



January 27, 2012

HOUSE BILL No. 1197

DIGEST OF HB 1197 (Updated January 25, 2012 6:05 pm - DI 96)

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 9-25; 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. Provides that a moped operated on a highway must be titled and registered with the bureau of motor vehicles, with a registration fee equal to that of a motorcycle. Requires that certain funds received from the registration of a moped be deposited in the motorcycle operator safety education fund. Requires the operator of a moped on a highway to have an identification card, 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. Authorizes the operation of a moped without financial responsibility in effect on the moped. Requires certain individuals to file accident reports after an accident involving a moped. Repeals the term "motor scooter". Makes conforming changes. Makes technical corrections. Deletes outdated language.

Effective: January 1, 2013.

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

January 9, 2012, read first time and referred to Committee on Roads and Transportation.
January 26, 2012, amended, reported — Do Pass.

HB 1197—LS 6882/DI 96+



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January 27, 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. 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 2-5-28.5-1.5, AS ADDED BY P.L.206-2011,
2 SECTION 2, IS REPEALED [EFFECTIVE JANUARY 1, 2013]. Sec:
3 1.5: As used in this chapter, "motorized bicycle" has the meaning set
4 forth in IC 9-13-2-109.
- 5 SECTION 2. IC 2-5-28.5-4.5, AS ADDED BY P.L.206-2011,
6 SECTION 4, IS REPEALED [EFFECTIVE JANUARY 1, 2013]. Sec:
7 4.5: In calendar year 2011, the committee shall study issues related to
8 the use of motorized bicycles and motor scooters in Indiana, including
9 the following topics:
- 10 (1) Definitions of the following:
- 11 (A) Motorized bicycle:
- 12 (B) Motor scooter:
- 13 (C) Moped:
- 14 (D) Motor-driven cycle:
- 15 (2) Issues related to:
- 16 (A) internal combustion power; and
- 17 (B) battery power;

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

10 SECTION 3. IC 6-3.5-4-0.5 IS ADDED TO THE INDIANA CODE
 11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 12 JANUARY 1, 2013]: **Sec. 0.5. This chapter applies to a moped that**
 13 **is registered with the bureau of motor vehicles after December 31,**
 14 **2012.**

15 SECTION 4. IC 6-6-5-1, AS AMENDED BY P.L.2-2007,
 16 SECTION 126, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JANUARY 1, 2013]: Sec. 1. (a) As used in this chapter,
 18 "vehicle" means a vehicle subject to annual registration as a condition
 19 of its operation on the public highways pursuant to the motor vehicle
 20 registration laws of the state. **After December 31, 2012, the term**
 21 **includes a moped (as defined in IC 9-13-2-109).**

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

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

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

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

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

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

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

41 (2) the amount of excise tax liability to which a vehicle that was
 42 registered after the owner's last preceding annual registration date

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1 would have been subject if it had been registered on that date.

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

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

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

11 (2) Mobile homes and motor homes.

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

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

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

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

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

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

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

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

29 (9) Farm wagons.

30 SECTION 5. IC 7.1-1-3-26.3 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 26.3. ~~(a)~~ "Motor
32 vehicle" means a vehicle that is self-propelled.

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

35 SECTION 6. IC 9-13-1-5 IS ADDED TO THE INDIANA CODE
36 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
37 JANUARY 1, 2013]: **Sec. 5. A reference to a motorized bicycle in**
38 **any law, rule, or other document in effect on January 1, 2013, shall**
39 **be treated after December 31, 2012, as a reference to a moped.**

40 SECTION 7. IC 9-13-2-3, AS AMENDED BY P.L.146-2009,
41 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JANUARY 1, 2013]: Sec. 3. (a) Except as provided in subsection (b),

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1 "antique motor vehicle" means a motor vehicle ~~or motor scooter~~ that is
2 at least twenty-five (25) years old.

