

HOUSE BILL No. 1164

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-5-28.5; IC 7.1-1-3-26.3; IC 9-13-2; IC 9-21; IC 9-30-10; IC 13-11-2-130.1; IC 14-19-1-0.5.

Synopsis: Motor scooters. Replaces the term "motorized bicycle" with "motor scooter". Modifies the definition of "motor scooter". Repeals superseded language.

Effective: July 1, 2012.

Wolkins

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

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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. 1164



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 IC 2-5-28.5-1.3 IS REPEALED [EFFECTIVE JULY
- 2 1, 2012]. ~~Sec. 1.3: As used in this chapter, "motor scooter" has the~~
- 3 ~~meaning set forth in IC 9-13-2-104.~~
- 4 SECTION 2. IC 2-5-28.5-1.5 IS REPEALED [EFFECTIVE JULY
- 5 1, 2012]. ~~Sec. 1.5: As used in this chapter, "motorized bicycle" has the~~
- 6 ~~meaning set forth in IC 9-13-2-109.~~
- 7 SECTION 3. IC 2-5-28.5-4.5 IS REPEALED [EFFECTIVE JULY
- 8 1, 2012]. ~~Sec. 4.5: In calendar year 2011, the committee shall study~~
- 9 ~~issues related to the use of motorized bicycles and motor scooters in~~
- 10 ~~Indiana, including the following topics:~~
- 11 ~~(1) Definitions of the following:~~
- 12 ~~(A) Motorized bicycle:~~
- 13 ~~(B) Motor scooter:~~
- 14 ~~(C) Moped:~~
- 15 ~~(D) Motor-driven cycle:~~
- 16 ~~(2) Issues related to:~~
- 17 ~~(A) internal combustion power; and~~



- 1 (B) battery power;
 2 of motor vehicles described in subdivision (1);
 3 (3) Issues relating to:
 4 (A) necessary equipment for;
 5 (B) licensing of operators of;
 6 (C) titling of;
 7 (D) registration of;
 8 (E) taxation of; and
 9 (F) insurance requirements for;
 10 motor vehicles described in subdivision (1);
 11 SECTION 4. IC 7.1-1-3-26.3 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 26.3. (a) "Motor
 13 vehicle" means a vehicle that is self-propelled.
 14 (b) The term does not include a ~~motorized bicycle~~ **motor scooter**
 15 (as defined in ~~IC 9-13-2-109~~). **IC 9-13-2-104**).
 16 SECTION 5. IC 9-13-2-104 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 104. "Motor scooter"
 18 means a **two (2) or three (3) wheeled** vehicle that ~~has the following~~:
 19 (1) ~~Motive power.~~
 20 (2) ~~A seat, but not a saddle, for the driver.~~
 21 (3) ~~Two (2) wheels.~~
 22 (4) ~~A floor pad for the driver's feet.~~ is propelled by an internal
 23 combustion engine or a battery powered motor, and if powered by
 24 an internal combustion engine, has a cylinder capacity not
 25 exceeding fifty (50) cubic centimeters.
 26 SECTION 6. IC 9-13-2-105, AS AMENDED BY P.L.9-2010,
 27 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2012]: Sec. 105. (a) "Motor vehicle" means, except as
 29 otherwise provided in this section, a vehicle that is self-propelled. The
 30 term does not include a farm tractor, an implement of agriculture
 31 designed to be operated primarily in a farm field or on farm premises,
 32 or an electric personal assistive mobility device.
 33 (b) "Motor vehicle", for purposes of IC 9-21, means:
 34 (1) a vehicle except a ~~motorized bicycle~~ **motor scooter** that is
 35 self-propelled; or
 36 (2) a vehicle that is propelled by electric power obtained from
 37 overhead trolley wires, but not operated upon rails.
 38 (c) "Motor vehicle", for purposes of IC 9-19-10.5 and IC 9-25,
 39 means a vehicle that is self-propelled upon a highway in Indiana. The
 40 term does not include a farm tractor.
 41 (d) "Motor vehicle", for purposes of IC 9-30-10, does not include a
 42 ~~motorized bicycle.~~ **motor scooter.**

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

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

5 SECTION 7. IC 9-13-2-108 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 108. "Motorcycle"
7 means a motor vehicle with motive power having a seat or saddle for
8 the use of the rider and designed to travel on not more than three (3)
9 wheels in contact with the ground. The term does not include a farm
10 tractor or a ~~motorized bicycle~~. **motor scooter**.

