



February 22, 2012

**ENGROSSED
HOUSE BILL No. 1197**

DIGEST OF HB 1197 (Updated February 21, 2012 11:40 am - DI 103)

Citations Affected: IC 2-5; 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 9-26; IC 9-29; IC 9-30; IC 13-11; IC 14-19; IC 20-30.

Synopsis: Mopeds. Changes the term motorized bicycle to moped. Defines moped. Authorizes the bureau of motor vehicles (bureau) to adopt rules concerning certificates of title for mopeds. Provides that a moped operated on a highway must be registered with the bureau, 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, permit, 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. Requires the operator of a moped to have proof of 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 Deletes outdated language.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: January 1, 2013.

**Smith M, Neese, Karickhoff,
Riecken**

(SENATE SPONSORS — BECKER, ARNOLD, WYSS)

January 9, 2012, read first time and referred to Committee on Roads and Transportation.
January 26, 2012, amended, reported — Do Pass.
January 30, 2012, read second time, ordered engrossed. Engrossed.
January 31, 2012, read third time, passed. Yeas 77, nays 20.

SENATE ACTION

February 1, 2012, read first time and referred to Committee on Homeland Security, Transportation and Veterans Affairs.
February 21, 2012, amended, reported favorably — Do Pass.

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February 22, 2012

Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1197

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles and to make an appropriation.

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

- 1 SECTION 1. IC 2-5-28.5-1.3 IS REPEALED [EFFECTIVE
2 JANUARY 1, 2013]. ~~Sec. 1-3: As used in this chapter, "motor scooter"~~
3 ~~has the meaning set forth in IC 9-13-2-104.~~
- 4 SECTION 2. IC 2-5-28.5-1.5, AS ADDED BY P.L.206-2011,
5 SECTION 2, IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec.~~
6 ~~1-5: As used in this chapter, "motorized bicycle" has the meaning set~~
7 ~~forth in IC 9-13-2-109.~~
- 8 SECTION 3. IC 2-5-28.5-4.5, AS ADDED BY P.L.206-2011,
9 SECTION 4, IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec.~~
10 ~~4-5: In calendar year 2011, the committee shall study issues related to~~
11 ~~the use of motorized bicycles and motor scooters in Indiana, including~~
12 ~~the following topics:~~
- 13 (†) Definitions of the following:
14 (A) Motorized bicycle:
15 (B) Motor scooter:
16 (C) Moped:
17 (D) Motor-driven cycle:

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- 1 (2) Issues related to:
 2 (A) internal combustion power; and
 3 (B) battery power;
 4 of motor vehicles described in subdivision (1).
 5 (3) Issues relating to:
 6 (A) necessary equipment for;
 7 (B) licensing of operators of;
 8 (C) titling of;
 9 (D) registration of;
 10 (E) taxation of; and
 11 (F) insurance requirements for;
 12 motor vehicles described in subdivision (1).

13 SECTION 4. IC 6-3.5-4-0.5 IS ADDED TO THE INDIANA CODE
 14 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
 15 JANUARY 1, 2013]: **Sec. 0.5. This chapter applies to a moped that**
 16 **is registered with the bureau of motor vehicles after December 31,**
 17 **2012.**

18 SECTION 5. IC 6-6-5-1, AS AMENDED BY P.L.2-2007,
 19 SECTION 126, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JANUARY 1, 2013]: Sec. 1. (a) As used in this chapter,
 21 "vehicle" means a vehicle subject to annual registration as a condition
 22 of its operation on the public highways pursuant to the motor vehicle
 23 registration laws of the state. **After December 31, 2012, the term**
 24 **includes a moped (as defined in IC 9-13-2-109).**

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

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

30 (d) As used in this chapter, "license branch" means a branch office
 31 of the bureau authorized to register motor vehicles pursuant to the laws
 32 of the state.

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

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

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

- 41 (1) the amount of excise tax liability to which the vehicle was
 42 subject on the owner's last preceding regular annual registration

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1 date; or

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

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

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

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

14 (2) Mobile homes and motor homes.

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

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

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

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

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

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

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

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

32 (9) Farm wagons.

33 SECTION 6. IC 7.1-1-3-26.3 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 26.3. ~~(a)~~ "Motor
35 vehicle" means a vehicle that is self-propelled.

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

38 SECTION 7. IC 9-13-1-5 IS ADDED TO THE INDIANA CODE
39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
40 JANUARY 1, 2013]: **Sec. 5. A reference to a motorized bicycle in**
41 **any law, rule, or other document in effect on January 1, 2013, shall**
42 **be treated after December 31, 2012, as a reference to a moped.**



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1 SECTION 8. IC 9-13-2-3, AS AMENDED BY P.L.146-2009,
 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JANUARY 1, 2013]: Sec. 3. (a) Except as provided in subsection (b),
 4 "antique motor vehicle" means a motor vehicle ~~or motor scooter~~ that is
 5 at least twenty-five (25) years old.