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

10 SECTION 8. IC 9-13-2-42, AS AMENDED BY P.L.93-2010,
11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JANUARY 1, 2013]: Sec. 42. (a) "Dealer" means, except as otherwise
13 provided in this section, a person who sells to the general public,
14 including a person who sells directly by the Internet or other computer
15 network, at least twelve (12) vehicles each year for delivery in Indiana.
16 The term includes a person who sells off-road vehicles **or mopeds**. A
17 dealer must have an established place of business that meets the
18 minimum standards prescribed by the secretary of state under rules
19 adopted under IC 4-22-2.

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

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

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

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

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

- 38 (1) was originally manufactured for military use;
39 (2) is motorized or nonmotorized, including a motorcycle ~~motor~~
40 ~~scooter~~, and a trailer;
41 (3) is at least twenty-five (25) years old; and
42 (4) is privately owned.



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1 SECTION 10. IC 9-13-2-104 IS REPEALED [EFFECTIVE
2 JANUARY 1, 2013]. Sec. 104. "Motor scooter" means a vehicle that
3 has the following:

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

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

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

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

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

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

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

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

28 SECTION 12. IC 9-13-2-108 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 108. "Motorcycle"
30 means a motor vehicle with motive power having a seat or saddle for
31 the use of the rider and designed to travel on not more than three (3)
32 wheels in contact with the ground. The term does not include a farm
33 tractor or a ~~motorized bicycle~~. **moped.**

34 SECTION 13. IC 9-13-2-109 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 109. ~~"Motorized
36 bicycle"~~ **"Moped"** means a two (2) or three (3) wheeled vehicle that
37 is propelled by an internal combustion engine or a battery powered
38 motor, and if powered by an internal combustion engine, has the
39 following:

- 40 (1) An engine rating of not more than two (2) horsepower and a
41 cylinder capacity not exceeding fifty (50) cubic centimeters.
- 42 (2) An automatic transmission.



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1 (3) A maximum design speed of not more than twenty-five (25)
2 miles per hour on a flat surface.

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

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

11 SECTION 15. IC 9-13-2-196, AS AMENDED BY P.L.9-2010,
12 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JANUARY 1, 2013]: Sec. 196. (a) "Vehicle" means, except as
14 otherwise provided in this section, a device in, upon, or by which a
15 person or property is, or may be, transported or drawn upon a highway.

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

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

39 (8) An electric personal assistive mobility device.

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



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

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

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

10 SECTION 16. IC 9-17-2-1.7 IS ADDED TO THE INDIANA CODE
 11 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE
 12 JANUARY 1, 2013]: **Sec. 1.7. After December 31, 2012, a person**
 13 **may not operate a moped upon a highway without having obtained**
 14 **a certificate of title for the moped from the bureau.**

15 SECTION 17. IC 9-17-2-4 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4. If a certificate
 17 of title:

- 18 (1) has been previously issued for a vehicle in Indiana, an
 19 application for a certificate of title must be accompanied by the
 20 previously issued certificate of title, unless otherwise provided; or
 21 (2) has not previously been issued for a vehicle in Indiana, an
 22 application for a certificate of title must be accompanied by a
 23 manufacturer's certificate of origin as provided in IC 9-17-8,
 24 unless otherwise provided.

25 **The bureau may adopt rules under IC 4-22-2 to determine the**
 26 **indication of ownership for a moped.**

27 SECTION 18. IC 9-17-2-5, AS AMENDED BY P.L.219-2005,
 28 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JANUARY 1, 2013]: Sec. 5. If an application for a certificate of title
 30 is for a vehicle or off-road vehicle brought into Indiana from another
 31 state, the application must be accompanied by:

- 32 (1) the certificate of title issued for the vehicle or off-road vehicle
 33 by the other state if the other state has a certificate of title law;
 34 (2) a sworn bill of sale or dealer's invoice fully describing the
 35 vehicle or off-road vehicle and the most recent registration receipt
 36 issued for the vehicle or off-road vehicle if the other state does not
 37 have a certificate of title law; or
 38 (3) other information that the bureau requires, if the other state
 39 does not have a certificate of title or registration law that pertains
 40 to the vehicle or off-road vehicle.