11 SECTION 8. IC 9-13-2-109 IS REPEALED [EFFECTIVE JULY 1,
12 2012]. ~~Sec. 109: "Motorized bicycle" means a two (2) or three (3)~~
13 ~~wheeled vehicle that is propelled by an internal combustion engine or~~
14 ~~a battery powered motor; and if powered by an internal combustion~~
15 ~~engine; has the following:~~

16 (1) ~~An engine rating of not more than two (2) horsepower and a~~
17 ~~cylinder capacity not exceeding fifty (50) cubic centimeters.~~

18 (2) ~~An automatic transmission.~~

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

21 The term does not include an electric personal assistive mobility
22 device.

23 SECTION 9. IC 9-13-2-196, AS AMENDED BY P.L.9-2010,
24 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2012]: Sec. 196. (a) "Vehicle" means, except as otherwise
26 provided in this section, a device in, upon, or by which a person or
27 property is, or may be, transported or drawn upon a highway.

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

30 (1) A device moved by human power.

31 (2) A vehicle that runs only on rails or tracks.

32 (3) A vehicle propelled by electric power obtained from overhead
33 trolley wires but not operated upon rails or tracks.

34 (4) A firetruck and apparatus owned by a person or municipal
35 division of the state and used for fire protection.

36 (5) A municipally owned ambulance.

37 (6) A police patrol wagon.

38 (7) A vehicle not designed for or employed in general highway
39 transportation of persons or property and occasionally operated or
40 moved over the highway, including the following:

41 (A) Road construction or maintenance machinery.

42 (B) A movable device designed, used, or maintained to alert

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- 1 motorists of hazardous conditions on highways.
 2 (C) Construction dust control machinery.
 3 (D) Well boring apparatus.
 4 (E) Ditch digging apparatus.
 5 (F) An implement of agriculture designed to be operated
 6 primarily in a farm field or on farm premises.
 7 (G) An invalid chair.
 8 (H) A yard tractor.
 9 (8) An electric personal assistive mobility device.
 10 (c) For purposes of IC 9-20 and IC 9-21, the term does not include
 11 devices moved by human power or used exclusively upon stationary
 12 rails or tracks.
 13 (d) For purposes of IC 9-22, the term refers to an automobile, a
 14 motorcycle, a truck, a trailer, a semitrailer, a tractor, a bus, a school
 15 bus, a recreational vehicle, a trailer or semitrailer used in the
 16 transportation of watercraft, or a ~~motorized bicycle~~. **motor scooter**.
 17 (e) For purposes of IC 9-24-6, the term has the meaning set forth in
 18 49 CFR 383.5 as in effect July 1, 2010.
 19 (f) For purposes of IC 9-30-5, IC 9-30-6, IC 9-30-8, and IC 9-30-9,
 20 the term means a device for transportation by land or air. The term does
 21 not include an electric personal assistive mobility device.
 22 SECTION 10. IC 9-21-7-3 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) This section does
 24 not apply to a motorcycle or ~~motorized bicycle~~. **motor scooter**.
 25 (b) A motor vehicle must display at least two (2) lighted lamps, one
 26 (1) on each side at the front of the motor vehicle.
 27 (c) Whenever a motor vehicle equipped with head lamps required
 28 under subsection (b) is also equipped with:
 29 (1) auxiliary lamps;
 30 (2) a spot lamp; or
 31 (3) any other lamp on the front of the motor vehicle projecting a
 32 beam of intensity greater than three hundred (300) candlepower;
 33 not more than a total of four (4) lamps described in this subsection on
 34 the front of a vehicle may be lighted at one (1) time when upon a
 35 highway.
 36 (d) Passenger buses, trucks, truck tractors, and certain trailers,
 37 semitrailers, and pole trailers must display clearance and marker lamps,
 38 reflectors, and stop lights as required under this title when operated
 39 upon a highway. Except as provided in subsection (e), all lamp
 40 equipment required on vehicles described in this subsection shall be
 41 lighted at the times specified in section 2 of this chapter.
 42 (e) Clearance and sidemarker lamps are not required to be lighted

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1 on a vehicle described in subsection (d) when the vehicle is operated
 2 within a municipality where there is sufficient light to render clearly
 3 discernible persons and vehicles on the highway at a distance of five
 4 hundred (500) feet.

