

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule
LSA Document #13-294

DIGEST

Amends [312 IAC 8-2-5](#) to authorize possession and consumption of alcohol on the licensed premises of a pavilion authorized by [IC 14-18-2-3](#) and to prohibit possession and consumption of alcohol at a designated youth tent area. Amends [312 IAC 8-2-6](#) to allow release of a pet or service animal from its leash where authorized by the department. Amends [312 IAC 8-2-8](#) to clarify a person using a trail on a department property may leave the trail if participating in an activity authorized by a department license. Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[312 IAC 8-2-5](#); [312 IAC 8-2-6](#); [312 IAC 8-2-8](#)

SECTION 1. [312 IAC 8-2-5](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 8-2-5](#) Alcoholic beverages

Authority: [IC 14-10-2-4](#); [IC 14-11-2-1](#)

Affected: [IC 14-18-2-3](#)

Sec. 5. A person must not possess or consume an alcoholic beverage at any of the following locations:

- (1) Indiana Dunes State Park, **except on the licensed premises of a pavilion authorized by [IC 14-18-2-3](#).**
- (2) Redbird State Recreation Area.
- (3) Interlake State Recreation Area.
- (4) A swimming beach or pool.
- (5) A shooting range.
- (6) A designated youth tent area.**

(Natural Resources Commission; [312 IAC 8-2-5](#); filed Oct 28, 1998, 3:32 p.m.: 22 IR 740, eff Jan 1, 1999; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315; readopted filed Mar 25, 2010, 2:58 p.m.: [20100421-IR-312100037RFA](#); filed Aug 18, 2011, 11:38 a.m.: [20110914-IR-312100668FRA](#); errata filed Oct 6, 2011, 2:38 p.m.: [20111019-IR-312110588ACA](#))

SECTION 2. [312 IAC 8-2-6](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 8-2-6](#) Animals brought to DNR properties

Authority: [IC 14-10-2-1](#); [IC 14-10-2-4](#); [IC 14-11-2-1](#)

Affected: [IC 14](#); [IC 35-46-3-11.5](#)

Sec. 6. (a) A person who possesses a pet or service animal must:

- (1) **except as provided in subsection (b)**, keep the animal caged or on a leash not more than six (6) feet long; and
- (2) attend the animal at all times.

This **(b)** Subsection **(a)(1)** does not apply:

- (1) where the DNR authorizes a person to release a pet or service animal from its leash; or**
- (2) to activities governed by section ~~3(e)~~ 3(g) of this rule.**

~~(b)~~ **(c)** If a pet or service animal appears likely to:

- (1) endanger a person or property; or
- (2) create a nuisance;

the owner may be required to immediately remove the pet or service animal from a DNR property.

~~(e)~~ **(d)** A person must not take or possess a cat, a dog, or other pet to a:

- (1) swimming beach;
- (2) swimming pool enclosure;
- (3) rental facility; or
- (4) public building.

A service animal used by a person with a disability is exempted from this subsection.

(d) **(e)** A person must acquire an annual or daily horse tag or receipt for each horse that is brought into a designated DNR property from April 1 through November 30. The tag or receipt must be:

- (1) kept in the person's immediate possession; and
- (2) provided to an authorized representative upon request.

(e) **(f)** A person must not do the following:

- (1) Allow livestock or domesticated animals to enter or remain upon a DNR property. These animals may be removed by the department and disposed or held at the owner's expense.
- (2) Release an animal on DNR property except under license issued by an authorized representative under this subdivision. To receive a license, a person must demonstrate the animal is healthy and unlikely to endanger public safety or the environment. A person in violation of this subdivision shall **must** reimburse the department for any expenses reasonably incurred.

(f) **(g)** For purposes of this section, a pet is not a service animal under [IC 35-46-3-11.5](#).

(Natural Resources Commission; [312 IAC 8-2-6](#); filed Oct 28, 1998, 3:32 p.m.: 22 IR 741, eff Jan 1, 1999; filed Nov 5, 1999, 10:14 a.m.: 23 IR 554, eff Jan 1, 2000; filed Nov 30, 2001, 10:55 a.m.: 25 IR 1074, eff Jan 1, 2002; filed Jun 17, 2002, 4:13 p.m.: 25 IR 3715; filed Sep 19, 2003, 8:14 a.m.: 27 IR 457; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315; filed Jun 29, 2007, 2:32 p.m.: [20070725-IR-312060333FRA](#); readopted filed Mar 25, 2010, 2:58 p.m.: [20100421-IR-312100037RFA](#))

SECTION 3. [312 IAC 8-2-8](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 8-2-8](#) Vehicles, trails, boats, and aircraft

Authority: [IC 14-10-2-1](#); [IC 14-10-2-4](#); [IC 14-11-2-1](#); [IC 14-19-1-1](#)

Affected: [IC 14-19-1-0.5](#); [IC 14-22-11-1](#)

Sec. 8. (a) A person must not operate a vehicle:

- (1) at a speed greater than:
 - (A) thirty (30) miles per hour on straight, open stretches of road; or
 - (B) fifteen (15) miles per hour on steep grades or curves or where posted; or
- (2) except as provided in section 17 of this rule, other than on a public road.