41 **The bureau may adopt rules under IC 4-22-2 to determine the**
 42 **indication of ownership for a moped.**



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

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

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

15 is operated or driven on a highway, the person who owns the vehicle
 16 must register the vehicle with the bureau and pay the applicable
 17 registration fee.

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

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

- 28 (1) Immediately cancel the registration of the antique motor
 29 vehicle.
 30 (2) Notify the person who registered the antique motor vehicle of
 31 the cancellation.

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

34 SECTION 21. IC 9-19-3-1 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. A motor
 36 vehicle other than a motorcycle or ~~motor-driven cycle~~, **moped**, when
 37 operated upon a highway, must be equipped with brakes adequate to
 38 control the movement of and to stop and hold the vehicle. The brakes
 39 must include two (2) separate means of applying the brakes, each of
 40 which means must apply the brakes to at least two (2) wheels. If these
 41 two (2) separate means of applying the brakes are connected in any
 42 way, the means must be constructed so that failure of one (1) part of the

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1 operating mechanism does not leave the motor vehicle without brakes
2 on at least two (2) wheels.

3 SECTION 22. IC 9-19-3-2 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. A motorcycle
5 and a ~~motor-driven cycle~~, **moped**, when operated upon a highway,
6 must be equipped with at least one (1) brake, which may be operated
7 by hand or foot.

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

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

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

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

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

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

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

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

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

42 SECTION 25. IC 9-19-6-5 IS AMENDED TO READ AS



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1 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. (a) Except as
 2 provided in subsections (b) through (d), a new motor vehicle sold and
 3 operated upon a highway, other than a truck-tractor, must carry on the
 4 rear, either as a part of the tail lamps or separately, two (2) red
 5 reflectors.

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

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

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

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

24 SECTION 26. IC 9-19-6-6 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 6. (a) Except as
 26 provided in subsection (b), a person may not:

27 (1) sell; or

28 (2) drive on the highways;

29 in Indiana a motor vehicle, including a motorcycle or ~~motor-driven~~
 30 ~~cycle~~ **moped**, unless the vehicle is equipped with at least one (1)
 31 stoplight meeting the requirements of section 17 of this chapter.

32 (b) A motorcycle manufactured before January 1, 1956, is not
 33 required to be equipped with a stoplight under subsection (a) if the
 34 motorcycle is not operated at the times when lighted head lamps and
 35 other illuminating devices are required under IC 9-21-7-2.

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

38 (1) sell;

39 (2) offer for sale; or

40 (3) operate on the highways;

41 a motor vehicle, trailer, or semitrailer registered in Indiana and
 42 manufactured or assembled after January 1, 1956, unless the vehicle is

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1 equipped with mechanical or electrical turn signals meeting the
2 requirements of section 17 of this chapter.

3 SECTION 27. IC 9-19-6-20 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 20. Except as
5 otherwise provided in this chapter, the head lamps, the auxiliary
6 driving lamp, the auxiliary passing lamp, or a combination of these
7 lamps on motor vehicles, other than motorcycles or ~~motor-driven~~
8 ~~cycles, mopeds,~~ must be arranged so that the driver may select between
9 distributions of light projected to different elevations. The lamps may,
10 in addition, be arranged so that the selection can be made
11 automatically, subject to the following limitations:

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

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

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

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

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

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

41 (2) two hundred (200) feet when the ~~motor-driven cycle~~
42 **motorcycle or moped** is operated at a speed of at least

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1 twenty-five (25) miles per hour; and

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

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

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

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

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

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

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

27 (1) auxiliary lamps;

28 (2) a spot lamp; or

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

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

40 (e) Clearance and sidemarker lamps are not required to be lighted
41 on a vehicle described in subsection (d) when the vehicle is operated
42 within a municipality where there is sufficient light to render clearly

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1 discernible persons and vehicles on the highway at a distance of five
2 hundred (500) feet.

