

**CONFERENCE COMMITTEE REPORT
DIGEST FOR ESB 113**

Citations Affected: IC 9-21; IC 9-24-1-7.

Synopsis: Golf carts in unincorporated areas. Conference committee report for ESB 113. Provides that an ordinance authorizing the use of golf carts in a county: (1) must require that an individual who operates a golf cart in the county hold a driver's license; (2) must provide that a fine assessed for a violation of the ordinance be deposited in the general fund of the county; (3) must set a limit as to the number of passengers (other than the operator) that may be permitted on a golf cart; and (4) 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 highway under the jurisdiction of the county to another highway under the jurisdiction of the county when the operation can be done safely. 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). **(This conference committee report deletes language concerning the use of a golf cart 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 cart has working headlights and taillights in use.)**

Effective: July 1, 2012.

Adopted Rejected

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill No. 113 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

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

1 **the operation can be done safely; and**

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

4 **(d) A violation of an ordinance adopted under this section that**
5 **is committed on a state highway by the operator of a golf cart is**
6 **considered to be an ordinance violation.**

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

11 (1) An electric personal assistive mobility device.

12 (2) A low speed vehicle.

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

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

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

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

26 (2) An individual while operating:

27 (A) a road roller;

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

31 (C) a ditch digging apparatus;

32 (D) a well drilling apparatus;

33 (E) a concrete mixer; or

34 (F) a farm tractor, a farm wagon (as defined in
35 IC 9-13-2-60(a)(2)), or an implement of agriculture designed
36 to be operated primarily in a farm field or on farm premises;
37 that is being temporarily drawn, moved, or propelled on a public
38 highway. However, to operate a farm wagon (as defined in
39 IC 9-13-2-60(a)(2)) on a highway, an individual must be at least
40 fifteen (15) years of age.

41 (3) A nonresident who:

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

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

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

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

48 (4) A nonresident who:

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

50 (B) has in the nonresident's immediate possession a valid
51 chauffeur's license that was issued to the nonresident in the

1 nonresident's home state or country; and
 2 (C) is lawfully admitted into the United States;
 3 while operating a motor vehicle upon a public highway, either as
 4 an operator or a chauffeur.
 5 (5) A nonresident who:
 6 (A) is at least eighteen (18) years of age; and
 7 (B) has in the nonresident's immediate possession a valid
 8 license issued by the nonresident's home state for the operation
 9 of any motor vehicle upon a public highway when in use as a
 10 public passenger carrying vehicle;
 11 while operating a motor vehicle upon a public highway.
 12 (6) An individual who is legally licensed to operate a motor
 13 vehicle in the state of the individual's residence and who is
 14 employed in Indiana, subject to the restrictions imposed by the
 15 state of the individual's residence.
 16 (7) A new resident of Indiana who possesses an unexpired driver's
 17 license issued by the resident's former state of residence, for a
 18 period of sixty (60) days after becoming a resident of Indiana.
 19 (8) An individual who is an engineer, a conductor, a brakeman, or
 20 another member of the crew of a locomotive or a train that is
 21 being operated upon rails, including the operation of the
 22 locomotive or the train on a crossing over a street or a highway.
 23 An individual described in this subdivision is not required to
 24 display a license to a law enforcement officer in connection with
 25 the operation of a locomotive or a train in Indiana.
 26 (b) An ordinance adopted under IC 9-21-1-3(a)(14) or
 27 IC 9-21-1-3.3(a) must require that an individual who operates a golf
 28 cart in the city, **county**, or town hold a driver's license.
 (Reference is to ESB 113 as reprinted February 21, 2012.)

Conference Committee Report
on
Engrossed Senate Bill 113

Signed by:

Senator Holdman
Chairperson

Representative Lehman

Senator Arnold

Representative Dembowski

Senate Conferees

House Conferees