

Proposed Rule
LSA Document #23-538

DIGEST

Adds [312 IAC 8-1.5-5.5](#) to add the definition of "class 1 electric bicycle". Amends [312 IAC 8-1.5-14](#) to clarify the definition of "motorized cart". Amends [312 IAC 8-2-3](#) to remove the requirement that a person hold a valid unlimited license to carry a firearm in order to possess the firearm on department property in compliance with Indiana law. Amends [312 IAC 8-2-8](#) to allow a person to operate a motorized cart on department property if the person: (1) is using the motorized cart within a campground and meets the requirements of [IC 14-19-1-1](#)(2)(A); (2) meets the requirements of [IC 14-19-1-1](#)(2)(B); or (3) holds a valid driver's license and is transporting another person as authorized under either provision; and to allow for Class 1 electric bicycles to be operated on department trails designated by the department as a mountain bike trail. Effective 30 days after filing with the Publisher.

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

[312 IAC 8-1.5-5.5](#); [312 IAC 8-1.5-14](#); [312 IAC 8-2-3](#); [312 IAC 8-2-8](#)

SECTION 1. [312 IAC 8-1.5-5.5](#) IS ADDED TO READ AS FOLLOWS:

[312 IAC 8-1.5-5.5](#) "Class 1 electric bicycle" defined

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

Affected: [IC 9-13-2-26.6](#)

Sec. 5.5. "Class 1 electric bicycle" has the meaning set forth in [IC 9-13-2-26.6](#).

(Natural Resources Commission; [312 IAC 8-1.5-5.5](#))

SECTION 2. [312 IAC 8-1.5-14](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 8-1.5-14](#) "Motorized cart" defined

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

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

Sec. 14. (a) "Motorized cart" means a conveyance that is: **has the meaning set forth in [IC 14-19-1-0.5](#).**

~~(1) motor driven, either by gas or electricity;~~

~~(2) used to carry passengers or equipment; and~~

~~(3) smaller than the types of motor vehicles required to be registered by the bureau of motor vehicles such as a:~~

~~(A) passenger motor vehicle (as defined in [IC 9-13-2-123](#));~~

~~(B) recreational vehicle (as defined in [IC 9-13-2-150](#)); or~~

~~(C) truck (as defined in [IC 9-13-2-188](#)).~~

~~(b) A motorized cart may be characterized as a golf cart, utility cart, or similar form of motor vehicle.~~

~~(c) The term does not include:~~

~~(1) an electric personal assistive mobility device (as defined in [IC 9-13-2-49.3](#));~~

~~(2) a motorcycle (as defined in [IC 9-13-2-108](#));~~

~~(3) a motor scooter (as defined in [IC 9-13-2-104](#));~~

~~(4) a motorized bicycle (as defined in [IC 9-13-2-109](#)); or~~

~~(5) an off road vehicle.~~

(Natural Resources Commission; [312 IAC 8-1.5-14](#); filed Aug 18, 2011, 11:38 a.m.:

[20110914-IR-312100668FRA](#); readopted filed Sep 27, 2016, 1:57 p.m.: [20161026-IR-312160151RFA](#); readopted filed Sep 28, 2022, 8:20 a.m.: [20221026-IR-312220242RFA](#))

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

[312 IAC 8-2-3](#) Firearms, hunting, and trapping

Authority: [IC 14-10-2-4](#); [IC 14-11-2-1](#); [IC 14-22-2-6](#)

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

Sec. 3. (a) A person must not possess a firearm or bow and arrows on a DNR property unless one (1) of the following conditions apply:

- (1) The firearm or bow and arrows are:
 - (A) unloaded and uncocked; and
 - (B) placed in a case or locked within a vehicle.
- (2) The firearm or bow and arrows are possessed at, and of a type designated for usage on:
 - (A) a rifle;
 - (B) a pistol;
 - (C) a shotgun; or
 - (D) an archery;range.
- (3) The firearm or bow and arrows are being used in the lawful pursuit of either of the following:
 - (A) A wild animal on a DNR property authorized for that purpose.
 - (B) A groundhog as authorized under a license.
- (4) The person possesses a handgun on a DNR property other than a reservoir owned by the U.S. Army Corps of Engineers or Falls of the Ohio State Park.
 - (A) ~~with a valid unlimited license to carry a handgun:~~
 - ~~(i) issued under [IC 35-47-2-3](#); or~~
 - ~~(ii) recognized under [IC 35-47-2-21\(b\)](#); or~~
 - ~~(B) pursuant to an exemption to handgun licensure requirements as authorized under [IC 35-47-2-2](#).~~

(b) Except as provided in subsection (a)(1) or (a)(4), a firearm or bow and arrows may not be possessed on DNR properties within any of the following:

- (1) A nature preserve or another property administered by the division of nature preserves unless hunting is authorized under subsection (d).
- (2) A property administered by the division of state museums and historic sites.
- (3) A campground.
- (4) A picnic area.
- (5) A beach.
- (6) A service area.
- (7) A headquarters building.
- (8) A hunter check station.
- (9) A developed recreation site.