3 SECTION 31. IC 9-21-7-8 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 8. (a) This section
5 applies to a vehicle that is parked or stopped upon a roadway or
6 shoulder adjacent to a roadway between thirty (30) minutes after sunset
7 and thirty (30) minutes before sunrise.

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

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

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

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

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

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

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

42 SECTION 33. IC 9-21-11-12 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 12. A ~~motorized~~
2 ~~bicycle~~ **moped** may not be operated under any of the following
3 conditions:

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

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

- 15 (1) Wear protective headgear meeting the minimum standards set
- 16 by the bureau or a helmet that meets the standards established by
- 17 the United States Department of Transportation under 49 CFR
- 18 571.218 in effect January 1, 1979.
- 19 (2) Wear protective glasses, goggles, or a transparent face shield.

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

27 **(b) An individual operating a moped under IC 9-21-11-12 must**
28 **have the individual's identification card, permit, or driver's license**
29 **in the individual's immediate possession when driving or operating**
30 **the moped. The individual shall display the identification card,**
31 **permit, or license upon demand of a court or a police officer**
32 **authorized by law to enforce motor vehicle rules.**

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

39 (b) ~~A person~~ **An individual** may not be convicted of violating
40 section 3 of this chapter if the ~~person,~~ **individual**, within five (5) days
41 from the time of apprehension, produces to the apprehending officer or
42 headquarters of the apprehending officer satisfactory evidence of a

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1 ~~permit or the driver's license or permit~~ issued to the ~~person~~
 2 ~~individual~~ that was valid at the time of the ~~person's individual's~~
 3 ~~apprehension.~~

4 SECTION 37. IC 9-25-1-7 IS ADDED TO THE INDIANA CODE
 5 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
 6 JANUARY 1, 2013]: **Sec. 7. This article does not apply to a moped**
 7 **that is operated or driven on a highway.**

8 SECTION 38. IC 9-26-1-0.3 IS ADDED TO THE INDIANA CODE
 9 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
 10 JANUARY 1, 2013]: **Sec. 0.3. After December 31, 2012, this article**
 11 **applies to a moped that is operated or driven on a highway.**

12 SECTION 39. IC 9-29-5-2, AS AMENDED BY P.L.145-2011,
 13 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JANUARY 1, 2013]: Sec. 2. (a) ~~This subsection expires December 31,~~
 15 ~~2011. The fee for the registration of a motorcycle is seventeen dollars~~
 16 ~~and thirty cents (\$17.30). The revenue from this fee shall be allocated~~
 17 ~~as follows:~~

18 (1) ~~Seven dollars (\$7) to the motorcycle operator safety education~~
 19 ~~fund established by IC 20-30-13-11.~~

20 (2) ~~An amount prescribed as a license branch service charge~~
 21 ~~under IC 9-29-3.~~

22 (3) ~~Thirty cents (\$0.30) to the spinal cord and brain injury fund~~
 23 ~~under IC 16-41-42.2-3, as provided under section 0.5 of this~~
 24 ~~chapter.~~

25 (4) ~~The balance to the state general fund for credit to the motor~~
 26 ~~vehicle highway account.~~

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

30 (1) ~~Seven dollars (\$7) to the motorcycle operator safety education~~
 31 ~~fund established by IC 9-27-7-7.~~

32 (2) ~~An amount prescribed as a license branch service charge~~
 33 ~~under IC 9-29-3.~~

34 (3) ~~Thirty cents (\$0.30) to the spinal cord and brain injury fund~~
 35 ~~under IC 16-41-42.2-3, as provided under section 0.5 of this~~
 36 ~~chapter.~~

37 (4) ~~The balance to the state general fund for credit to the motor~~
 38 ~~vehicle highway account.~~

