

HOUSE BILL No. 1132

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-24-1-7; IC 24-4-6.

Synopsis: Golf cart, off-road vehicle, and recovery vehicle regulation. Provides that local ordinances concerning the operation of golf carts and off-road vehicles may require the operator to have a driver's license or be at least 16 years and 180 days of age and hold an identification card. (Current law requires local ordinances to impose these requirements.) Defines "recovery vehicle" as a truck that is specifically designed for towing a disabled vehicle or a combination of vehicles. Requires a person who is in the business of operating a recovery vehicle to: (1) employ a certified safety officer; and (2) develop safety procedures to promote safe recovery vehicle operations and public safety. Requires the state police department to approve training programs to certify individuals as safety officers to teach safe recovery vehicle operations and public safety.

Effective: July 1, 2018.

Davisson

January 4, 2018, read first time and referred to Committee on Roads and Transportation.



Second Regular Session of the 120th General Assembly (2018)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1132

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-24-1-7, AS AMENDED BY P.L.256-2017,
2 SECTION 164, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2018]: Sec. 7. (a) Section 1 of this chapter does
4 not apply to the following individuals:
5 (1) An individual in the service of the armed forces of the United
6 States while operating an official motor vehicle in that service.
7 (2) An individual who is at least sixteen (16) years and one
8 hundred eighty (180) days of age, while operating:
9 (A) road construction or maintenance machinery;
10 (B) a ditch digging apparatus;
11 (C) a well drilling apparatus; or
12 (D) a concrete mixer;
13 that is being temporarily drawn, moved, or propelled on a
14 highway.
15 (3) A nonresident who:
16 (A) is:
17 (i) at least sixteen (16) years and one hundred eighty (180)



- 1 days of age; or
 2 (ii) employed in Indiana;
 3 (B) has in the nonresident's immediate possession a valid
 4 driver's license that was issued to the nonresident in the
 5 nonresident's home state or country; and
 6 (C) is lawfully admitted into the United States;
 7 while operating on a highway the type of motor vehicle for which
 8 the driver's license was issued, subject to the restrictions imposed
 9 by the home state or country of the individual's residence.
- 10 (4) A new Indiana resident who:
 11 (A) possesses a valid driver's license issued by the state or
 12 country of the individual's former residence; and
 13 (B) is lawfully admitted in the United States;
 14 for a period of sixty (60) days after becoming an Indiana resident,
 15 and subject to the restrictions imposed by the state or country of
 16 the individual's former residence while operating upon a highway
 17 the type of motor vehicle for which the driver's license was
 18 issued.
- 19 (5) An individual while operating a farm wagon that is being
 20 temporarily drawn, moved, or propelled on a public highway.
 21 However, to operate the farm wagon on a highway, other than to
 22 temporarily draw, move, or propel it, the individual must be at
 23 least fifteen (15) years of age.
- 24 (6) An individual who does not hold a driver's license or permit
 25 and is authorized to operate a golf cart or an off-road vehicle on
 26 the highways of a county, city, or town in accordance with an
 27 ordinance adopted under IC 9-21-1-3(a)(14) or IC 9-21-1-3.3(a).
- 28 (b) An ordinance adopted under IC 9-21-1-3(a)(14) or
 29 IC 9-21-1-3.3(a) ~~must~~ **may** require that an individual who operates a
 30 golf cart or off-road vehicle in the city, county, or town:
 31 (1) hold a driver's license; or
 32 (2) be at least sixteen (16) years and one hundred eighty (180)
 33 days of age and hold:
 34 (A) an identification card issued under IC 9-24-16; or
 35 (B) a photo exempt identification card issued under
 36 IC 9-24-16.5.
- 37 SECTION 2. IC 24-4-6-1.5 IS ADDED TO THE INDIANA CODE
 38 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 39 1, 2018]: **Sec. 1.5. As used in this chapter, "recovery vehicle" has**
 40 **the meaning set forth in IC 9-13-2-149.8.**
- 41 SECTION 3. IC 24-4-6-2 IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) ~~For the purpose of this~~



1 section, "wrecker" means a motor vehicle with an apparatus capable of
 2 lifting one (1) or more axles of a towed vehicle off the ground for the
 3 purpose of transportation.

4 ~~(b)~~ **(a)** A person who engages in the business of ~~towing disabled~~
 5 ~~motor vehicles with a wrecker operating a recovery vehicle~~ shall
 6 identify each ~~wrecker recovery vehicle~~ used in the business by
 7 painting or permanently affixing identification on both of the ~~wrecker's~~
 8 ~~recovery vehicle's~~ doors:

9 (1) the name of the business; and

10 (2) the name of the city where the ~~wrecker recovery vehicle~~ is
 11 domiciled;

12 in a form that may easily be read by a law enforcement officer.

13 ~~(c)~~ **(b)** A person who engages in the business of ~~towing disabled~~
 14 ~~motor vehicles operating a recovery vehicle~~ who fails to comply with
 15 this section commits a Class C infraction.

16 SECTION 4. IC 24-4-6-3 IS ADDED TO THE INDIANA CODE
 17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 18 1, 2018]: **Sec. 3. (a) Except as provided in subsection (c), a person**
 19 **engaged in the business of operating a recovery vehicle must:**

20 **(1) employ a certified safety officer; and**

21 **(2) develop safety procedures to promote safe recovery vehicle**
 22 **operations and public safety.**

23 **(b) A certified safety officer shall provide training for safe**
 24 **recovery vehicle operations and procedures that promote public**
 25 **safety.**

26 **(c) A person engaged in the business of operating a recovery**
 27 **vehicle may operate the business for not more than six (6) months**
 28 **without employing a certified safety officer.**

29 **(d) A person engaged in the business of operating a recovery**
 30 **vehicle must operate under the safety procedures developed under**
 31 **subsection (a)(2).**

32 **(e) The state police department shall approve training programs**
 33 **to certify individuals as safety officers to teach safe recovery**
 34 **vehicle operations and promote public safety.**