5 SECTION 11. IC 9-21-11-12 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. A ~~motorized~~
 7 ~~bicycle~~ **motor scooter** may not be operated under any of the following
 8 conditions:

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

16 SECTION 12. IC 9-21-11-13 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. A person less than
 18 eighteen (18) years of age who operates or rides a ~~motorized bicycle~~
 19 **motor scooter** on a street or highway shall do the following:

- 20 (1) Wear protective headgear meeting the minimum standards set
 21 by the bureau or a helmet that meets the standards established by
 22 the United States Department of Transportation under 49 CFR
 23 571.218 in effect January 1, 1979.
 24 (2) Wear protective glasses, goggles, or a transparent face shield.

25 SECTION 13. IC 9-30-10-9, AS AMENDED BY P.L.109-2011,
 26 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2012]: Sec. 9. (a) After June 30, 2005, this section does not
 28 apply to a person who:

- 29 (1) holds a commercial driver's license; and
 30 (2) has been charged with an offense involving the operation of
 31 a motor vehicle in accordance with the federal Motor Carrier
 32 Safety Improvement Act of 1999 (MCSIA) (Public Law
 33 106-159.113 Stat. 1748).
 34 (b) If a court finds that a person:
 35 (1) is a habitual violator under section 4(c) of this chapter;
 36 (2) has not been previously placed on probation under this section
 37 by a court;
 38 (3) operates a vehicle for commercial or business purposes, and
 39 the person's mileage for commercial or business purposes:
 40 (A) is substantially in excess of the mileage of an average
 41 driver; and
 42 (B) may have been a factor that contributed to the person's

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- 1 poor driving record; and
 2 (4) does not have:
 3 (A) a judgment for a violation enumerated in section 4(a) of
 4 this chapter; or
 5 (B) at least three (3) judgments (singularly or in combination
 6 and not arising out of the same incident) of the violations
 7 enumerated in section 4(b) of this chapter;
 8 the court may place the person on probation in accordance with
 9 subsection (d).
 10 (c) If a court finds that a person:
 11 (1) is a habitual violator under section 4(b) of this chapter;
 12 (2) has not been previously placed on probation under this section
 13 by a court;
 14 (3) does not have a judgment for any violation listed in section
 15 4(a) of this chapter;
 16 (4) has had the person's driving privileges suspended under this
 17 chapter for at least five (5) consecutive years; and
 18 (5) has not violated the terms of the person's suspension by
 19 operating a vehicle;
 20 the court may place the person on probation in accordance with
 21 subsection (d). However, if the person has any judgments for operation
 22 of a vehicle before July 1, 2001, while intoxicated or with an alcohol
 23 concentration equivalent to at least ten-hundredths (0.10) gram of
 24 alcohol per one hundred (100) milliliters of the blood or two hundred
 25 ten (210) liters of the breath, or for the operation of a vehicle after June
 26 30, 2001, while intoxicated or with an alcohol concentration equivalent
 27 to at least eight-hundredths (0.08) gram of alcohol per one hundred
 28 (100) milliliters of the blood or two hundred ten (210) liters of the
 29 breath, the court, before the court places a person on probation under
 30 subsection (d), must find that the person has successfully fulfilled the
 31 requirements of a rehabilitation program certified by one (1) or both of
 32 the following:
 33 (A) The division of mental health and addiction.
 34 (B) The Indiana judicial center.
 35 (d) Whenever a court places a habitual violator on probation, the
 36 court:
 37 (1) shall record each of the court's findings under this section in
 38 writing;
 39 (2) shall obtain the person's driver's license or permit and send the
 40 license or permit to the bureau;
 41 (3) shall direct the person to apply to the bureau for a restricted
 42 driver's license;

