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# SENATE BILL No. 113

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## DIGEST OF INTRODUCED BILL

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

**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) have the approval of the sheriff of the county; (2) require that an individual who operates a golf cart in the county hold a driver's license; (3) provide that a fine assessed for a violation of the ordinance be deposited in the general fund of the county; and (4) provide that a golf cart may cross a highway only at an intersection at which there is a stop sign or a traffic control signal for the oncoming traffic. 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.

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**Holdman**

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

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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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## 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) **must have the approval of the sheriff of the county;**



1           **(2) may allow an operator of a golf cart to cross a highway in**  
 2           **the state highway system, at right angles, in order to travel**  
 3           **from one (1) highway under the jurisdiction of the county to**  
 4           **another highway under the jurisdiction of the county when**  
 5           **the operation can be done safely; and**

6           **(3) must provide that a golf cart may cross a highway only at**  
 7           **an intersection at which there is a stop sign or a traffic control**  
 8           **signal erected in accordance with IC 9-21-3 for the oncoming**  
 9           **traffic.**

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

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

- 17           (1) An electric personal assistive mobility device.
- 18           (2) A low speed vehicle.
- 19           (3) Except as provided in subsection (b), a golf cart.

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

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

- 30           (1) An individual in the service of the armed forces of the United  
 31           States while operating an official motor vehicle in that service.
- 32           (2) An individual while operating:
  - 33           (A) a road roller;
  - 34           (B) road construction or maintenance machinery, except where  
 35           the road roller or machinery is required to be registered under  
 36           Indiana law;
  - 37           (C) a ditch digging apparatus;
  - 38           (D) a well drilling apparatus;
  - 39           (E) a concrete mixer; or
  - 40           (F) a farm tractor, a farm wagon (as defined in  
 41           IC 9-13-2-60(a)(2)), or an implement of agriculture designed  
 42           to be operated primarily in a farm field or on farm premises;

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

5 (3) A nonresident who:

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

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

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

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

12 (4) A nonresident who:

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

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

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

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

20 (5) A nonresident who:

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

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

26 while operating a motor vehicle upon a public highway.

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

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

34 (8) An individual who is an engineer, a conductor, a brakeman, or  
 35 another member of the crew of a locomotive or a train that is  
 36 being operated upon rails, including the operation of the  
 37 locomotive or the train on a crossing over a street or a highway.

38 An individual described in this subdivision is not required to  
 39 display a license to a law enforcement officer in connection with  
 40 the operation of a locomotive or a train in Indiana.

41 (b) An ordinance adopted under IC 9-21-1-3(a)(14) or  
 42 IC 9-21-1-3.3(a) must require that an individual who operates a golf

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1 cart in the city, **county**, or town hold a driver's license.

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