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

13 SECTION 9. IC 9-13-2-42, AS AMENDED BY P.L.93-2010,
 14 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JANUARY 1, 2013]: Sec. 42. (a) "Dealer" means, except as otherwise
 16 provided in this section, a person who sells to the general public,
 17 including a person who sells directly by the Internet or other computer
 18 network, at least twelve (12) vehicles each year for delivery in Indiana.
 19 The term includes a person who sells off-road vehicles **or mopeds**. A
 20 dealer must have an established place of business that meets the
 21 minimum standards prescribed by the secretary of state under rules
 22 adopted under IC 4-22-2.

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

- 24 (1) A receiver, trustee, or other person appointed by or acting
- 25 under the judgment or order of a court.
- 26 (2) A public officer while performing official duties.
- 27 (3) A person who is a dealer solely because of activities as a
- 28 transfer dealer.
- 29 (4) An automotive mobility dealer.

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

- 32 (1) boats; or
 - 33 (2) trailers:
 - 34 (A) designed and used exclusively for the transportation of
 - 35 watercraft; and
 - 36 (B) sold in general association with the sale of watercraft;
- 37 per year.

38 SECTION 10. IC 9-13-2-103 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 103. "Military
 40 vehicle" means a vehicle that:

- 41 (1) was originally manufactured for military use;
- 42 (2) is motorized or nonmotorized, including a motorcycle ~~motor~~

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- 1 scooter; and a trailer;
 2 (3) is at least twenty-five (25) years old; and
 3 (4) is privately owned.

4 SECTION 11. IC 9-13-2-104 IS REPEALED [EFFECTIVE
 5 JANUARY 1, 2013]. Sec. 104. "Motor scooter" means a vehicle that
 6 has the following:

- 7 (1) Motive power.
 8 (2) A seat, but not a saddle, for the driver.
 9 (3) Two (2) wheels.
 10 (4) A floor pad for the driver's feet.

11 SECTION 12. IC 9-13-2-105, AS AMENDED BY P.L.9-2010,
 12 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JANUARY 1, 2013]: Sec. 105. (a) "Motor vehicle" means, except as
 14 otherwise provided in this section, a vehicle that is self-propelled. The
 15 term does not include a farm tractor, an implement of agriculture
 16 designed to be operated primarily in a farm field or on farm premises,
 17 or an electric personal assistive mobility device.

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

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

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

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

27 (e) "Motor vehicle", for purposes of IC 9-23-2 and IC 9-23-3,
 28 includes a semitrailer.

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

31 SECTION 13. IC 9-13-2-108 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 108. "Motorcycle"
 33 means a motor vehicle with motive power having a seat or saddle for
 34 the use of the rider and designed to travel on not more than three (3)
 35 wheels in contact with the ground. The term does not include a farm
 36 tractor or a ~~motorized bicycle~~. **moped.**

37 SECTION 14. IC 9-13-2-109 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 109. "~~Motorized~~
 39 ~~bicycle~~" "**Moped**" means a ~~two (2) or three (3) wheeled motor~~ vehicle
 40 that is ~~propelled by an internal combustion engine or a battery powered~~
 41 ~~motor~~; and if powered by an internal combustion engine; has the
 42 following: (1) An engine rating of not more than two (2) horsepower

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1 and a cylinder capacity not exceeding fifty (50) cubic centimeters. (2)
 2 An automatic transmission. (3) A maximum design speed of not more
 3 than twenty-five (25) miles per hour on a flat surface. **with motive**
 4 **power that:**

- 5 (1) has a seat or saddle for the use of the rider;
 6 (2) is designed to travel on not more than three (3) wheels in
 7 contact with the ground; and
 8 (3) is not capable of being operated at a speed greater than
 9 **thirty (30) miles per hour on a flat surface.**

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

12 SECTION 15. IC 9-13-2-123, AS AMENDED BY P.L.214-2007,
 13 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JANUARY 1, 2013]: Sec. 123. "Passenger motor vehicle" means a
 15 motor vehicle designed for carrying passengers. The term includes a
 16 low speed vehicle but does not include a motorcycle, **a moped**, a bus,
 17 a school bus, or an off-road vehicle.

18 SECTION 16. IC 9-13-2-196, AS AMENDED BY P.L.9-2010,
 19 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JANUARY 1, 2013]: Sec. 196. (a) "Vehicle" means, except as
 21 otherwise provided in this section, a device in, upon, or by which a
 22 person or property is, or may be, transported or drawn upon a highway.

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

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

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1 primarily in a farm field or on farm premises.

2 (G) An invalid chair.

3 (H) A yard tractor.

4 (8) An electric personal assistive mobility device.