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- 1 (4) shall order the bureau to issue the person an appropriate
 2 license;
- 3 (5) shall place the person on probation for a fixed period of not
 4 less than three (3) years and not more than ten (10) years;
- 5 (6) shall attach restrictions to the person's driving privileges,
 6 including restrictions limiting the person's driving to:
- 7 (A) commercial or business purposes or other employment
 8 related driving;
- 9 (B) specific purposes in exceptional circumstances;
- 10 (C) rehabilitation programs; and
- 11 (D) specified hours during which the person may drive;
- 12 (7) shall require the person to submit to reasonable monitoring
 13 requirements;
- 14 (8) shall order the person to file proof of financial responsibility
 15 for three (3) years following the date of being placed on
 16 probation; and
- 17 (9) shall impose other appropriate conditions of probation, which
 18 must include one (1) or more of the following conditions if the
 19 person was determined to be a habitual violator under
 20 ~~IC 9-30-10-4(b)(1) through IC 9-30-10-4(b)(4)~~; **section 4(b)(1)**
 21 **through 4(b)(4) of this chapter**, and at least one (1) of the
 22 offenses occurred within five (5) years prior to the granting of the
 23 probationary or restricted license:
- 24 (A) An order prohibiting the person from operating a motor
 25 vehicle or ~~motorized bicycle~~ **motor scooter** with an alcohol
 26 concentration equivalent to at least two-hundredths (0.02)
 27 gram of alcohol per:
- 28 (i) one hundred (100) milliliters of the person's blood; or
 29 (ii) two hundred ten (210) liters of the person's breath;
- 30 or while under the influence of any other intoxicating
 31 substance.
- 32 (B) An order that the person submit to a method to monitor the
 33 person's compliance with the prohibition against operating a
 34 motor vehicle or ~~motorized bicycle~~ **motor scooter** with an
 35 alcohol concentration equivalent to at least two-hundredths
 36 (0.02) gram of alcohol per:
- 37 (i) one hundred (100) milliliters of the person's blood; or
 38 (ii) two hundred ten (210) liters of the person's breath;
- 39 or while intoxicated (as defined under IC 9-13-2-86).
- 40 (C) The court shall determine the appropriate monitoring
 41 method, which may include one (1) or more of the following:
- 42 (i) The person may operate only a motor vehicle equipped

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- 1 with an ignition interlock device.
- 2 (ii) The person must submit to a chemical test if a law
- 3 enforcement officer lawfully stops the person while
- 4 operating a motor vehicle or ~~motorized bicycle~~ **motor**
- 5 **scooter** and the law enforcement officer requests that the
- 6 person submit to a chemical test.
- 7 (iii) The person must wear a device that detects and records
- 8 the person's use of alcohol.
- 9 (iv) The person must submit to any other reasonable
- 10 monitoring requirement as determined by the court.
- 11 (e) If a court finds that a person:
 - 12 (1) is a habitual violator under section 4(b) or 4(c) of this chapter;
 - 13 (2) does not have any judgments for violations under section 4(a)
 - 14 of this chapter;
 - 15 (3) does not have any judgments or convictions for violations
 - 16 under section 4(b) of this chapter, except for judgments or
 - 17 convictions under section 4(b)(5) of this chapter that resulted
 - 18 from driving on a suspended license that was suspended for:
 - 19 (A) the commission of infractions only; or
 - 20 (B) previously driving on a suspended license;
 - 21 (4) has not been previously placed on probation under this section
 - 22 by a court; and
 - 23 (5) has had the person's driving privileges suspended under this
 - 24 chapter for at least three (3) consecutive years and has not
 - 25 violated the terms of the person's suspension by operating a
 - 26 vehicle for at least three (3) consecutive years;
- 27 the court may place the person on probation under subsection (d).
- 28 SECTION 14. IC 9-30-10-13, AS AMENDED BY P.L.109-2011,
- 29 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 30 JULY 1, 2012]: Sec. 13. (a) The bureau may issue a license to operate
- 31 a motor vehicle to a habitual violator whose driving privileges were
- 32 suspended under section 5(b) of this chapter if the following conditions
- 33 exist:
 - 34 (1) The time specified for the person's probation or the restriction
 - 35 or suspension of the person's license has elapsed.
 - 36 (2) The person has met all the requirements of all applicable
 - 37 statutes and rules relating to the licensing of motor vehicle
 - 38 operators.
 - 39 (3) The person files with the bureau and maintains for three (3)
 - 40 years after filing proof of financial responsibility in accordance
 - 41 with IC 9-25.
 - 42 (4) The bureau places a restriction on the person's driver's license

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1 and driving record that indicates the person is prohibited from
 2 operating a motor vehicle or ~~motorized bicycle~~ **motor scooter**
 3 with an alcohol concentration equivalent to at least
 4 two-hundredths (0.02) gram of alcohol per:

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

6 (B) two hundred ten (210) liters of the person's breath;
 7 or while intoxicated (as defined under IC 9-13-2-86) for three (3)
 8 years after the bureau issues the driver's license to the person.

