee, or other person appointed by or acting
- 37 under the judgment or order of a court.
- 38 (2) A public officer while performing official duties.
- 39 (3) A person who is a dealer solely because of activities as a
- 40 transfer dealer.
- 41 (4) An automotive mobility dealer.

42 (c) "Dealer", for purposes of IC 9-31, means a person that sells to

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1 the general public for delivery in Indiana at least six (6):

2 (1) boats; or

3 (2) trailers:

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

6 (B) sold in general association with the sale of watercraft;

7 per year.

8 SECTION 7. IC 9-13-2-103 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 103. "Military vehicle"
10 means a vehicle that:

11 (1) was originally manufactured for military use;

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

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

15 (4) is privately owned.

16 SECTION 8. IC 9-13-2-105, AS AMENDED BY P.L.9-2010,
17 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2011]: Sec. 105. (a) "Motor vehicle" means, except as
19 otherwise provided in this section, a vehicle that is self-propelled. The
20 term does not include a farm tractor, an implement of agriculture
21 designed to be operated primarily in a farm field or on farm premises,
22 or an electric personal assistive mobility device.

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

24 ~~(1) a vehicle except a motorized bicycle that is self-propelled; or~~
25 ~~(2) a vehicle that is propelled by electric power obtained from~~
26 ~~overhead trolley wires, but not operated upon rails.~~

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

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

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

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

36 SECTION 9. IC 9-13-2-108 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 108. "Motorcycle"
38 means a motor vehicle with motive power having a seat or saddle for
39 the use of the rider and designed to travel on not more than three (3)
40 wheels in contact with the ground. The term does not include a farm
41 tractor or a ~~motorized bicycle~~. **moped.**

42 SECTION 10. IC 9-13-2-109 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 109. ~~"Motorized~~
2 ~~bicycle"~~ **"Moped"** means a two (2) or three (3) wheeled vehicle that
3 is propelled by an internal combustion engine or a battery powered
4 motor, and if powered by an internal combustion engine, has the
5 following:

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

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

13 SECTION 11. IC 9-13-2-123, AS AMENDED BY P.L.214-2007,
14 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2011]: Sec. 123. "Passenger motor vehicle" means a motor
16 vehicle designed for carrying passengers. The term includes a low
17 speed vehicle but does not include a motorcycle, **a moped**, a bus, a
18 school bus, or an off-road vehicle.

19 SECTION 12. IC 9-13-2-196, AS AMENDED BY P.L.9-2010,
20 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2011]: Sec. 196. (a) "Vehicle" means, except as otherwise
22 provided in this section, a device in, upon, or by which a person or
23 property is, or may be, transported or drawn upon a highway.

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

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

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

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

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

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

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

18 SECTION 13. IC 9-17-2-1.7 IS ADDED TO THE INDIANA CODE
 19 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
 20 **1, 2011]: Sec. 1.7. After June 30, 2011, a person may not operate a**
 21 **moped upon a highway without having obtained a certificate of**
 22 **title from the bureau.**

23 SECTION 14. IC 9-17-2-4 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. If a certificate of
 25 title:

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

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

35 SECTION 15. IC 9-17-2-5, AS AMENDED BY P.L.219-2005,
 36 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2011]: Sec. 5. If an application for a certificate of title is for
 38 a vehicle or off-road vehicle brought into Indiana from another state,
 39 the application must be accompanied by:

- 40 (1) the certificate of title issued for the vehicle or off-road vehicle
- 41 by the other state if the other state has a certificate of title law;
- 42 (2) a sworn bill of sale or dealer's invoice fully describing the

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1 vehicle or off-road vehicle and the most recent registration receipt
 2 issued for the vehicle or off-road vehicle if the other state does not
 3 have a certificate of title law; or

4 (3) other information that the bureau requires, if the other state
 5 does not have a certificate of title or registration law that pertains
 6 to the vehicle or off-road vehicle.