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

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

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

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

17 SECTION 17. IC 9-17-1-1, AS AMENDED BY P.L.182-2009(ss),
18 SECTION 284, IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JANUARY 1, 2013]: Sec. 1. This article does not apply
20 to farm wagons, a golf cart when operated in accordance with an
21 ordinance adopted under IC 9-21-1-3(a)(14) or IC 9-21-1-3.3(a), ~~or~~ a
22 motor vehicle that was designed to have a maximum design speed of
23 not more than twenty-five (25) miles per hour and that was built,
24 constructed, modified, or assembled by a person other than the
25 manufacturer, **or, except where specifically provided otherwise, a**
26 **moped.**

27 SECTION 18. IC 9-17-2-1.7 IS ADDED TO THE INDIANA CODE
28 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE
29 JANUARY 1, 2013]: **Sec. 1.7. (a) Notwithstanding any other law, a**
30 **person may apply to the bureau for a certificate of title for a**
31 **moped. However, a person is not required to obtain a certificate of**
32 **title from the bureau for a moped before the person may operate**
33 **the moped upon a highway.**

34 **(b) The bureau may adopt rules under IC 4-22-2 to determine**
35 **the indication of ownership for a moped for purposes of obtaining**
36 **a certificate of title for the moped under this article.**

37 SECTION 19. IC 9-18-2-29, AS AMENDED BY P.L.210-2005,
38 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JANUARY 1, 2013]: Sec. 29. Except as otherwise provided, before:

40 (1) a motor vehicle;

41 (2) a motorcycle;

42 (3) a truck;

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- 1 (4) a trailer;
- 2 (5) a semitrailer;
- 3 (6) a tractor;
- 4 (7) a bus;
- 5 (8) a school bus;
- 6 (9) a recreational vehicle; ~~or~~
- 7 (10) special machinery; **or**

8 **(11) a moped, beginning January 1, 2013;**

9 is operated or driven on a highway, the person who owns the vehicle
 10 must register the vehicle with the bureau and pay the applicable
 11 registration fee. **The bureau may adopt rules under IC 4-22-2 to**
 12 **determine the requirements for registering a moped with the**
 13 **bureau.**

14 SECTION 20. IC 9-18-12-4 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4. (a) If a person
 16 who registers an antique motor vehicle under this chapter makes
 17 substantial alterations or changes to the vehicle after the date of the
 18 antique motor vehicle's registration, the registrant shall have the
 19 vehicle reinspected by the state police department.

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

- 24 (1) Immediately cancel the registration of the antique motor
 25 vehicle.
- 26 (2) Notify the person who registered the antique motor vehicle of
 27 the cancellation.

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

30 SECTION 21. IC 9-19-3-1 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. A motor
 32 vehicle other than a motorcycle or ~~motor-driven cycle~~, **moped**, when
 33 operated upon a highway, must be equipped with brakes adequate to
 34 control the movement of and to stop and hold the vehicle. The brakes
 35 must include two (2) separate means of applying the brakes, each of
 36 which means must apply the brakes to at least two (2) wheels. If these
 37 two (2) separate means of applying the brakes are connected in any
 38 way, the means must be constructed so that failure of one (1) part of the
 39 operating mechanism does not leave the motor vehicle without brakes
 40 on at least two (2) wheels.

41 SECTION 22. IC 9-19-3-2 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. A motorcycle

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1 and a ~~motor-driven cycle~~; **moped**, when operated upon a highway,
 2 must be equipped with at least one (1) brake, which may be operated
 3 by hand or foot.

4 SECTION 23. IC 9-19-3-4 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4. (a) Except as
 6 provided in subsections (b) through (c), a new motor vehicle, trailer, or
 7 semitrailer sold in Indiana and operated upon the highways must be
 8 equipped with service brakes upon all wheels of the vehicle.

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

11 (1) A motorcycle or ~~motor-driven cycle~~; **moped**.

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

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

20 SECTION 24. IC 9-19-6-3 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. (a) A motor
 22 vehicle other than a motorcycle or ~~motor-driven cycle~~ **moped** must be
 23 equipped with at least two (2) head lamps, with at least one (1) of the
 24 head lamps on each side of the front of the motor vehicle. The head
 25 lamps must comply with this chapter.

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

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

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

38 SECTION 25. IC 9-19-6-5 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. (a) Except as
 40 provided in subsections (b) through (d), a new motor vehicle sold and
 41 operated upon a highway, other than a truck-tractor, must carry on the
 42 rear, either as a part of the tail lamps or separately, two (2) red

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1 reflectors.

2 (b) Except as provided in subsection (c), a motorcycle and

3 ~~motor-driven cycle~~ **moped** must carry at least one (1) reflector meeting

4 the requirements of this section.

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

6 required to carry a reflector under this section if the motorcycle is not

7 operated at the times when lighted head lamps and other illuminating

8 devices are required under IC 9-21-7-2.

9 (d) A vehicle of the type listed in section 7 of this chapter must be

10 equipped with reflectors as required in those sections applicable to

11 those vehicles.

