Reprinted
February 21, 2012

ENGROSSED
SENATE BILL No. 113

OF SB 113 (Updated February 20, 2012 2:17 pm - DI 96)

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 allow the use of golf carts on a highway under the jurisdiction of the county or on a highway in the state highway system from sunset to sunrise if the golf carts have working headlights and taillights in use; 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.
February 20, 2012, read second time, amended, ordered engrossed.

C o p y

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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.

C o p y

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:

SECTION 1. IC 9-21-1-3.3, AS AMENDED BY P.L.182-2009(ss), SECTION 292, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3.3. (a) A city, **county,** or ~~a~~ town may adopt by ordinance traffic regulations concerning the use of golf carts on a highway under the jurisdiction of the city, **county,** or ~~the~~ town. An ordinance adopted under this subsection may not:

(1) conflict with or duplicate another state law; or

(2) conflict with a driver's licensing requirement of another provision of the Indiana Code.

(b) A fine assessed for a violation of a traffic ordinance adopted by a city, **county,** or ~~a~~ town under this section shall be deposited into the general fund of the city, **county,** or town.

~~(c) A person who violates subsection (a) commits a Class C infraction.~~

(c) Notwithstanding subsection (a), an ordinance adopted by a county under this section:

(1) may allow an operator of a golf cart to cross a highway in

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

(2) must allow 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) during the period from sunset to sunrise if the golf carts have working headlights and taillights in use; and

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

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

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

(1) An electric personal assistive mobility device.

(2) A low speed vehicle.

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

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

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

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

(2) An individual while operating:

(A) a road roller;

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

(C) a ditch digging apparatus;

(D) a well drilling apparatus;

(E) a concrete mixer; or

(F) a farm tractor, a farm wagon (as defined in

C o p y

IC 9-13-2-60(a)(2)), or an implement of agriculture designed to be operated primarily in a farm field or on farm premises;

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

(3) A nonresident who:

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

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

(C) is lawfully admitted into the United States;

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

(4) A nonresident who:

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

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

(C) is lawfully admitted into the United States;

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

(5) A nonresident who:

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

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

while operating a motor vehicle upon a public highway.

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

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

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

C o p y

(b) An ordinance adopted under IC 9-21-1-3(a)(14) or IC 9-21-1-3.3(a) must require that an individual who operates a golf cart in the city, **county,** or town hold a driver's license.

C o p y

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.

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.

C o p y

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 113 be amended to read as follows:

Page 2, line 5, delete "limit" and insert "**allow**".

Page 2, line 7, delete "to" and insert "**during**".

Page 2, line 8, after "from" insert "**sunset to**".

Page 2, line 8, delete "to sunset;" and insert "**if the golf carts have working headlights and taillights in use;**".

(Reference is to ESB 113 as printed February 17, 2012.)

SAUNDERS

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