39 SECTION 40. IC 9-30-10-9, AS AMENDED BY P.L.109-2011,
 40 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JANUARY 1, 2013]: Sec. 9. (a) After June 30, 2005, this section does
 42 not apply to a person who:



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1 (1) holds a commercial driver's license; and
 2 (2) has been charged with an offense involving the operation of
 3 a motor vehicle in accordance with the federal Motor Carrier
 4 Safety Improvement Act of 1999 (MCSIA) (Public Law
 5 106-159.113 Stat. 1748).
 6 (b) If a court finds that a person:
 7 (1) is a habitual violator under section 4(c) of this chapter;
 8 (2) has not been previously placed on probation under this section
 9 by a court;
 10 (3) operates a vehicle for commercial or business purposes, and
 11 the person's mileage for commercial or business purposes:
 12 (A) is substantially in excess of the mileage of an average
 13 driver; and
 14 (B) may have been a factor that contributed to the person's
 15 poor driving record; and
 16 (4) does not have:
 17 (A) a judgment for a violation enumerated in section 4(a) of
 18 this chapter; or
 19 (B) at least three (3) judgments (singularly or in combination
 20 and not arising out of the same incident) of the violations
 21 enumerated in section 4(b) of this chapter;
 22 the court may place the person on probation in accordance with
 23 subsection (d).
 24 (c) If a court finds that a person:
 25 (1) is a habitual violator under section 4(b) of this chapter;
 26 (2) has not been previously placed on probation under this section
 27 by a court;
 28 (3) does not have a judgment for any violation listed in section
 29 4(a) of this chapter;
 30 (4) has had the person's driving privileges suspended under this
 31 chapter for at least five (5) consecutive years; and
 32 (5) has not violated the terms of the person's suspension by
 33 operating a vehicle;
 34 the court may place the person on probation in accordance with
 35 subsection (d). However, if the person has any judgments for operation
 36 of a vehicle before July 1, 2001, while intoxicated or with an alcohol
 37 concentration equivalent to at least ten-hundredths (0.10) gram of
 38 alcohol per one hundred (100) milliliters of the blood or two hundred
 39 ten (210) liters of the breath, or for the operation of a vehicle after June
 40 30, 2001, while intoxicated or with an alcohol concentration equivalent
 41 to at least eight-hundredths (0.08) gram of alcohol per one hundred
 42 (100) milliliters of the blood or two hundred ten (210) liters of the

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1 breath, the court, before the court places a person on probation under
2 subsection (d), must find that the person has successfully fulfilled the
3 requirements of a rehabilitation program certified by one (1) or both of
4 the following:

- 5 (A) The division of mental health and addiction.
- 6 (B) The Indiana judicial center.

7 (d) Whenever a court places a habitual violator on probation, the
8 court:

9 (1) shall record each of the court's findings under this section in
10 writing;

11 (2) shall obtain the person's driver's license or permit and send the
12 license or permit to the bureau;

13 (3) shall direct the person to apply to the bureau for a restricted
14 driver's license;

15 (4) shall order the bureau to issue the person an appropriate
16 license;

17 (5) shall place the person on probation for a fixed period of not
18 less than three (3) years and not more than ten (10) years;

19 (6) shall attach restrictions to the person's driving privileges,
20 including restrictions limiting the person's driving to:

21 (A) commercial or business purposes or other employment
22 related driving;

23 (B) specific purposes in exceptional circumstances;

24 (C) rehabilitation programs; and

25 (D) specified hours during which the person may drive;

26 (7) shall require the person to submit to reasonable monitoring
27 requirements;

28 (8) shall order the person to file proof of financial responsibility
29 for three (3) years following the date of being placed on
30 probation; and

31 (9) shall impose other appropriate conditions of probation, which
32 must include one (1) or more of the following conditions if the
33 person was determined to be a habitual violator under
34 IC 9-30-10-4(b)(1) through IC 9-30-10-4(b)(4), and at least one
35 (1) of the offenses occurred within five (5) years prior to the
36 granting of the probationary or restricted license:

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

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

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

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1 or while under the influence of any other intoxicating
 2 substance.
 3 (B) An order that the person submit to a method to monitor the
 4 person's compliance with the prohibition against operating a
 5 motor vehicle or ~~motorized bicycle~~ **moped** with an alcohol
 6 concentration equivalent to at least two-hundredths (0.02)
 7 gram of alcohol per:
 8 (i) one hundred (100) milliliters of the person's blood; or
 9 (ii) two hundred ten (210) liters of the person's breath;
 10 or while intoxicated (as defined under IC 9-13-2-86).
 11 (C) The court shall determine the appropriate monitoring
 12 method, which may include one (1) or more of the following:
 13 (i) The person may operate only a motor vehicle equipped
 14 with an ignition interlock device.
 15 (ii) The person must submit to a chemical test if a law
 16 enforcement officer lawfully stops the person while
 17 operating a motor vehicle or ~~motorized bicycle~~ **moped** and
 18 the law enforcement officer requests that the person submit
 19 to a chemical test.
 20 (iii) The person must wear a device that detects and records
 21 the person's use of alcohol.
 22 (iv) The person must submit to any other reasonable
 23 monitoring requirement as determined by the court.
 24 (e) If a court finds that a person:
 25 (1) is a habitual violator under section 4(b) or 4(c) of this chapter;
 26 (2) does not have any judgments for violations under section 4(a)
 27 of this chapter;
 28 (3) does not have any judgments or convictions for violations
 29 under section 4(b) of this chapter, except for judgments or
 30 convictions under section 4(b)(5) of this chapter that resulted
 31 from driving on a suspended license that was suspended for:
 32 (A) the commission of infractions only; or
 33 (B) previously driving on a suspended license;
 34 (4) has not been previously placed on probation under this section
 35 by a court; and
 36 (5) has had the person's driving privileges suspended under this
 37 chapter for at least three (3) consecutive years and has not
 38 violated the terms of the person's suspension by operating a
 39 vehicle for at least three (3) consecutive years;
 40 the court may place the person on probation under subsection (d).
 41 SECTION 41. IC 9-30-10-13, AS AMENDED BY P.L.109-2011,
 42 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JANUARY 1, 2013]: Sec. 13. (a) The bureau may issue a license to
2 operate a motor vehicle to a habitual violator whose driving privileges
3 were suspended under section 5(b) of this chapter if the following
4 conditions exist:

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

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

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

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

18 (A) one hundred (100) milliliters of the person's blood; or

19 (B) two hundred ten (210) liters of the person's breath;

20 or while intoxicated (as defined under IC 9-13-2-86) for three (3)
21 years after the bureau issues the driver's license to the person.

22 (5) The person signs a bureau form by which the person agrees
23 that as a condition to obtaining the driver's license the person will
24 submit to a chemical test at any time during the period three (3)
25 years after the bureau issues the driver's license to the person if a
26 law enforcement officer lawfully stops the person while operating
27 a motor vehicle or ~~motorized bicycle~~ **moped** and the law
28 enforcement officer requests that the person submit to a chemical
29 test.

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

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

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

38 (3) The person has not been convicted of an offense under section
39 16 of this chapter more than one (1) time.