12 (e) A reflector must be mounted on a vehicle at a height not less

13 than twenty (20) inches and not more than sixty (60) inches as

14 measured in the manner set forth in section 2(b) of this chapter. Except

15 as otherwise provided, a reflector must be of the size and

16 characteristics and mounted so as to be visible at night from all

17 distances within three hundred fifty (350) feet to one hundred (100)

18 feet from the vehicle when directly in front of lawful upper beams of

19 head lamps.

20 SECTION 26. IC 9-19-6-6 IS AMENDED TO READ AS

21 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 6. (a) Except as

22 provided in subsection (b), a person may not:

23 (1) sell; or

24 (2) drive on the highways;

25 in Indiana a motor vehicle, including a motorcycle or ~~motor-driven~~

26 ~~cycle~~ **moped**, unless the vehicle is equipped with at least one (1)

27 stoplight meeting the requirements of section 17 of this chapter.

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

29 required to be equipped with a stoplight under subsection (a) if the

30 motorcycle is not operated at the times when lighted head lamps and

31 other illuminating devices are required under IC 9-21-7-2.

32 (c) This subsection does not apply to a motorcycle or ~~motor-driven~~

33 ~~cycle~~: **moped**. A person may not:

34 (1) sell;

35 (2) offer for sale; or

36 (3) operate on the highways;

37 a motor vehicle, trailer, or semitrailer registered in Indiana and

38 manufactured or assembled after January 1, 1956, unless the vehicle is

39 equipped with mechanical or electrical turn signals meeting the

40 requirements of section 17 of this chapter.

41 SECTION 27. IC 9-19-6-20 IS AMENDED TO READ AS

42 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 20. Except as

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1 otherwise provided in this chapter, the head lamps, the auxiliary
2 driving lamp, the auxiliary passing lamp, or a combination of these
3 lamps on motor vehicles, other than motorcycles or ~~motor-driven~~
4 ~~cycles; mopeds~~, must be arranged so that the driver may select between
5 distributions of light projected to different elevations. The lamps may,
6 in addition, be arranged so that the selection can be made
7 automatically, subject to the following limitations:

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

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

18 (3) A new motor vehicle, other than a motorcycle or ~~motor-driven~~
19 ~~cycle; moped~~, that is registered in Indiana after January 1, 1956;
20 and that has multiple-beam road lighting equipment must be
21 equipped with a beam indicator that must be lighted whenever the
22 uppermost distribution of light from the head lamps is in use. The
23 beam indicator must not otherwise be lighted. The beam indicator
24 must be designed and located so that when lighted the indicator
25 is readily visible without glare to the driver of the vehicle so
26 equipped.

27 SECTION 28. IC 9-19-6-22 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 22. (a) The head
29 lamp or head lamps upon a ~~motor-driven cycle~~ **motorcycle or moped**
30 may be of the single-beam or multiple-beam type.

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

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

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

40 (3) three hundred (300) feet when the ~~motor-driven cycle~~
41 **motorcycle** is operated at a speed of at least thirty-five (35) miles
42 per hour.

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

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

11 SECTION 29. IC 9-19-19-2 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. A motor
13 vehicle, except a motorcycle or a ~~motor-driven cycle~~, **moped**, required
14 to be registered with the bureau must be equipped with a front
15 windshield.

16 SECTION 30. IC 9-21-7-3 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. (a) This section
18 does not apply to a motorcycle or ~~motorized bicycle~~. **moped.**

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

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

- 23 (1) auxiliary lamps;
- 24 (2) a spot lamp; or
- 25 (3) any other lamp on the front of the motor vehicle projecting a
26 beam of intensity greater than three hundred (300) candlepower;
27 not more than a total of four (4) lamps described in this subsection on
28 the front of a vehicle may be lighted at one (1) time when upon a
29 highway.

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

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

41 SECTION 31. IC 9-21-7-8 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 8. (a) This section

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1 applies to a vehicle that is parked or stopped upon a roadway or
 2 shoulder adjacent to a roadway between thirty (30) minutes after sunset
 3 and thirty (30) minutes before sunrise.

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

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

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

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

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

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

26 SECTION 32. IC 9-21-8-20 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 20. The Indiana
 28 department of transportation may by resolution or order entered in its
 29 minutes, and local authorities may by ordinance, with respect to any
 30 freeway or interstate highway system under their respective
 31 jurisdictions, prohibit the use of a highway by pedestrians, bicycles, or
 32 other nonmotorized traffic or by a person operating a ~~motor-driven~~
 33 ~~cycle~~. **moped**. The Indiana department of transportation or the local
 34 authority adopting a prohibiting regulation shall erect and maintain
 35 official signs on the freeway or interstate highway system on which the
 36 regulations are applicable. If signs are erected, a person may not
 37 disobey the restrictions stated on the signs.

38 SECTION 33. IC 9-21-11-12 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 12. A ~~motorized~~
 40 ~~bicycle~~ **moped** may not be operated under any of the following
 41 conditions:

42 (1) By a person less than fifteen (15) years of age.