(b) A person must not park:

- (1) a vehicle;
- (2) a boat; or
- (3) associated equipment;

except at a site designated by the department.

(c) A person must not operate a motorized cart on a DNR property except as follows:

- (1) The person must demonstrate both of the following:
 - (A) The person holds a valid driver's license.
 - (B) The person:
 - (i) is at least sixty-five (65) years of age that is evidenced by the valid driver's license; or
 - (ii) has a disability, as defined by the federal Social Security Administration guidelines (42 U.S.C. 416), that is evidenced by documentation from the Social Security Administration.
- (2) A person must not operate a motorized cart other than within a campground.
- (3) A motorized cart must, if operated between the hours of sunset and sunrise, have a lamp on the:
 - (A) front exhibiting a white light visible at least five hundred (500) feet ahead of the motorized cart; and
 - (B) rear exhibiting a red light visible at least five hundred (500) feet behind the motorized cart.
- (4) A restriction applicable to the operation, parking, or other use of a vehicle under this section also applies to a motorized cart.

(5) As used in this subsection, "motorized cart" has the meaning set forth in [IC 14-19-1-0.5](#).

(d) **Unless an activity is licensed or exempted from licensure under this rule, a person must not do the following:**

(1) Leave the designated pathway for a trail while moving cross-country. ~~on a trail must remain on the designated pathway for the trail. A person must not:~~

(2) Except on a trail designated for the purpose:

- ~~(1) (A) hike;~~
- ~~(2) (B) bike;~~
- ~~(3) (C) ski;~~
- ~~(4) (D) horseback ride; or~~
- ~~(5) (F) operate an off-road vehicle or snowmobile.~~

~~except on a trail designated for the purpose. A person must not~~ **(3) Except where designated by the department,** ride, lead, drive, or hitch an animal. ~~except where designated by the department.~~

(e) A person must not launch, dock, or moor a boat, except:

- (1) for approved periods; and
- (2) at sites designated by the department for those purposes.

(f) A person must not:

- (1) leave a boat unattended in a courtesy dock provided by the department; or
- (2) moor a boat at a designated group dock or mooring post unless the boat exhibits a valid mooring permit.

(g) A person must not operate or maintain a boat on a lake unless the person does each of the following:

- (1) Operates the boat according to any horsepower or speed restrictions applicable to the lake.
- (2) Except as provided in subdivisions (3) and (6), obtains and displays a valid annual boat lake permit as follows:

- (A) Purchase from the department a boat lake permit under a fee schedule approved by the commission.
- (B) Affix the permit in a visible location on the forward half of the boat.

(3) Except as provided in subdivision (6), for a motorboat, obtains and displays a valid annual motorboat lake permit as follows:

- (A) Purchase from the department a motorboat lake permit under a fee scheduled approved by the commission.
- (B) Affix the permit in a visible location on the port (left) side immediately following the excise tax decal or registration number.

(4) For a lake containing fewer than three hundred (300) acres, operates a motorboat only if the motorboat is either of the following:

- (A) Powered by an electric trolling motor with not more than:
 - (i) two (2) 12-volt batteries; or
 - (ii) one (1) 24-volt battery.
- (B) Operated on Loon Lake, Otter Lake, or Blue Grass Pit in the Blue Grass Fish and Wildlife Area at not greater than idle speed.

(5) Removes a boat from the lake before the expiration of fourteen (14) consecutive days, unless the boat is moored in an area where the department has approved mooring for a longer duration.

(6) A lake located on a DNR property administered by the division of fish and wildlife is exempted from subdivisions (2) and (3).

(h) A person must not leave a vehicle, boat, or associated equipment at a DNR property unless the person is actively engaged in the use of:

- (1) a DNR property; or
- (2) an adjacent:
 - (A) public freshwater lake; or
 - (B) navigable waterway.

(i) A person must not land, taxi, take off, park, or moor:

- (1) an airborne human transportation device; or
- (2) a motor-driven airborne device;

except at a site designated for that purpose or pursuant to a license.

(Natural Resources Commission; [312 IAC 8-2-8](#); filed Oct 28, 1998, 3:32 p.m.: 22 IR 741, eff Jan 1, 1999; filed Nov 5, 1999, 10:14 a.m.: 23 IR 555, eff Jan 1, 2000; filed Jun 17, 2002, 4:13 p.m.: 25 IR 3715; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315; filed Sep 14, 2005, 2:45 p.m.: 29 IR 463, eff Jan 1, 2006; filed Jun 9, 2006, 3:40 p.m.: [20060705-IR-312050344FRA](#); filed Jun 29, 2007, 2:32 p.m.: [20070725-IR-312060333FRA](#); readopted filed Mar 25, 2010, 2:58 p.m.: [20100421-IR-312100037RFA](#); filed Aug 18, 2011, 11:38 a.m.: [20110914-IR-312100668FRA](#); filed Feb 6, 2012, 3:07 p.m.: [20120307-IR-312110442FRA](#), eff Jan 1, 2013)

[Notice of Public Hearing](#)

Posted: 10/23/2013 by Legislative Services Agency
An [html](#) version of this document.