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

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- 1 (5) The person:
- 2 (A) files with the bureau; and
- 3 (B) maintains for three (3) years after filing;
- 4 proof of financial responsibility in accordance with IC 9-25.
- 5 (6) The bureau places a restriction on the person's driver's license
- 6 and driving record that indicates the person is prohibited from
- 7 operating a motor vehicle or ~~motorized bicycle~~ **moped** with an
- 8 alcohol concentration equivalent to at least two-hundredths (0.02)
- 9 gram of alcohol per:
- 10 (A) one hundred (100) milliliters of the person's blood; or
- 11 (B) two hundred ten (210) liters of the person's breath;
- 12 or while intoxicated (as defined under IC 9-13-2-86) for three (3)
- 13 years after the bureau issues the driver's license to the person.
- 14 (7) The person signs a bureau form by which the person agrees
- 15 that as a condition to obtaining the driver's license the person will
- 16 submit to a chemical test at any time during the period three (3)
- 17 years after the bureau issues the driver's license to the person if a
- 18 law enforcement officer lawfully stops the person while operating
- 19 a motor vehicle or ~~motorized bicycle~~ **moped** and the law
- 20 enforcement officer requests that the person submit to a chemical
- 21 test.
- 22 (c) A habitual violator is not eligible for relief under the hardship
- 23 provisions of IC 9-24-15.
- 24 SECTION 42. IC 9-30-10-15, AS AMENDED BY P.L.28-2010,
- 25 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 26 JANUARY 1, 2013]: Sec. 15. (a) Upon receiving a petition filed under
- 27 section 14 of this chapter, a court shall set a date for hearing the matter
- 28 and direct the clerk of the court to provide notice of the hearing date to
- 29 the following:
- 30 (1) The petitioner.
- 31 (2) The prosecuting attorney of the county where the petitioner
- 32 resides.
- 33 (3) The bureau.
- 34 (b) A court may order the rescission of the order that required the
- 35 suspension of the petitioner's driving privileges for life and may order
- 36 the bureau to reinstate the driving privileges of a petitioner whose
- 37 driving privileges have been suspended for life if, after the hearing of
- 38 the matter, the court makes the following written findings and
- 39 conclusions, based on clear and convincing evidence:
- 40 (1) That the petitioner has never been convicted of a violation
- 41 described in section 4(a) of this chapter.
- 42 (2) That the petitioner has never been convicted of an offense

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- 1 under section 17 of this chapter.
- 2 (3) That the petitioner has not been convicted of an offense under
- 3 section 16 of this chapter more than one (1) time.
- 4 (4) If the person is petitioning the court under section 14(a) of this
- 5 chapter that ten (10) years have elapsed since the date on which
- 6 an order was issued that required the suspension of the petitioner's
- 7 driving privileges for life.
- 8 (5) That there has been a substantial change in the petitioner's
- 9 circumstances indicating the petitioner would no longer pose a
- 10 risk to the safety of others if the petitioner's driving privileges
- 11 were reinstated.
- 12 (6) That there has been a substantial change in the petitioner's
- 13 circumstances indicating that the suspension of the petitioner's
- 14 driving privileges for life has become unreasonable.
- 15 (7) That it is in the best interests of society for the petitioner's
- 16 driving privileges to be reinstated.
- 17 (8) If the person is petitioning the court under section 14(e) of this
- 18 chapter:
- 19 (A) that three (3) years have elapsed since the date the order
- 20 was issued that required the suspension of the petitioner's
- 21 driving privileges for life; and
- 22 (B) that the conditions listed under section 14(e) of this
- 23 chapter are satisfied.
- 24 (c) The petitioner has the burden of proof under this section and an
- 25 order issued under subsection (b) is a final order, appealable by any
- 26 party to the action.
- 27 (d) In an order for reinstatement of driving privileges issued under
- 28 this section, the court may require the bureau to issue to the prevailing
- 29 petitioner:
- 30 (1) a license to operate a motor vehicle under section 13(b) of this
- 31 chapter; or
- 32 (2) a restricted driving license for a time and subject to conditions
- 33 specified by the court, which must include one (1) or more of the
- 34 following conditions if the person was determined to be a habitual
- 35 violator under IC 9-30-10-4(a)(4) through IC 9-30-10-4(a)(7) or
- 36 IC 9-30-10-4(b)(1) through IC 9-30-10-4(b)(4), and at least one
- 37 (1) of the offenses occurred within five (5) years prior to the
- 38 granting of the probationary or restricted license:
- 39 (A) Specified hours during which the person may drive.
- 40 (B) An order prohibiting the person from operating a motor
- 41 vehicle or ~~motorized bicycle~~ **moped** with an alcohol
- 42 concentration equivalent to at least two-hundredths (0.02)