9 (5) The person signs a bureau form by which the person agrees
 10 that as a condition to obtaining the driver's license the person will
 11 submit to a chemical test at any time during the period three (3)
 12 years after the bureau issues the driver's license to the person if a
 13 law enforcement officer lawfully stops the person while operating
 14 a motor vehicle or ~~motorized bicycle~~ **motor scooter** and the law
 15 enforcement officer requests that the person submit to a chemical
 16 test.

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

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

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

25 (3) The person has not been convicted of an offense under section
 26 16 of this chapter more than one (1) time.

27 (4) The person has met all the requirements of all applicable
 28 statutes and rules relating to the licensing of motor vehicle
 29 operators.

30 (5) The person:

31 (A) files with the bureau; and

32 (B) maintains for three (3) years after filing;
 33 proof of financial responsibility in accordance with IC 9-25.

34 (6) The bureau places a restriction on the person's driver's license
 35 and driving record that indicates the person is prohibited from
 36 operating a motor vehicle or ~~motorized bicycle~~ **motor scooter**
 37 with an alcohol concentration equivalent to at least
 38 two-hundredths (0.02) gram of alcohol per:

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

40 (B) two hundred ten (210) liters of the person's breath;
 41 or while intoxicated (as defined under IC 9-13-2-86) for three (3)
 42 years after the bureau issues the driver's license to the person.

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1 (7) The person signs a bureau form by which the person agrees
 2 that as a condition to obtaining the driver's license the person will
 3 submit to a chemical test at any time during the period three (3)
 4 years after the bureau issues the driver's license to the person if a
 5 law enforcement officer lawfully stops the person while operating
 6 a motor vehicle or ~~motorized bicycle~~ **motor scooter** and the law
 7 enforcement officer requests that the person submit to a chemical
 8 test.

9 (c) A habitual violator is not eligible for relief under the hardship
 10 provisions of IC 9-24-15.

11 SECTION 15. IC 9-30-10-15, AS AMENDED BY P.L.28-2010,
 12 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2012]: Sec. 15. (a) Upon receiving a petition filed under
 14 section 14 of this chapter, a court shall set a date for hearing the matter
 15 and direct the clerk of the court to provide notice of the hearing date to
 16 the following:

- 17 (1) The petitioner.
- 18 (2) The prosecuting attorney of the county where the petitioner
 19 resides.
- 20 (3) The bureau.

21 (b) A court may order the rescission of the order that required the
 22 suspension of the petitioner's driving privileges for life and may order
 23 the bureau to reinstate the driving privileges of a petitioner whose
 24 driving privileges have been suspended for life if, after the hearing of
 25 the matter, the court makes the following written findings and
 26 conclusions, based on clear and convincing evidence:

- 27 (1) That the petitioner has never been convicted of a violation
 28 described in section 4(a) of this chapter.
- 29 (2) That the petitioner has never been convicted of an offense
 30 under section 17 of this chapter.
- 31 (3) That the petitioner has not been convicted of an offense under
 32 section 16 of this chapter more than one (1) time.
- 33 (4) If the person is petitioning the court under section 14(a) of this
 34 chapter that ten (10) years have elapsed since the date on which
 35 an order was issued that required the suspension of the petitioner's
 36 driving privileges for life.
- 37 (5) That there has been a substantial change in the petitioner's
 38 circumstances indicating the petitioner would no longer pose a
 39 risk to the safety of others if the petitioner's driving privileges
 40 were reinstated.
- 41 (6) That there has been a substantial change in the petitioner's
 42 circumstances indicating that the suspension of the petitioner's

