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TITLE 80 STATE FAIR COMMISSION

Proposed Rule

LSA Document #02-200

DIGEST

Amends 80 IAC 4-3-3 to include an electric personal assistive mobility device within the definition of a motorized cart. Amends 80 IAC 4-3-5 to exclude a person who uses such a device upon the fairgrounds from certain proof of insurance requirements. Effective 30 days after filing with the secretary of state.

80 IAC 4-3-3

80 IAC 4-3-5

SECTION 1. 80 IAC 4-3-3, AS READOPTED AT 25 IR 528, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

80 IAC 4-3-3 Definitions

Authority: IC 15-1.5-2-8; P.L.143-2002

Affected: IC 15-1.5-2

Sec. 3. (a) As used in this rule, “electric personal assistive mobility device” means a self-balancing, two (2) nontandem wheeled device that is designed to transport only one (1) person and that has the following:

- (1) An electric propulsion system with average power of seven hundred fifty (750) watts or one (1) horsepower.
- (2) A maximum speed of less than twenty (20) miles per hour when operated on a paved level surface, when powered solely by the propulsion system referred to in subdivision (1), and when operated by an operator weighting one hundred seventy (170) pounds.

(a) (b) As used in this rule, “motorized cart” means any conveyance that is motor driven, either by gas or electricity, and is used to carry passengers or equipment, and **that** is smaller than normal road type vehicles such as cars, recreational vehicles, or trucks. Motorized carts may be characterized as golf carts, utility carts, or similar forms of vehicles. **Motorized cart includes an electric personal assistive mobility device.**

(b) (c) The definition of motorized cart in subsection (a) does not apply to motorcycles, motor scooters, mopeds, motorized bicycles, or three-wheel or four-wheel off-road type vehicles. (*State Fair Commission; 80 IAC 4-3-3; filed Aug 9, 1993, 10:00 a.m.: 16 IR 2813; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528*)

SECTION 2. 80 IAC 4-3-5, AS READOPTED AT 25 IR 528, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

80 IAC 4-3-5 Procedures for the annual state fair

Authority: IC 15-1.5-2-8; P.L.143-2002

Affected: IC 15-1.5-2

Sec. 5. (a) The procedures in this section will be utilized during the period of the annual state fair period.

(b) All users of motorized carts shall make application for the acquisition and utilization of motorized carts, whether procured by the administration or privately leased or owned, directly to the executive director of the state fair commission. The executive director shall determine the validity of such applications and shall either approve or

disapprove the application.

(c) Fair departments must make application through their respective fair board director. Applications will be forwarded from the fair board director through the fair board coordinator for approval by the fair board president prior to approval by the executive director.

(d) Motorized carts that are to be leased from a commercial source or are privately owned must have a certificate of insurance submitted with the application for registration. The certificate of insurance shall show coverage of motorized carts for personal liability and property damage. **Pursuant to P.L.143-2002, SECTION 10, a person who uses an electric personal assistive mobility device upon the fairgrounds shall be excluded from the insurance requirement of this subsection.**

(e) Applications by vendors, purveyors, concessionaires, and all exhibitors must forward applications along with proof of insurance through the fairgrounds director of concessions prior to approval of the executive director. **Pursuant to P.L.143-2002, SECTION 10, a person who uses an electric personal assistive mobility device upon the fairgrounds shall be excluded from the insurance requirement of this subsection.**

(f) If the application is approved by the executive director, all approved motorized carts must be registered with the procurement department and shall have a certificate of registration affixed to the front of each approved motorized cart. All motorized carts, whether leased or privately owned, must be registered in this fashion. No certificate of registration will be issued by the procurement department without prior approval of the executive director.

(g) The fair board coordinator will coordinate with the procurement department for the unloading, storage, and assignment of motorized carts. The procurement department shall assign motorized carts as directed by the fair board coordinator issued according to the schedule established by the fair board coordinator.

(h) Each applicant will be held responsible for the safe operation of each motorized cart and for ensuring compliance with the provisions of this rule. Any operator found in violation of this rule shall not be allowed to operate any cart for the remainder of the event. (*State Fair Commission; 80 IAC 4-3-5; filed Aug 9, 1993, 10:00 a.m.: 16 IR 2813; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on December 19, 2002 at 9:30 a.m., at the Indiana State Fair Administration Building Conference Room, 1202 East 38th Street, Indianapolis,, Indiana the State Fair Commission will hold a public hearing on proposed amendments to rules relating to the use and operation of electric personal assistive mobility devices. Copies of these rules are now on file at the State Fair Commission, 1202 East 38th Street and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

William Stinson
Executive Director
State Fair Commission