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gram of alcohol per:

- (i) one hundred (100) milliliters of the person's blood; or
- (ii) two hundred ten (210) liters of the person's breath;

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

(C) An order that the person submit to a method to monitor the person's compliance with the prohibition against operating a motor vehicle or ~~motorized bicycle~~ **moped** with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:

- (i) one hundred (100) milliliters of the person's blood; or
- (ii) two hundred ten (210) liters of the person's breath;

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

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

- (i) The person may operate only a motor vehicle equipped with an ignition interlock device.
- (ii) The person must submit to a chemical test if a law enforcement officer lawfully stops the person while operating a motor vehicle or ~~motorized bicycle~~ **moped** and the law enforcement officer requests that the person submit to a chemical test.
- (iii) The person must wear a device that detects and records the person's use of alcohol.
- (iv) The person must submit to any other reasonable monitoring requirement as determined by the court.

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

- (1) fulfillment by the petitioner of the conditions specified by the court; and
- (2) the expiration of the restricted license issued under subsection (d)(2);

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

SECTION 43. IC 9-30-10-17.5, AS ADDED BY P.L.28-2010, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 17.5. A person who operates a vehicle or ~~motorized bicycle~~ **moped** in violation of conditions of a restricted license ordered by a court under IC 9-30-10-9(d)(9) or IC 9-30-10-15(d)(2) commits a Class A misdemeanor.

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1 SECTION 44. IC 9-30-10-18, AS AMENDED BY P.L.28-2010,
 2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JANUARY 1, 2013]: Sec. 18. In a criminal action brought under
 4 section 16, 17, or 17.5 of this chapter, it is a defense that the operation
 5 of a motor vehicle or ~~motorized bicycle~~ **moped** was necessary to save
 6 life or limb in an extreme emergency. The defendant must bear the
 7 burden of proof by a preponderance of the evidence to establish this
 8 defense.

9 SECTION 45. IC 13-11-2-130.1, AS ADDED BY P.L.170-2006,
 10 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JANUARY 1, 2013]: Sec. 130.1. (a) "Motor vehicle", for purposes of
 12 this chapter, means a vehicle that is self-propelled on a highway in
 13 Indiana. The term does not include a farm tractor or a ~~motorized~~
 14 ~~bicycle:~~ **moped**.

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

17 SECTION 46. IC 14-19-1-0.5, AS ADDED BY P.L.225-2005,
 18 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JANUARY 1, 2013]: Sec. 0.5. (a) "Motorized cart" means a
 20 conveyance that is:

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

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

30 (b) The term does not include:

- 31 (1) an electric personal assistive mobility device (as defined in
 32 IC 9-13-2-49.3);
- 33 (2) a motorcycle (as defined in IC 9-13-2-108);
- 34 ~~(3) a motor scooter (as defined in IC 9-13-2-104);~~
- 35 ~~(4) (3) a motorized bicycle moped (as defined in IC 9-13-2-109);~~
- 36 or
- 37 ~~(5) (4) an off-road vehicle.~~

38 SECTION 47. IC 20-30-13-11, AS ADDED BY P.L.1-2005,
 39 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JANUARY 1, 2013]: Sec. 11. The motorcycle operator safety
 41 education fund is established. The fund consists of money received
 42 from motorcycle **and moped** registrations as provided under IC 9-29.

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- 1 The money in the fund is appropriated to the department for the
- 2 administration of the program and expenses related to the program,
- 3 including:
- 4 (1) reimbursement for course sites;
- 5 (2) instructor training;
- 6 (3) purchase of equipment and course materials; and
- 7 (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.

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