



February 17, 2012

**ENGROSSED  
SENATE BILL No. 113**

DIGEST OF SB 113 (Updated February 15, 2012 10:52 am - DI 103)

**Citations Affected:** IC 9-21; IC 9-24.

**Synopsis:** Golf carts in unincorporated areas. Revises provisions governing the use of golf carts on certain roadways. Provides that an ordinance authorizing the use of golf carts in a county must: (1) require that an individual who operates a golf cart in the county hold a driver's license; (2) provide that a fine assessed for a violation of the ordinance be deposited in the general fund of the county; (3) must limit the use of golf carts on a highway under the jurisdiction of the county or on a highway in the state highway system to the period from sunrise to sunset; and (4) must set a limit as to the number of passengers (other than the operator) that may be permitted on a golf cart. Specifies that a violation of an ordinance governing the use of a golf cart on a state highway in a county is considered an ordinance violation (instead of a Class C infraction).

**Effective:** July 1, 2012.

**Holdman, Head, Arnold**

(HOUSE SPONSOR — LEHMAN)

January 4, 2012, read first time and referred to Committee on Homeland Security, Transportation and Veterans Affairs.

January 25, 2012, amended, reported favorably — Do Pass.

January 30, 2012, read second time, ordered engrossed. Engrossed.

January 31, 2012, read third time, passed. Yeas 41, nays 8.

HOUSE ACTION

February 9, 2012, read first time and referred to Committee on Roads and Transportation.

February 16, 2012, amended, reported — Do Pass.

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February 17, 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 SENATE BILL No. 113

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 9-21-1-3.3, AS AMENDED BY P.L.182-2009(ss),  
2 SECTION 292, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2012]: Sec. 3.3. (a) A city, **county**, or ~~a town~~  
4 may adopt by ordinance traffic regulations concerning the use of golf  
5 carts on a highway under the jurisdiction of the city, **county**, or ~~the~~  
6 town. An ordinance adopted under this subsection may not:  
7 (1) conflict with or duplicate another state law; or  
8 (2) conflict with a driver's licensing requirement of another  
9 provision of the Indiana Code.  
10 (b) A fine assessed for a violation of a traffic ordinance adopted by  
11 a city, **county**, or ~~a town~~ under this section shall be deposited into the  
12 general fund of the city, **county**, or town.  
13 ~~(c) A person who violates subsection (a) commits a Class E~~  
14 ~~infraction:~~  
15 **(c) Notwithstanding subsection (a), an ordinance adopted by a**  
16 **county under this section:**  
17 **(1) may allow an operator of a golf cart to cross a highway in**

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1 the state highway system, at right angles, in order to travel  
 2 from one (1) highway under the jurisdiction of the county to  
 3 another highway under the jurisdiction of the county when  
 4 the operation can be done safely;

5 (2) must limit the use of golf carts on a highway under the  
 6 jurisdiction of the county or on a highway in the state  
 7 highway system as set forth in subdivision (1) to the period  
 8 from sunrise to sunset; and

9 (3) must set a limit as to the number of passengers (other than  
 10 the operator) that may be permitted on a golf cart.

11 (d) A violation of an ordinance adopted under subsection (c)  
 12 that is committed on a state highway by the operator of a golf cart  
 13 is considered to be an ordinance violation.

14 SECTION 2. IC 9-21-9-0.5, AS AMENDED BY P.L.150-2009,  
 15 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2012]: Sec. 0.5. (a) This chapter does not apply to the  
 17 following:

18 (1) An electric personal assistive mobility device.

19 (2) A low speed vehicle.

20 (3) Except as provided in subsection (b), a golf cart.

21 (b) An ordinance adopted in accordance with IC 9-21-1-3(a)(14) or  
 22 IC 9-21-1-3.3(a) may require a golf cart to display a slow moving  
 23 vehicle emblem in accordance with section 3 of this chapter or a red or  
 24 amber flashing lamp in accordance with section 4 of this chapter. A  
 25 fine assessed for a violation of an ordinance under this section shall be  
 26 deposited in the general fund of the city, county, or town.