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

9 SECTION 16. IC 9-17-2-12, AS AMENDED BY P.L.1-2009,
 10 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2011]: Sec. 12. (a) As used in this section, "dealer" refers to
 12 a dealer that has:

13 (1) been in business for not less than five (5) years; and

14 (2) sold not less than one hundred fifty (150) motor vehicles
 15 during the preceding calendar year.

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

17 (1) A new motor vehicle or recreational vehicle sold by a dealer
 18 licensed by the state.

19 (2) A motor vehicle or recreational vehicle transferred or assigned
 20 on a certificate of title issued by the bureau.

21 (3) A motor vehicle that is registered under the International
 22 Registration Plan.

23 (4) A motor vehicle that is titled in the name of a financial
 24 institution, lending institution, or insurance company in Canada
 25 and imported by a registered importer, if:

26 (A) the registered importer complies with section 12.5(a) of
 27 this chapter; and

28 (B) section 12.5(d) of this chapter does not apply to the motor
 29 vehicle.

30 (5) A motor vehicle that is titled in another state and is in the
 31 lawful possession of a financial institution, a lending institution,
 32 or an insurance company, if:

33 (A) the financial institution, lending institution, or insurance
 34 company complies with section 12.5(b) of this chapter; and

35 (B) section 12.5(d) of this chapter does not apply to the motor
 36 vehicle.

37 **(6) A moped.**

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

42 (1) An employee of a dealer designated by the secretary of state

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- 1 to perform an inspection.
- 2 (2) A military policeman assigned to a military post in Indiana.
- 3 (3) A police officer.
- 4 (4) A designated employee of the bureau.
- 5 (d) A person described in subsection (c) inspecting a motor vehicle,
- 6 semitrailer, or recreational vehicle shall do the following:
- 7 (1) Make a record of inspection upon the application form
- 8 prepared by the bureau.
- 9 (2) Verify the facts set out in the application.

10 SECTION 17. IC 9-18-2-29, AS AMENDED BY P.L.210-2005,
 11 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2011]: Sec. 29. Except as otherwise provided, before:

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

23 **(11) a moped, beginning July 1, 2011;**
 24 is operated or driven on a highway, the person who owns the vehicle
 25 must register the vehicle with the bureau and pay the applicable
 26 registration fee.

27 SECTION 18. IC 9-18-12-4 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) If a person who
 29 registers an antique motor vehicle under this chapter makes substantial
 30 alterations or changes to the vehicle after the date of the antique motor
 31 vehicle's registration, the registrant shall have the vehicle reinspected
 32 by the state police department.

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

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

41 (c) ~~A motor scooter registered under this chapter is not required to~~
 42 ~~have equipment that was not original on the motor scooter.~~

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1 SECTION 19. IC 9-19-3-1 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. A motor vehicle
 3 other than a motorcycle or ~~motor-driven cycle~~, **moped**, when operated
 4 upon a highway, must be equipped with brakes adequate to control the
 5 movement of and to stop and hold the vehicle. The brakes must include
 6 two (2) separate means of applying the brakes, each of which means
 7 must apply the brakes to at least two (2) wheels. If these two (2)
 8 separate means of applying the brakes are connected in any way, the
 9 means must be constructed so that failure of one (1) part of the
 10 operating mechanism does not leave the motor vehicle without brakes
 11 on at least two (2) wheels.

12 SECTION 20. IC 9-19-3-2 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. A motorcycle and a
 14 ~~motor-driven cycle~~, **moped**, when operated upon a highway, must be
 15 equipped with at least one (1) brake, which may be operated by hand
 16 or foot.

17 SECTION 21. IC 9-19-3-4 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) Except as
 19 provided in subsections (b) through (c), a new motor vehicle, trailer, or
 20 semitrailer sold in Indiana and operated upon the highways must be
 21 equipped with service brakes upon all wheels of the vehicle.

22 (b) The following are not required to be equipped with **service**
 23 **brakes**:

24 (1) A motorcycle or ~~motor-driven cycle~~, **moped**.

25 (2) A semitrailer of less than three thousand (3,000) pounds gross
 26 weight.

