

# HOUSE BILL No. 1013

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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 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.

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**Lehman, Davis, Gutwein**

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January 9, 2012, read first time and referred to Committee on Roads and Transportation.

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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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## 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:*

- 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; and**



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.

6 (d) When an ordinance adopted by a county under subsection  
7 (c) authorizes the operation of a golf cart on a state highway in the  
8 state highway system under subsection (c)(2), a violation of the  
9 ordinance that is committed on a state highway by the operator of  
10 a golf cart is considered to be an ordinance violation.

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

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

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

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

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

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

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