27 SECTION 3. IC 9-24-1-7, AS AMENDED BY P.L.87-2010,  
 28 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2012]: Sec. 7. (a) Sections 1 through 5 of this chapter do not  
 30 apply to the following individuals:

31 (1) An individual in the service of the armed forces of the United  
 32 States while operating an official motor vehicle in that service.

33 (2) An individual while operating:

34 (A) a road roller;

35 (B) road construction or maintenance machinery, except where  
 36 the road roller or machinery is required to be registered under  
 37 Indiana law;

38 (C) a ditch digging apparatus;

39 (D) a well drilling apparatus;

40 (E) a concrete mixer; or

41 (F) a farm tractor, a farm wagon (as defined in  
 42 IC 9-13-2-60(a)(2)), or an implement of agriculture designed

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1 to be operated primarily in a farm field or on farm premises;  
 2 that is being temporarily drawn, moved, or propelled on a public  
 3 highway. However, to operate a farm wagon (as defined in  
 4 IC 9-13-2-60(a)(2)) on a highway, an individual must be at least  
 5 fifteen (15) years of age.

6 (3) A nonresident who:

7 (A) is at least sixteen (16) years and one (1) month of age;

8 (B) has in the nonresident's immediate possession a valid  
 9 operator's license that was issued to the nonresident in the

10 nonresident's home state or country; and

11 (C) is lawfully admitted into the United States;

12 while operating a motor vehicle in Indiana only as an operator.

13 (4) A nonresident who:

14 (A) is at least eighteen (18) years of age;

15 (B) has in the nonresident's immediate possession a valid  
 16 chauffeur's license that was issued to the nonresident in the  
 17 nonresident's home state or country; and

18 (C) is lawfully admitted into the United States;

19 while operating a motor vehicle upon a public highway, either as  
 20 an operator or a chauffeur.

21 (5) A nonresident who:

22 (A) is at least eighteen (18) years of age; and

23 (B) has in the nonresident's immediate possession a valid  
 24 license issued by the nonresident's home state for the operation  
 25 of any motor vehicle upon a public highway when in use as a  
 26 public passenger carrying vehicle;

27 while operating a motor vehicle upon a public highway.

28 (6) An individual who is legally licensed to operate a motor  
 29 vehicle in the state of the individual's residence and who is  
 30 employed in Indiana, subject to the restrictions imposed by the  
 31 state of the individual's residence.

32 (7) A new resident of Indiana who possesses an unexpired driver's  
 33 license issued by the resident's former state of residence, for a  
 34 period of sixty (60) days after becoming a resident of Indiana.

35 (8) An individual who is an engineer, a conductor, a brakeman, or  
 36 another member of the crew of a locomotive or a train that is  
 37 being operated upon rails, including the operation of the  
 38 locomotive or the train on a crossing over a street or a highway.  
 39 An individual described in this subdivision is not required to  
 40 display a license to a law enforcement officer in connection with  
 41 the operation of a locomotive or a train in Indiana.

42 (b) An ordinance adopted under IC 9-21-1-3(a)(14) or

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- 1 IC 9-21-1-3.3(a) must require that an individual who operates a golf
- 2 cart in the city, **county**, or town hold a driver's license.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill No. 113, 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, delete line 17.

Page 2, line 1, delete "(2)" and insert "(1)".

Page 2, line 5, delete "and".

Page 2, line 6, delete "(3)" and insert "(2)".

Page 2, line 9, delete "traffic." and insert "**traffic;**

**(3) must limit the use of golf carts on a highway under the jurisdiction of the county or on a highway in the state highway system as set forth in subdivision (1) to the period from sunrise to sunset; and**

**(4) must set a limit as to the number of passengers (other than the operator) that may be permitted on a golf cart."**

and when so amended that said bill do pass.

(Reference is to SB 113 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 7, Nays 3.

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 COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Bill 113, 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:

Page 2, delete lines 5 through 8.

Page 2, line 9, delete "(3)" and insert "(2)".

Page 2, line 13, delete "(4)" and insert "(3)".

and when so amended that said bill do pass.

(Reference is to SB 113 as printed January 26, 2012.)

SOLIDAY, Chair

Committee Vote: yeas 10, nays 0.

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