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1 driving privileges for life has become unreasonable.
 2 (7) That it is in the best interests of society for the petitioner's
 3 driving privileges to be reinstated.
 4 (8) If the person is petitioning the court under section 14(e) of this
 5 chapter:
 6 (A) that three (3) years have elapsed since the date the order
 7 was issued that required the suspension of the petitioner's
 8 driving privileges for life; and
 9 (B) that the conditions listed under section 14(e) of this
 10 chapter are satisfied.
 11 (c) The petitioner has the burden of proof under this section and an
 12 order issued under subsection (b) is a final order, appealable by any
 13 party to the action.
 14 (d) In an order for reinstatement of driving privileges issued under
 15 this section, the court may require the bureau to issue to the prevailing
 16 petitioner:
 17 (1) a license to operate a motor vehicle under section 13(b) of this
 18 chapter; or
 19 (2) a restricted driving license for a time and subject to conditions
 20 specified by the court, which must include one (1) or more of the
 21 following conditions if the person was determined to be a habitual
 22 violator under ~~IC 9-30-10-4(a)(4) through IC 9-30-10-4(a)(7) or~~
 23 ~~IC 9-30-10-4(b)(1) through IC 9-30-10-4(b)(4);~~ **section 4(a)(4)**
 24 **through 4(a)(7) or 4(b)(1) through 4(b)(4) of this chapter,** and
 25 at least one (1) of the offenses occurred within five (5) years prior
 26 to the granting of the probationary or restricted license:
 27 (A) Specified hours during which the person may drive.
 28 (B) An order prohibiting the person from operating a motor
 29 vehicle or ~~motorized bicycle~~ **motor scooter** with an alcohol
 30 concentration equivalent to at least two-hundredths (0.02)
 31 gram of alcohol per:
 32 (i) one hundred (100) milliliters of the person's blood; or
 33 (ii) two hundred ten (210) liters of the person's breath;
 34 or while intoxicated (as defined under IC 9-13-2-86).
 35 (C) An order that the person submit to a method to monitor the
 36 person's compliance with the prohibition against operating a
 37 motor vehicle or ~~motorized bicycle~~ **motor scooter** with an
 38 alcohol concentration equivalent to at least two-hundredths
 39 (0.02) gram of alcohol per:
 40 (i) one hundred (100) milliliters of the person's blood; or
 41 (ii) two hundred ten (210) liters of the person's breath;
 42 or while intoxicated (as defined under IC 9-13-2-86).

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- 1 (D) The court shall determine the appropriate monitoring
- 2 method, which may include one (1) or more of the following:
- 3 (i) The person may operate only a motor vehicle equipped
- 4 with an ignition interlock device.
- 5 (ii) The person must submit to a chemical test if a law
- 6 enforcement officer lawfully stops the person while
- 7 operating a motor vehicle or ~~motorized bicycle~~ **motor**
- 8 **scooter** and the law enforcement officer requests that the
- 9 person submit to a chemical test.
- 10 (iii) The person must wear a device that detects and records
- 11 the person's use of alcohol.
- 12 (iv) The person must submit to any other reasonable
- 13 monitoring requirement as determined by the court.

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

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

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

25 SECTION 16. IC 9-30-10-17.5, AS ADDED BY P.L.28-2010,
 26 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2012]: Sec. 17.5. A person who operates a vehicle or
 28 ~~motorized bicycle~~ **motor scooter** in violation of conditions of a
 29 restricted license ordered by a court under ~~IC 9-30-10-9(d)(9) or~~
 30 ~~IC 9-30-10-15(d)(2)~~ **section 9(d)(9) or 15(d)(2) of this chapter**
 31 commits a Class A misdemeanor.

32 SECTION 17. IC 9-30-10-18, AS AMENDED BY P.L.28-2010,
 33 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2012]: Sec. 18. In a criminal action brought under section 16,
 35 17, or 17.5 of this chapter, it is a defense that the operation of a motor
 36 vehicle or ~~motorized bicycle~~ **motor scooter** was necessary to save life
 37 or limb in an extreme emergency. The defendant must bear the burden
 38 of proof by a preponderance of the evidence to establish this defense.

39 SECTION 18. IC 13-11-2-130.1, AS ADDED BY P.L.170-2006,
 40 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2012]: Sec. 130.1. (a) "Motor vehicle", for purposes of this
 42 chapter, means a vehicle that is self-propelled on a highway in Indiana.

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1 The term does not include a farm tractor or a ~~motorized bicycle~~. **motor**
2 **scooter**.

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

5 SECTION 19. IC 14-19-1-0.5, AS ADDED BY P.L.225-2005,
6 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2012]: Sec. 0.5. (a) "Motorized cart" means a conveyance that
8 is:

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

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

18 (b) The term does not include:

- 19 (1) an electric personal assistive mobility device (as defined in
20 IC 9-13-2-49.3);
21 (2) a motorcycle (as defined in IC 9-13-2-108);
22 (3) a motor scooter (as defined in IC 9-13-2-104); **or**
23 ~~(4) a motorized bicycle (as defined in IC 9-13-2-109); or~~
24 ~~(5) (4) an off-road vehicle.~~

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