(c) A person must not discharge a firearm or bow and arrows on a DNR property except as follows:

- (1) As authorized for a law enforcement officer.
- (2) In the lawful defense of persons or property.
- (3) Under a department permit that authorizes the discharge.
- (4) As authorized at a shooting range.
- (5) In the lawful pursuit of wild animals. The exception provided in this subdivision does not apply within two hundred (200) feet of any of the following:
 - (A) A campsite.
 - (B) A boat dock.
 - (C) A launching ramp.
 - (D) A picnic area.
 - (E) A bridge.

(d) A person may hunt on the following DNR properties:

- (1) A state forest administered by the division of forestry, including a portion of a state forest that is a nature preserve.
- (2) A reservoir property administered by the division of state parks and reservoirs.
- (3) A wildlife area administered by the division of fish and wildlife, including a portion of a wildlife area that is a

nature preserve.

(4) A nature preserve or another property administered by the division of nature preserves, if approved in a written authorization by:

- (A) the director of the division of nature preserves; and
- (B) the owner of the nature preserve, if the owner is other than the state of Indiana.

(e) A person hunting on any of the areas described in subsection (d) must do the following:

(1) Comply with all federal and state:

- (A) hunting;
- (B) trapping; and
- (C) firearms;

laws.

(2) On a fish and wildlife area and a reservoir property, obtain a one (1) day hunting permit and record from a checking station. The person must:

- (A) retain the permit and record card while in the field for the authorized date; and
- (B) as directed, return them to the department.

(3) Refrain from hunting on a nature preserve if prohibited by signage posted at the site.

(f) Unless otherwise posted or designated on a property map, a person must not place a trap except as authorized by a license issued for a property by an authorized representative. This license is in addition to the licensing requirement for traps set forth in [IC 14-22-11-1](#).

(g) A person must not run dogs, except:

- (1) during the lawful pursuit of wild animals; or
- (2) as authorized by a license for field trials or in a designated training area.

A property administered by the division of fish and wildlife may be designated for training purposes without requiring a field trial permit. Only dogs may be used during field trials on a DNR property, except where authorized by a license on a fish and wildlife property.

(h) A person may construct or place a tree stand or hunting blind on a DNR property during the hunting season for the animal being hunted **under the following terms:**

(1) Except as provided in subdivisions (2) and (3), a stand or blind may only be left overnight if it is legibly marked with the:

- (A) name, address, and telephone number of the owner of the stand or blind in the English language; or
- (B) owner's customer identification number issued by the department.

(2) A blind or stand used for deer hunting must comply with [312 IAC 9-3-3](#).

(3) A blind used for hunting migratory birds or waterfowl must:

- (A) comply with [312 IAC 9-4-2](#); and
- (B) be legibly marked with the:
 - (i) name, address, and telephone number of the owner of the stand or blind in the English language; or
 - (ii) owner's customer identification number issued by the department.

(i) The following terms apply to the use of shooting ranges:

(1) A person must not use a shooting range unless the person is:

- (A) at least eighteen (18) years of age; or
- (B) accompanied by a person who is at least eighteen (18) years of age.

(2) A person must:

- (A) register with the department; and
- (B) pay any applicable fees;

before using a shooting range.

(3) Except as otherwise provided in this subdivision, a person must shoot only at paper targets placed on target holders provided by the department. An authorized representative may approve the use of alternative targets on a supervised shooting range if the department determines a hazard to public safety would not result.

(4) A person must fire downrange and take reasonable care to ~~assure~~ **ensure** any projectile is stopped by the range backstop.

(5) Shot not larger than size 6 must be used on a shotgun range.

(6) A person must not:

- (A) discharge a firearm using automatic fire;

- (B) use tracer, armor-piercing, or incendiary rounds;
- (C) play on, climb on, walk on, or shoot into or from the side berms; or
- (D) shoot at clay pigeons, except on a site designated for shooting clay pigeons.

Glass and other forms of breakable targets must not be used on a shooting range.

(7) A person must dispose of the targets used by the person under section 2(a) of this rule.

(8) Permission must be obtained from the department in advance for a shooting event that involves any of the following:

- (A) An entry fee.
 - (B) Competition for any of the following:
 - (i) Cash.
 - (ii) Awards.
 - (iii) Trophies.
 - (iv) Citations.
 - (v) Prizes.
 - (C) The exclusive use of the range or facilities.
 - (D) A portion of the event occurring between sunset and sunrise.
- (9) On a field course, signs and markers must be staked. Trees must not be marked or damaged.