27 (c) A truck or truck-tractor having at least three (3) axles is not
 28 required to have service brakes on the front wheels. If a truck or
 29 truck-tractor is equipped with at least two (2) steerable axles, the
 30 wheels of one (1) steerable axle are not required to have service brakes
 31 although the truck or truck-tractor must be capable of complying with
 32 the performance requirements of sections 7 through 8 of this chapter.

33 SECTION 22. IC 9-19-6-3 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) A motor vehicle
 35 other than a motorcycle or ~~motor-driven cycle~~ **moped** must be
 36 equipped with at least two (2) head lamps, with at least one (1) of the
 37 head lamps on each side of the front of the motor vehicle. The head
 38 lamps must comply with this chapter.

39 (b) Except as provided in subsection (c), a motorcycle and
 40 ~~motor-driven cycle~~ **moped** must be equipped with at least one (1) and
 41 not more than two (2) head lamps that comply with this chapter.

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

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

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

9 SECTION 23. IC 9-19-6-5 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) Except as
11 provided in subsections (b) through (d), a new motor vehicle sold and
12 operated upon a highway, other than a truck-tractor, must carry on the
13 rear, either as a part of the tail lamps or separately, two (2) red
14 reflectors.

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

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

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

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

33 SECTION 24. IC 9-19-6-6 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) Except as
35 provided in subsection (b), a person may not:

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

41 (b) A motorcycle manufactured before January 1, 1956, is not
42 required to be equipped with a stoplight under subsection (a) if the

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1 motorcycle is not operated at the times when lighted head lamps and
2 other illuminating devices are required under IC 9-21-7-2.

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

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

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

12 SECTION 25. IC 9-19-6-20 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 20. Except as otherwise
14 provided in this chapter, the head lamps, the auxiliary driving lamp, the
15 auxiliary passing lamp, or a combination of these lamps on motor
16 vehicles, other than motorcycles or ~~motor-driven cycles~~; **mopeds**, must
17 be arranged so that the driver may select between distributions of light
18 projected to different elevations. The lamps may, in addition, be
19 arranged so that the selection can be made automatically, subject to the
20 following limitations:

21 (1) There must be an uppermost distribution of light, or composite
22 beam, aimed and of an intensity to reveal persons and vehicles at
23 a distance of at least three hundred fifty (350) feet ahead for all
24 conditions of loading.

25 (2) There must be a lowermost distribution of light, or composite
26 beam, aimed and of an intensity to reveal persons and vehicles at
27 a distance of at least one hundred (100) feet ahead. On a straight
28 level road, under any condition of loading, none of the
29 high-intensity part of the beam may be directed to strike the eyes
30 of an approaching driver.

31 (3) A new motor vehicle, other than a motorcycle or ~~motor-driven~~
32 ~~cycle~~; **moped**, registered in Indiana ~~after January 1, 1956~~, that has
33 multiple-beam road lighting equipment must be equipped with a
34 beam indicator that must be lighted whenever the uppermost
35 distribution of light from the head lamps is in use. The beam
36 indicator must not otherwise be lighted. The beam indicator must
37 be designed and located so that when lighted the indicator is
38 readily visible without glare to the driver of the vehicle so
39 equipped.

40 SECTION 26. IC 9-19-6-22 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 22. (a) The head lamp
42 or head lamps upon a ~~motor-driven cycle~~ **motorcycle or moped** may

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1 be of the single-beam or multiple-beam type.

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

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

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

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

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

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

24 SECTION 27. IC 9-19-19-2 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. A motor vehicle,
26 except a motorcycle or a ~~motor-driven cycle~~, **moped**, required to be
27 registered with the bureau must be equipped with a front windshield.

28 SECTION 28. IC 9-21-7-3 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) This section does
30 not apply to a motorcycle or ~~motorized bicycle~~, **moped**.

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

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

35 (1) auxiliary lamps;

36 (2) a spot lamp; or

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

42 (d) Passenger buses, trucks, truck tractors, and certain trailers,

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

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

11 SECTION 29. IC 9-21-7-8 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) This section
13 applies to a vehicle that is parked or stopped upon a roadway or
14 shoulder adjacent to a roadway between thirty (30) minutes after sunset
15 and thirty (30) minutes before sunrise.

