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.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House 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:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 9-21-1-3.3, AS AMENDED BY P.L.182-2009(ss), SECTION 292, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3.3. (a) A city, **county,** or ~~a~~ town may adopt by ordinance traffic regulations concerning the use of golf carts on a highway under the jurisdiction of the city, **county,** or ~~the~~ town. An ordinance adopted under this subsection may not:

(1) conflict with or duplicate another state law; or

(2) conflict with a driver's licensing requirement of another provision of the Indiana Code.

(b) A fine assessed for a violation of a traffic ordinance adopted by a city, **county,** or ~~a~~ town under this section shall be deposited into the general fund of the city, **county,** or town.

~~(c) A person who violates subsection (a) commits a Class C infraction.~~

(c) Notwithstanding subsection (a), an ordinance adopted by a county under this section:

(1) 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 (1) highway under the jurisdiction of the county to another highway under the jurisdiction of the county when the operation can be done safely; and

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

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

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

(1) An electric personal assistive mobility device.

(2) A low speed vehicle.

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

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

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

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

(2) An individual while operating:

(A) a road roller;

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

(C) a ditch digging apparatus;

(D) a well drilling apparatus;

(E) a concrete mixer; or

(F) a farm tractor, a farm wagon (as defined in IC 9-13-2-60(a)(2)), or an implement of agriculture designed to be operated primarily in a farm field or on farm premises;

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

(3) A nonresident who:

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

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

(C) is lawfully admitted into the United States;

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

(4) A nonresident who:

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

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

(C) is lawfully admitted into the United States;

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

(5) A nonresident who:

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

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

while operating a motor vehicle upon a public highway.

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

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

(8) An individual who is an engineer, a conductor, a brakeman, or another member of the crew of a locomotive or a train that is being operated upon rails, including the operation of the locomotive or the train on a crossing over a street or a highway. An individual described in this subdivision is not required to display a license to a law enforcement officer in connection with the operation of a locomotive or a train in Indiana.

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