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1 (2) By a person who has not obtained an identification card under
2 IC 9-24, a permit under IC 9-24, an operator's license under
3 IC 9-24, a chauffeur's license under IC 9-24, or a public passenger
4 chauffeur's license under IC 9-24.

5 (3) On an interstate highway or a sidewalk.

6 (4) At a speed greater than ~~twenty-five (25)~~ **thirty (30)** miles per
7 hour.

8 SECTION 34. IC 9-21-11-13 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 13. A person less
10 than eighteen (18) years of age who operates or rides a ~~motorized~~
11 ~~bicycle~~ **moped** on a street or highway shall do the following:

12 (1) Wear protective headgear meeting the minimum standards set
13 by the bureau or a helmet that meets the standards established by
14 the United States Department of Transportation under 49 CFR
15 571.218 in effect January 1, 1979.

16 (2) Wear protective glasses, goggles, or a transparent face shield.

17 SECTION 35. IC 9-24-13-3 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. (a) An
19 individual holding a permit or license issued under this article must
20 have the permit or license in the individual's immediate possession
21 when driving or operating a motor vehicle. The permittee or licensee
22 shall display the license or permit upon demand of a court or a police
23 officer authorized by law to enforce motor vehicle rules.

24 (b) **An individual driving or operating a moped must have the**
25 **individual's identification card, permit, or driver's license in the**
26 **individual's immediate possession when driving or operating the**
27 **moped. The individual shall display the identification card, permit,**
28 **or license upon demand of a court or a police officer authorized by**
29 **law to enforce motor vehicle rules.**

30 SECTION 36. IC 9-24-13-6 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 6. (a) Subject to
32 subsection (b), in a proceeding to enforce section 3 of this chapter, the
33 burden is on the defendant to prove by a preponderance of the evidence
34 that the defendant had been issued a ~~driving~~ **driver's** license or permit
35 **or an identification card, as applicable**, that was valid at the time of
36 the alleged violation.

37 (b) ~~A person~~ **An individual** may not be convicted of violating
38 section 3 of this chapter if the ~~person,~~ **individual**, within five (5) days
39 from the time of apprehension, produces to the apprehending officer or
40 headquarters of the apprehending officer satisfactory evidence of a
41 ~~permit or the identification card or driver's license or permit, as~~
42 **applicable**, issued to the ~~person~~ **individual** that was valid at the time

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of the ~~person's individual's~~ apprehension.
SECTION 37. IC 9-26-1-0.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: **Sec. 0.3. After December 31, 2012, this article applies to a moped that is operated or driven on a highway.**

SECTION 38. IC 9-29-5-2, AS AMENDED BY P.L.145-2011, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. (a) ~~This subsection expires December 31, 2011. The fee for the registration of a motorcycle is seventeen dollars and thirty cents (\$17.30). The revenue from this fee shall be allocated as follows:~~

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

(b) ~~This subsection applies after December 31, 2011. The fee for the registration of a motorcycle or a moped is seventeen dollars and thirty cents (\$17.30). The revenue from this fee shall be allocated as follows:~~

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

SECTION 39. IC 9-30-10-9, AS AMENDED BY P.L.109-2011, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 9. (a) After June 30, 2005, this section does not apply to a person who:

- (1) holds a commercial driver's license; and
- (2) has been charged with an offense involving the operation of a motor vehicle in accordance with the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159.113 Stat. 1748).

(b) If a court finds that a person:

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

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

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- 1 gram of alcohol per:
- 2 (i) one hundred (100) milliliters of the person's blood; or
- 3 (ii) two hundred ten (210) liters of the person's breath;
- 4 or while intoxicated (as defined under IC 9-13-2-86).
- 5 (C) The court shall determine the appropriate monitoring
- 6 method, which may include one (1) or more of the following:
- 7 (i) The person may operate only a motor vehicle equipped
- 8 with an ignition interlock device.
- 9 (ii) The person must submit to a chemical test if a law
- 10 enforcement officer lawfully stops the person while
- 11 operating a motor vehicle or ~~motorized bicycle~~ **moped** and
- 12 the law enforcement officer requests that the person submit
- 13 to a chemical test.
- 14 (iii) The person must wear a device that detects and records
- 15 the person's use of alcohol.
- 16 (iv) The person must submit to any other reasonable
- 17 monitoring requirement as determined by the court.
- 18 (e) If a court finds that a person:
- 19 (1) is a habitual violator under section 4(b) or 4(c) of this chapter;
- 20 (2) does not have any judgments for violations under section 4(a)
- 21 of this chapter;
- 22 (3) does not have any judgments or convictions for violations
- 23 under section 4(b) of this chapter, except for judgments or
- 24 convictions under section 4(b)(5) of this chapter that resulted
- 25 from driving on a suspended license that was suspended for:
- 26 (A) the commission of infractions only; or
- 27 (B) previously driving on a suspended license;
- 28 (4) has not been previously placed on probation under this section
- 29 by a court; and
- 30 (5) has had the person's driving privileges suspended under this
- 31 chapter for at least three (3) consecutive years and has not
- 32 violated the terms of the person's suspension by operating a
- 33 vehicle for at least three (3) consecutive years;
- 34 the court may place the person on probation under subsection (d).
- 35 SECTION 40. IC 9-30-10-13, AS AMENDED BY P.L.109-2011,
- 36 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 37 JANUARY 1, 2013]: Sec. 13. (a) The bureau may issue a license to
- 38 operate a motor vehicle to a habitual violator whose driving privileges
- 39 were suspended under section 5(b) of this chapter if the following
- 40 conditions exist:
- 41 (1) The time specified for the person's probation or the restriction
- 42 or suspension of the person's license has elapsed.

