January 11, 2012

HOUSE BILL No. 1013

DIGEST OF HB 1013 (Updated January 11, 2012 12:13 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 adopted by a county authorizing the use of golf carts in a county: (1) must have the approval of the sheriff of the county; (2) must require that an individual who operates a golf cart in the county hold a driver's license; (3) must provide that a fine assessed for a violation of the ordinance be deposited in the general fund of the county; and (4) may allow the operator of a golf cart to cross a highway in the state highway system under certain circumstances. Specifies that a violation of a county ordinance governing the use of a golf cart crossing a state highway in a county is considered an ordinance violation (instead of a Class C infraction). Makes a technical correction.

Effective: July 1, 2012.

Lehman, Davis

January 9, 2012, read first time and referred to Committee on Roads and Transportation.
January 11, 2012, reported — Do Pass.

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January 11, 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.

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HOUSE BILL No. 1013

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) must have the approval of the sheriff of the county; and

(2) 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.

(d) When an ordinance adopted by a county under subsection (c) authorizes the operation of a golf cart on a state highway in the state highway system under subsection (c)(2), a violation of the ordinance 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 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

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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.

(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.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1013, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

SOLIDAY, Chair

Committee Vote: yeas 11, nays 0.

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