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TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule LSA Document #05-344

DIGEST

Amends 312 IAC 8-2-8 to provide for the use of motorized carts at state parks and recreation areas consistent with amendments to IC 14-19-1-1 that were enacted through HEA 1765-2005. Effective 30 days after filing with the Secretary of State.

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

The Natural Resources Commission is authorized to adopt the proposed amendments under IC 14-10-2-4 and IC 14-19-1-1. The amendments provide for the use of motorized carts at state parks and recreation areas in response to HEA 1765 (P.L.225-2005, SECTION 15). Historically, the use of motorized carts on state parks and recreation areas has been prohibited by rule. The amendments are directed to individual patrons, rather than to small businesses, and would result in a less restrictive regulatory structure. The amendments will not impose requirements or costs on small businesses under IC 4-22-2.1-5. Also, the amendments do not impose an additional requirement or cost under IC 4-22-2-24(d).

312 IAC 8-2-8

SECTION 1. 312 IAC 8-2-8, AS AMENDED AT 29 IR 463, SECTION 3, IS AMENDED TO READ AS FOLLOWS:

312 IAC 8-2-8 Vehicles, trails, watercraft, and aircraft

Authority: 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, curves, or where posted; or

(2) other than on a public road.

(b) A person must not park:

(1) a vehicle;

(2) watercraft; 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 is either of the following:

(i) At least sixty-five (65) years of age that is evidenced by the valid driver's license.

(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 meet the following lighting requirements if operated between the hours of sunset and sunrise:

(A) Have a lamp on the front exhibiting a white light visible at least five hundred (500) feet ahead of the motorized cart.

(B) Have a lamp on the 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, “campground” means an area where provisions are made for the accommodation of any of the following:

(A) Tents.

(B) Recreational vehicles.

(C) Vacation mobile homes.

(6) As used in this subsection, “motorized cart” has the meaning set forth in IC 14-19-1-0.5.

~~(c)~~ **(d)** A person moving cross-country on a trail must remain on the designated pathway for the trail. A person must not:

(1) hike;

(2) bike;

(3) ski;

(4) horseback ride; or

(5) operate an off-road vehicle or snowmobile;

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

~~(d)~~ **(e)** A person must not operate or maintain a watercraft on a lake:

(1) containing fewer than three hundred (300) acres unless powered only by an electric trolling motor with not more than:

(A) two (2) 12-volt batteries; or

(B) one (1) 24-volt battery;

(2) except under motor horsepower and speed zone requirements applicable to the lake; and

(3) for fourteen (14) consecutive days without removal from the lake unless otherwise moored in a designated area.

~~(e)~~ **(f)** A person must not launch, dock, or moor a watercraft or another floating device, except for approved periods and at sites designated by the department for those purposes. A person must not:

(1) leave a watercraft unattended in a courtesy dock provided by the department; or

(2) moor a watercraft at a designated group dock or mooring post unless the watercraft exhibits a valid mooring permit.

~~(f)~~ **(g)** A person must not leave a vehicle, watercraft, 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.

~~(g)~~ **(h)** A person must not land, taxi, take-off, park, or moor:

(1) an aircraft;

(2) a hang glider;

(3) an ultralite;

(4) a powered model aircraft; or

(5) a hot air balloon;

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*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on March 27, 2006 at 9:30 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 4, Indianapolis, Indiana the Natural Resources Commission will hold a public hearing on a proposed amendment to 312 IAC 8-2-8 to provide for the use of motorized carts at state parks and recreation areas consistent with amendments to IC 14-19-1-1 that were enacted through HEA 1765-2005.

The Natural Resources Commission is authorized to adopt the proposed amendments under IC 14-10-2-4 and IC 14-19-1-1. The amendments provide for the use of motorized carts at state parks and recreation areas in response to HEA 1765 (P.L.225-2005, SECTION 15). Historically, the use of motorized carts on state parks and recreation areas has been prohibited by rule. The amendments are directed to individual patrons, rather than to small businesses, and would result in a less restrictive regulatory

structure. The amendments will not impose requirements or costs on small businesses under IC 4-22-2.1-5. Also, the amendments do not impose an additional requirement or cost under IC 4-22-2-24(d).

Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Rick Cockrum
Chairman
Natural Resources Commission