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- 1 (2) The person has met all the requirements of all applicable
- 2 statutes and rules relating to the licensing of motor vehicle
- 3 operators.
- 4 (3) The person files with the bureau and maintains for three (3)
- 5 years after filing proof of financial responsibility in accordance
- 6 with IC 9-25.
- 7 (4) The bureau places a restriction on the person's driver's license
- 8 and driving record that indicates the person is prohibited from
- 9 operating a motor vehicle or ~~motorized bicycle~~ **moped** with an
- 10 alcohol concentration equivalent to at least two-hundredths (0.02)
- 11 gram of alcohol per:
- 12 (A) one hundred (100) milliliters of the person's blood; or
- 13 (B) two hundred ten (210) liters of the person's breath;
- 14 or while intoxicated (as defined under IC 9-13-2-86) for three (3)
- 15 years after the bureau issues the driver's license to the person.
- 16 (5) The person signs a bureau form by which the person agrees
- 17 that as a condition to obtaining the driver's license the person will
- 18 submit to a chemical test at any time during the period three (3)
- 19 years after the bureau issues the driver's license to the person if a
- 20 law enforcement officer lawfully stops the person while operating
- 21 a motor vehicle or ~~motorized bicycle~~ **moped** and the law
- 22 enforcement officer requests that the person submit to a chemical
- 23 test.
- 24 (b) The bureau may issue a license to operate a motor vehicle to a
- 25 habitual violator whose driving privileges have been suspended for life
- 26 if the following conditions exist:
- 27 (1) The bureau has received an order for rescission of suspension
- 28 and reinstatement issued under section 15 of this chapter.
- 29 (2) The person to whom the license is to be issued has never been
- 30 convicted of a violation described in section 4(a) or 17 of this
- 31 chapter.
- 32 (3) The person has not been convicted of an offense under section
- 33 16 of this chapter more than one (1) time.
- 34 (4) The person has met all the requirements of all applicable
- 35 statutes and rules relating to the licensing of motor vehicle
- 36 operators.
- 37 (5) The person:
- 38 (A) files with the bureau; and
- 39 (B) maintains for three (3) years after filing;
- 40 proof of financial responsibility in accordance with IC 9-25.
- 41 (6) The bureau places a restriction on the person's driver's license
- 42 and driving record that indicates the person is prohibited from

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1 operating a motor vehicle or ~~motorized bicycle~~ **moped** with an
2 alcohol concentration equivalent to at least two-hundredths (0.02)
3 gram of alcohol per:

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

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

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

18 SECTION 41. IC 9-30-10-15, AS AMENDED BY P.L.28-2010,
19 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JANUARY 1, 2013]: Sec. 15. (a) Upon receiving a petition filed under
21 section 14 of this chapter, a court shall set a date for hearing the matter
22 and direct the clerk of the court to provide notice of the hearing date to
23 the following:

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

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

- 34 (1) That the petitioner has never been convicted of a violation
35 described in section 4(a) of this chapter.
- 36 (2) That the petitioner has never been convicted of an offense
37 under section 17 of this chapter.
- 38 (3) That the petitioner has not been convicted of an offense under
39 section 16 of this chapter more than one (1) time.
- 40 (4) If the person is petitioning the court under section 14(a) of this
41 chapter that ten (10) years have elapsed since the date on which
42 an order was issued that required the suspension of the petitioner's