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

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

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

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

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

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

38 SECTION 30. IC 9-21-8-20 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 20. The Indiana
40 department of transportation may by resolution or order entered in its
41 minutes, and local authorities may by ordinance, with respect to any
42 freeway or interstate highway system under their respective

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

8 SECTION 31. IC 9-21-11-12 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. A ~~motorized~~
10 ~~bicycle~~ **moped** may not be operated under any of the following
11 conditions:

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

19 SECTION 32. IC 9-21-11-13 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 13. A person less than
21 eighteen (18) years of age who operates or rides a ~~motorized bicycle~~
22 **moped** on a street or highway shall do the following:

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

28 SECTION 33. IC 9-24-13-3 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) An individual
30 holding a permit or license issued under this article must have the
31 permit or license in the individual's immediate possession when driving
32 or operating a motor vehicle. The permittee or licensee shall display the
33 license or permit upon demand of a court or a police officer authorized
34 by law to enforce motor vehicle rules.

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

42 SECTION 34. IC 9-24-13-6 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) Subject to
2 subsection (b), in a proceeding to enforce section 3 of this chapter, the
3 burden is on the defendant to prove by a preponderance of the evidence
4 that the defendant had been issued a **driving driver's** license or **permit**
5 **identification card** that was valid at the time of the alleged violation.

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

13 SECTION 35. IC 9-25-1-7 IS ADDED TO THE INDIANA CODE
14 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
15 1, 2011]: **Sec. 7. After June 30, 2011, this article applies to a moped**
16 **that is operated or driven on a highway.**

17 SECTION 36. IC 9-26-1-0.3 IS ADDED TO THE INDIANA CODE
18 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
19 1, 2011]: **Sec. 0.3. After June 30, 2011, this article applies to a**
20 **moped that is operated or driven on a highway.**

21 SECTION 37. IC 9-29-5-2, AS AMENDED BY P.L.1-2010,
22 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2011]: Sec. 2. The fee for the registration of a motorcycle **or**
24 **a moped** is seventeen dollars and thirty cents (\$17.30). The revenue
25 from this fee shall be allocated as follows:

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

35 SECTION 38. IC 9-30-10-9, AS AMENDED BY P.L.28-2010,
36 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2011]: Sec. 9. (a) After June 30, 2005, this section does not
38 apply to a person who:

- 39 (1) holds a commercial driver's license; and
- 40 (2) has been charged with an offense involving the operation of
41 a motor vehicle in accordance with the federal Motor Carrier
42 Safety Improvement Act of 1999 (MCSIA) (Public Law

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

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- 1 (A) The division of mental health and addiction.
- 2 (B) The Indiana judicial center.
- 3 (d) Whenever a court places a habitual violator on probation, the
- 4 court:
- 5 (1) shall record each of the court's findings under this section in
- 6 writing;
- 7 (2) shall obtain the person's driver's license or permit and send the
- 8 license or permit to the bureau;
- 9 (3) shall direct the person to apply to the bureau for a restricted
- 10 driver's license;
- 11 (4) shall order the bureau to issue the person an appropriate
- 12 license;
- 13 (5) shall place the person on probation for a fixed period of not
- 14 less than three (3) years and not more than ten (10) years;
- 15 (6) shall attach restrictions to the person's driving privileges,
- 16 including restrictions limiting the person's driving to:
- 17 (A) commercial or business purposes or other employment
- 18 related driving;
- 19 (B) specific purposes in exceptional circumstances;
- 20 (C) rehabilitation programs; and
- 21 (D) specified hours during which the person may drive;
- 22 (7) shall require the person to submit to reasonable monitoring
- 23 requirements;
- 24 (8) shall order the person to file proof of financial responsibility
- 25 for three (3) years following the date of being placed on
- 26 probation; and
- 27 (9) shall impose other appropriate conditions of probation, which
- 28 must include one (1) or more of the following conditions if the
- 29 person was determined to be a habitual violator under
- 30 IC 9-30-10-4(a)(4) through IC 9-30-10-4(a)(7) or
- 31 IC 9-30-10-4(b)(1) through IC 9-30-10-4(b)(4), and at least one
- 32 (1) of the offenses occurred within five (5) years prior to the
- 33 granting of the probationary or restricted license:
- 34 (A) An order prohibiting the person from operating a motor
- 35 vehicle or ~~motorized bicycle~~ **moped** with an alcohol
- 36 concentration equivalent to at least two-hundredths (0.02)
- 37 gram of alcohol per:
- 38 (i) one hundred (100) milliliters of the person's blood; or
- 39 (ii) two hundred ten (210) liters of the person's breath;
- 40 or while under the influence of any other intoxicating
- 41 substance.
- 42 (B) An order that the person submit to a method to monitor the