(j) A person must not take a reptile or amphibian unless the person is issued a scientific purposes license under [312 IAC 9-10-6](#). Exempted from this subsection are:

- (1) eastern snapping turtles;
- (2) smooth softshell turtles;
- (3) spiny softshell turtles;
- (4) bullfrogs; and
- (5) green frogs;

taken under [312 IAC 9-5-6](#) from a DNR property where hunting or fishing is authorized.

(k) A person must not possess lead shot while hunting mourning doves on a DNR property.

(l) A person may place a trail or game camera as follows:

- (1) The trail or game camera must be legibly marked with the:
 - (A) name, address, and telephone number of the owner of the camera in the English language; or
 - (B) the individual's customer identification number issued by the department.
- (2) A trail or game camera may only be placed on the following DNR properties:
 - (A) A property administered by the division of fish and wildlife, including a portion of that property that is a nature preserve.
 - (B) A state forest or recreation area administered by the department, including a portion of that property that is a nature preserve.
- (3) Placement of a trail or game camera must not damage a tree.

(m) A person must not place bait on a DNR property, except as follows:

- (1) Bait or food placed for management as authorized by the department.
- (2) The result of authorized agricultural operations on the property. ✖
- (3) A bird feeder placed by a department employee.

(n) As used in this section, "bait" includes:

- (1) a food that is transported to and placed for consumption, including, but not limited to, piles of corn and apples placed on the property;
- (2) a prepared solid or liquid that is manufactured and intended for consumption by livestock, wild deer, or birds, including, but not limited to, commercial baits and food supplements;
- (3) salt; or
- (4) mineral supplements.

(Natural Resources Commission; [312 IAC 8-2-3](#); filed Oct 28, 1998, 3:32 p.m.: 22 IR 739, eff Jan 1, 1999; filed Nov 5, 1999, 10:14 a.m.: 23 IR 553, eff Jan 1, 2000; filed Jun 17, 2002, 4:13 p.m.: 25 IR 3714; filed Sep 19, 2003, 8:14 a.m.: 27 IR 456; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315; filed Sep 14, 2005, 2:45 p.m.: 29 IR 461, eff Jan 1, 2006; filed Jul 11, 2006, 9:04 a.m.: [20060802-IR-312060009FRA](#); filed Sep 6, 2007, 12:20 p.m.: [20071003-IR-312070023FRA](#); filed Mar 11, 2008, 9:34 a.m.: [20080409-IR-312070449FRA](#); filed Mar 12, 2010, 1:25 p.m.: [20100407-IR-312090470FRA](#), eff Jan 1, 2011; readopted filed Mar 25, 2010, 2:58 p.m.:)

[20100421-IR-312100037RFA](#); filed Feb 6, 2012, 3:07 p.m.: [20120307-IR-312110442FRA](#), eff Jan 1, 2013; filed Nov 5, 2012, 2:30 p.m.: [20121205-IR-312120218FRA](#), eff Jan 2, 2013; readopted filed Sep 27, 2016, 1:57 p.m.: [20161026-IR-312160151RFA](#); filed Jun 21, 2022, 12:13 p.m.: [20220720-IR-312210341FRA](#); readopted filed Sep 28, 2022, 8:20 a.m.: [20221026-IR-312220242RFA](#))

SECTION 4. [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 14-19-1-1](#); [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 **unless:**

(1) the person must demonstrate both of the following **is using the motorized cart within a campground and:**

(A) The person holds a valid driver's license **meets the requirements set forth in [IC 14-19-1-1\(2\)\(A\)](#);**

(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.

(B) meets the requirements set forth in [IC 14-19-1-1\(2\)\(B\)](#); or

(C) holds a valid driver's license and is transporting another person as authorized under clause (A) or (B);

~~(2) A person must not operate a motorized cart other than within a campground.~~

~~(3) A~~ **(2) the** motorized cart, ~~must,~~ if operated between the hours of sunset and sunrise, ~~have~~ **has** 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; **and**

~~(4) A restriction~~ **(3) the operator of the motorized cart complies with all restrictions** 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.

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

(A) hike;

(B) bike;

(C) ski;

(D) horseback ride; or

(E) operate an off-road vehicle or snowmobile.

(3) Except where designated by the department, ride, lead, drive, or hitch an animal.

(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~~ **the** 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~~ **schedule** 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, **a** 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:

- (1) land, taxi, take off, park, or moor an airborne human transportation device; or

- (2) knowingly land, taxi, take off, park, or moor on DNR property an unmanned motor-driven airborne device.

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

(j) A person may operate a class 1 electric bicycle on a trail designated by the department as a mountain bike trail.

(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; filed Feb 11, 2014, 3:12 p.m.: [20140312-IR-312130294FRA](#); readopted filed Sep 27, 2016, 1:57 p.m.: [20161026-IR-312160151RFA](#); filed Feb 28, 2018, 9:40 a.m.: [20180328-IR-312170052FRA](#); readopted filed Sep 28, 2022, 8:20 a.m.: [20221026-IR-312220242RFA](#))

[Notice of Public Hearing](#)

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