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- 1 driving privileges for life.
- 2 (5) That there has been a substantial change in the petitioner's
- 3 circumstances indicating the petitioner would no longer pose a
- 4 risk to the safety of others if the petitioner's driving privileges
- 5 were reinstated.
- 6 (6) That there has been a substantial change in the petitioner's
- 7 circumstances indicating that the suspension of the petitioner's
- 8 driving privileges for life has become unreasonable.
- 9 (7) That it is in the best interests of society for the petitioner's
- 10 driving privileges to be reinstated.
- 11 (8) If the person is petitioning the court under section 14(e) of this
- 12 chapter:
- 13 (A) that three (3) years have elapsed since the date the order
- 14 was issued that required the suspension of the petitioner's
- 15 driving privileges for life; and
- 16 (B) that the conditions listed under section 14(e) of this
- 17 chapter are satisfied.
- 18 (c) The petitioner has the burden of proof under this section and an
- 19 order issued under subsection (b) is a final order, appealable by any
- 20 party to the action.
- 21 (d) In an order for reinstatement of driving privileges issued under
- 22 this section, the court may require the bureau to issue to the prevailing
- 23 petitioner:
- 24 (1) a license to operate a motor vehicle under section 13(b) of this
- 25 chapter; or
- 26 (2) a restricted driving license for a time and subject to conditions
- 27 specified by the court, which must include one (1) or more of the
- 28 following conditions if the person was determined to be a habitual
- 29 violator under IC 9-30-10-4(a)(4) through IC 9-30-10-4(a)(7) or
- 30 IC 9-30-10-4(b)(1) through IC 9-30-10-4(b)(4), and at least one
- 31 (1) of the offenses occurred within five (5) years prior to the
- 32 granting of the probationary or restricted license:
- 33 (A) Specified hours during which the person may drive.
- 34 (B) 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 intoxicated (as defined under IC 9-13-2-86).
- 41 (C) An order that the person submit to a method to monitor the
- 42 person's compliance with the prohibition against operating a

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1 motor vehicle or ~~motorized bicycle~~ **moped** with an alcohol
 2 concentration equivalent to at least two-hundredths (0.02)
 3 gram of alcohol per:

- 4 (i) one hundred (100) milliliters of the person's blood; or
 5 (ii) two hundred ten (210) liters of the person's breath;
 6 or while intoxicated (as defined under IC 9-13-2-86).

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

9 (i) The person may operate only a motor vehicle equipped
 10 with an ignition interlock device.

11 (ii) The person must submit to a chemical test if a law
 12 enforcement officer lawfully stops the person while
 13 operating a motor vehicle or ~~motorized bicycle~~ **moped** and
 14 the law enforcement officer requests that the person submit
 15 to a chemical test.

16 (iii) The person must wear a device that detects and records
 17 the person's use of alcohol.

18 (iv) The person must submit to any other reasonable
 19 monitoring requirement as determined by the court.

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

25 (1) fulfillment by the petitioner of the conditions specified by the
 26 court; and

27 (2) the expiration of the restricted license issued under subsection
 28 (d)(2);

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

31 SECTION 42. IC 9-30-10-17.5, AS ADDED BY P.L.28-2010,
 32 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JANUARY 1, 2013]: Sec. 17.5. A person who operates a vehicle or
 34 ~~motorized bicycle~~ **moped** in violation of conditions of a restricted
 35 license ordered by a court under IC 9-30-10-9(d)(9) or
 36 IC 9-30-10-15(d)(2) commits a Class A misdemeanor.

37 SECTION 43. IC 9-30-10-18, AS AMENDED BY P.L.28-2010,
 38 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JANUARY 1, 2013]: Sec. 18. In a criminal action brought under
 40 section 16, 17, or 17.5 of this chapter, it is a defense that the operation
 41 of a motor vehicle or ~~motorized bicycle~~ **moped** was necessary to save
 42 life or limb in an extreme emergency. The defendant must bear the

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1 burden of proof by a preponderance of the evidence to establish this
2 defense.

3 SECTION 44. IC 13-11-2-130.1, AS ADDED BY P.L.170-2006,
4 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JANUARY 1, 2013]: Sec. 130.1. (a) "Motor vehicle", for purposes of
6 this chapter, means a vehicle that is self-propelled on a highway in
7 Indiana. The term does not include a farm tractor or a ~~motorized~~
8 ~~bicycle~~ **moped**.

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

11 SECTION 45. IC 14-19-1-0.5, AS ADDED BY P.L.225-2005,
12 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JANUARY 1, 2013]: Sec. 0.5. (a) "Motorized cart" means a
14 conveyance that is:

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

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

- 24 (b) The term does not include:
- 25 (1) an electric personal assistive mobility device (as defined in
26 IC 9-13-2-49.3);
 - 27 (2) a motorcycle (as defined in IC 9-13-2-108);
 - 28 ~~(3) a motor scooter (as defined in IC 9-13-2-104);~~
 - 29 ~~(4) (3) a motorized bicycle moped (as defined in IC 9-13-2-109);~~
30 or
 - 31 ~~(5) (4) an off-road vehicle.~~

32 SECTION 46. IC 20-30-13-11, AS ADDED BY P.L.1-2005,
33 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JANUARY 1, 2013]: Sec. 11. The motorcycle operator safety
35 education fund is established. The fund consists of money received
36 from motorcycle **and moped** registrations as provided under IC 9-29.
37 The money in the fund is appropriated to the department for the
38 administration of the program and expenses related to the program,
39 including:

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



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1 (4) technical assistance.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1197, 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 50 with "[EFFECTIVE JANUARY 1, 2013]".