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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).

(C) 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 finds that a person:
 - (1) is a habitual violator under section 4(b) or 4(c) of this chapter;
 - (2) does not have any judgments for violations under section 4(a) of this chapter;
 - (3) does not have any judgments or convictions for violations under section 4(b) of this chapter, except for judgments or convictions under section 4(b)(5) of this chapter that resulted from driving on a suspended license that was suspended for:
 - (A) the commission of infractions only; or
 - (B) previously driving on a suspended license;
 - (4) has not been previously placed on probation under this section by a court; and
 - (5) has had the person's driving privileges suspended under this chapter for at least three (3) consecutive years and has not violated the terms of the person's suspension by operating a vehicle for at least three (3) consecutive years;

the court may place the person on probation under subsection (d).

SECTION 39. IC 9-30-10-13, AS AMENDED BY P.L.28-2010, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 13. (a) The bureau may issue a license to operate a motor vehicle to a habitual violator whose driving privileges are suspended under section 5(b) of this chapter if the following conditions

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exist:

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

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

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

(4) 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.

(5) 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.

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

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

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

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

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

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

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

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

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

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

20 SECTION 40. IC 9-30-10-15, AS AMENDED BY P.L.28-2010,
21 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2011]: Sec. 15. (a) Upon receiving a petition filed under
23 section 14 of this chapter, a court shall set a date for hearing the matter
24 and direct the clerk of the court to provide notice of the hearing date to
25 the following:

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

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

- 36 (1) That the petitioner has never been convicted of a violation
37 described in section 4(a) of this chapter.
- 38 (2) That the petitioner has never been convicted of an offense
39 under section 17 of this chapter.
- 40 (3) That the petitioner has not been convicted of an offense under
41 section 16 of this chapter more than one (1) time.
- 42 (4) If the person is petitioning the court under section 14(a) of this

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1 chapter that ten (10) years have elapsed since the date on which
 2 an order was issued that required the suspension of the petitioner's
 3 driving privileges for life.

4 (5) That there has been a substantial change in the petitioner's
 5 circumstances indicating the petitioner would no longer pose a
 6 risk to the safety of others if the petitioner's driving privileges
 7 were reinstated.

8 (6) That there has been a substantial change in the petitioner's
 9 circumstances indicating that the suspension of the petitioner's
 10 driving privileges for life has become unreasonable.

11 (7) That it is in the best interests of society for the petitioner's
 12 driving privileges to be reinstated.

13 (8) If the person is petitioning the court under section 14(e) of this
 14 chapter:

15 (A) that three (3) years have elapsed since the date the order
 16 was issued that required the suspension of the petitioner's
 17 driving privileges for life; and

18 (B) that the conditions listed under section 14(e) of this
 19 chapter are satisfied.

20 (c) The petitioner has the burden of proof under this section and an
 21 order issued under subsection (b) is a final order, appealable by any
 22 party to the action.

23 (d) In an order for reinstatement of driving privileges issued under
 24 this section, the court may require the bureau to issue to the prevailing
 25 petitioner:

26 (1) a license to operate a motor vehicle under section 13(b) of this
 27 chapter; or

28 (2) a restricted driving license for a time and subject to conditions
 29 specified by the court, which must include one (1) or more of the
 30 following conditions if the person was determined to be a habitual
 31 violator under 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) Specified hours during which the person may drive.

36 (B) An order prohibiting the person from operating a motor
 37 vehicle or ~~motorized bicycle~~ **moped** with an alcohol
 38 concentration equivalent to at least two-hundredths (0.02)
 39 gram of alcohol per:

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

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

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

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1 (C) 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 (D) 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 orders the bureau to issue a restricted driving license
 23 to a petitioner under subsection (d), the court shall specify the
 24 conditions under which the petitioner may be issued a license to
 25 operate a motor vehicle under section 13(b) of this chapter. After the
 26 expiration date of the restricted license and upon:
 27 (1) fulfillment by the petitioner of the conditions specified by the
 28 court; and
 29 (2) the expiration of the restricted license issued under subsection
 30 (d)(2);
 31 the bureau shall issue to the petitioner a license to operate a motor
 32 vehicle under section 13(b) of this chapter.
 33 SECTION 41. IC 9-30-10-17.5, AS ADDED BY P.L.28-2010,
 34 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2011]: Sec. 17.5. A person who operates a vehicle or
 36 ~~motorized bicycle moped~~ in violation of conditions of a restricted
 37 license ordered by a court under IC 9-30-10-9(d)(9) or
 38 IC 9-30-10-15(d)(2) commits a Class A misdemeanor.
 39 SECTION 42. IC 9-30-10-18, AS AMENDED BY P.L.28-2010,
 40 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2011]: Sec. 18. In a criminal action brought under section 16,
 42 17, or 17.5 of this chapter, it is a defense that the operation of a motor

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1 vehicle or ~~motorized bicycle~~ **moped** was necessary to save life or limb
2 in an extreme emergency. The defendant must bear the burden of proof
3 by a preponderance of the evidence to establish this defense.

4 SECTION 43. IC 13-11-2-130.1, AS ADDED BY P.L.170-2006,
5 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2011]: Sec. 130.1. (a) "Motor vehicle", for purposes of this
7 chapter, means a vehicle that is self-propelled on a highway in Indiana.
8 The term does not include a farm tractor or a ~~motorized bicycle~~
9 **moped**.

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

12 SECTION 44. IC 14-19-1-0.5, AS ADDED BY P.L.225-2005,
13 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2011]: Sec. 0.5. (a) "Motorized cart" means a conveyance that
15 is:

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

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

25 (b) The term does not include:

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

33 SECTION 45. IC 20-30-13-11, AS ADDED BY P.L.1-2005,
34 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2011]: Sec. 11. The motorcycle operator safety education fund
36 is established. The fund consists of money received from motorcycle
37 **and moped** registrations as provided under IC 9-29. The money in the
38 fund is appropriated to the department for the administration of the
39 program and expenses related to the program, including:

- 40 (1) reimbursement for course sites;
- 41 (2) instructor training;
- 42 (3) purchase of equipment and course materials; and

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(4) technical assistance.

SECTION 46. IC 9-13-2-104 IS REPEALED [EFFECTIVE JULY 1, 2011].

SECTION 47. [EFFECTIVE JULY 1, 2011] (a) As used in this SECTION, "moped" has the meaning set forth in IC 9-13-2-109.

(b) Notwithstanding IC 9-13-2-42, as amended by this act, a person who engages in the business of selling at least twelve (12) mopeds to the general public each year for delivery in Indiana whose business name begins with the letters A through L, inclusive, is not required to apply for a dealer's license under IC 9-23-2 with the bureau of motor vehicles until the month in 2012 required by IC 9-23-2-8.

(c) This SECTION expires December 31, 2012.

SECTION 48. [EFFECTIVE JULY 1, 2011] (a) Notwithstanding IC 9-17-2-4 and IC 9-17-2-5, both as amended by this act, the bureau of motor vehicles shall carry out the duties imposed upon the bureau of motor vehicles under interim written guidelines approved by the commissioner of the bureau of motor vehicles.

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

(1) The date rules are adopted under IC 9-17-2-4 and IC 9-17-2-5, both as amended by this act.

(2) December 31, 2012.

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