Page 2, line 13, delete "June 30," and insert "**December 31,**".

Page 2, line 19, delete "June 30," and insert "**December 31,**".

Page 3, line 37, delete "July 1, 2012," and insert "**January 1, 2013,**".

Page 3, line 38, delete "June 30," and insert "**December 31,**".

Page 5, line 14, after "means" insert ":".

Page 5, line 15, reset in roman "(1) a vehicle".

Page 5, line 15, reset in roman "that is self propelled; or".

Page 5, line 16, reset in roman "(2)".

Page 7, line 11, delete "June 30," and insert "**December 31,**".

Page 7, line 24, delete "shall" and insert "**may**".

Page 7, line 40, delete "shall" and insert "**may**".

Page 7, delete line 42.

Delete page 8.

Page 9, delete lines 1 through 6.

Page 9, line 20, delete "July 1, 2012;" and insert "**January 1, 2013;**".

Page 13, line 9, delete "or moped".

Page 15, line 33, delete "operator's license," and insert "**or driver's license**".

Page 15, line 34, delete "chauffeur's license, or public passenger chauffeur's license".

Page 16, line 12, delete "After June 30, 2012, this" and insert "**This**".

Page 16, line 12, delete "applies" and insert "**does not apply**".

Page 16, line 16, delete "June 30," and insert "**December 31,**".

Page 25, delete lines 12 through 31.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1197 as introduced.)

SOLIDAY, Chair

Committee Vote: yeas 10, nays 1.

EH 1197—LS 6882/DI 96+



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COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred House Bill No. 1197, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

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

"SECTION 1. IC 2-5-28.5-1.3 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 1-3. As used in this chapter, "motor scooter" has the meaning set forth in IC 9-13-2-104.~~"

Page 5, reset in roman line 22.

Page 5, line 23, after "bicycle." insert "**moped.**".

Page 5, line 24, delete "(e) (d)" and insert "(e)".

Page 5, line 26, delete "(f) (e)" and insert "(f)".

Page 5, delete lines 34 through 42, begin a new paragraph and insert:

"SECTION 14. IC 9-13-2-109 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 109. ~~"Motorized bicycle"~~ "**Moped**" means a ~~two (2) or three (3) wheeled motor~~ vehicle that is propelled by an internal combustion engine or a battery powered motor, and if powered by an internal combustion engine, has the following: (1) An engine rating of not more than two (2) horsepower and a cylinder capacity not exceeding fifty (50) cubic centimeters. (2) An automatic transmission. (3) A maximum design speed of not more than ~~twenty-five (25) miles per hour on a flat surface.~~ **with motive power that:**

(1) has a seat or saddle for the use of the rider;

(2) is designed to travel on not more than three (3) wheels in contact with the ground; and

(3) is not capable of being operated at a speed greater than thirty (30) miles per hour on a flat surface.

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

Page 6, delete lines 1 through 4.

Page 7, delete lines 10 through 42, begin a new paragraph and insert:

"SECTION 16. IC 9-17-1-1, AS AMENDED BY P.L.182-2009(ss), SECTION 284, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. This article does not apply to farm wagons, a golf cart when operated in accordance with an

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ordinance adopted under IC 9-21-1-3(a)(14) or IC 9-21-1-3.3(a), ~~or~~ a motor vehicle that was designed to have a maximum design speed of not more than twenty-five (25) miles per hour and that was built, constructed, modified, or assembled by a person other than the manufacturer, **or, except where specifically provided otherwise, a moped.**

SECTION 17. IC 9-17-2-1.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JANUARY 1, 2013]: **Sec. 1.7. (a) Notwithstanding any other law, a person may apply to the bureau for a certificate of title for a moped. However, a person is not required to obtain a certificate of title from the bureau for a moped before the person may operate the moped upon a highway.**

(b) The bureau may adopt rules under IC 4-22-2 to determine the indication of ownership for a moped for purposes of obtaining a certificate of title for the moped under this article."

Page 8, line 17, after "fee." insert "**The bureau may adopt rules under IC 4-22-2 to determine the requirements for registering a moped with the bureau.**".

Page 14, line 10, strike "twenty-five (25)" and insert "**thirty (30)**".

Page 14, line 27, after "individual" insert "**driving or**".

Page 14, line 27, delete "under IC 9-21-11-12".

Page 14, line 37, reset in roman "permit".

Page 14, line 37, after "permit" insert "**or an**".

Page 14, line 38, delete "card" and insert "**card, as applicable,**".

Page 15, line 1, after "or the" insert "**identification card or**".

Page 15, line 1, delete "permit" and insert "**permit, as applicable,**".

Page 15, delete lines 4 through 7.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1197 as printed January 27, 2012.)

WYSS, Chairperson

Committee Vote: Yeas 6, Nays 2.

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