

Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE ENROLLED ACT No. 1343

AN ACT to amend the Indiana Code concerning motor vehicles.

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

SECTION 1. IC 2-5-28.5-1.3 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 1-3: As used in this chapter, "motor scooter" has the meaning set forth in IC 9-13-2-104.~~

SECTION 2. IC 2-5-28.5-1.5 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 1-5: As used in this chapter, "motorized bicycle" has the meaning set forth in IC 9-13-2-109.~~

SECTION 3. IC 2-5-28.5-4.5 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 4-5: In calendar year 2011, the committee shall study issues related to the use of motorized bicycles and motor scooters in Indiana, including the following topics:~~

(1) Definitions of the following:

(A) Motorized bicycle:

(B) Motor scooter:

(C) Moped:

(D) Motor-driven cycle:

(2) Issues related to:

(A) internal combustion power; and

(B) battery power;

of motor vehicles described in subdivision (1):

(3) Issues relating to:

(A) necessary equipment for;

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- (B) licensing of operators of;
- (C) titling of;
- (D) registration of;
- (E) taxation of; and
- (F) insurance requirements for;

motor vehicles described in subdivision (1).

SECTION 4. IC 6-3.5-4-2, AS AMENDED BY P.L.205-2013, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. (a) An adopting entity of any county may, subject to the limitation imposed by subsection (c), adopt an ordinance to impose an annual license excise surtax at the same rate or amount on each motor vehicle listed in subsection (b) that is registered in the county. The adopting entity may impose the surtax either:

- (1) at a rate of not less than two percent (2%) nor more than ten percent (10%); or
- (2) at a specific amount of at least seven dollars and fifty cents (\$7.50) and not more than twenty-five dollars (\$25).

However, the surtax on a vehicle may not be less than seven dollars and fifty cents (\$7.50). The adopting entity shall state the surtax rate or amount in the ordinance which imposes the tax.

(b) The license excise surtax applies to the following vehicles:

- (1) Passenger vehicles.
- (2) Motorcycles.
- (3) Trucks with a declared gross weight that does not exceed eleven thousand (11,000) pounds.
- (4) Motor driven cycles.**

(c) The adopting entity may not adopt an ordinance to impose the surtax unless it concurrently adopts an ordinance under IC 6-3.5-5 to impose the wheel tax.

(d) Notwithstanding any other provision of this chapter or IC 6-3.5-5, ordinances adopted by a county council before June 1, 2013, to impose or change the annual license excise surtax and the annual wheel tax in the county remain in effect until the ordinances are amended or repealed under this chapter or IC 6-3.5-5.

SECTION 5. IC 6-6-5-5.6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 5.6. There is imposed an annual excise tax on motor driven cycles. The tax shall be paid at the same time the motor driven cycle is registered. Except for the amount of tax imposed, a motor driven cycle is to be treated the same as a vehicle for purposes of this chapter. The amount of tax owed for a motor driven cycle for a year is ten dollars (\$10). The tax is due at the**

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same time the owner is or would be required to pay the motor vehicle excise tax under this chapter.

SECTION 6. IC 7.1-1-3-26.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 26.3. ~~(a)~~ "Motor vehicle" means a vehicle that is self-propelled.

~~(b) The term does not include a motorized bicycle (as defined in IC 9-13-2-109).~~

SECTION 7. IC 9-13-2-25.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 25.8. "Class A motor driven cycle" means a motor vehicle that:**

- (1) has a seat or saddle for the use of the rider;**
- (2) is designed to travel on not more than three (3) wheels in contact with the ground;**
- (3) complies with applicable motor vehicle equipment requirements under IC 9-19 and 49 CFR 571; and**
- (4) is registered as a Class A motor driven cycle under IC 9-18.**

The term does not include an electric personal assistive mobility device.

SECTION 8. IC 9-13-2-26.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 26.5. "Class B motor driven cycle" means a motor vehicle that:**

- (1) has a seat or saddle for the use of the rider;**
- (2) is designed to travel on not more than three (3) wheels in contact with the ground;**
- (3) complies with applicable motor vehicle equipment requirements under IC 9-19 and 49 CFR 571;**
- (4) has a cylinder capacity not exceeding fifty (50) cubic centimeters; and**
- (5) is registered as a Class B motor driven cycle under IC 9-18.**

The term does not include an electric personal assistive mobility device.

SECTION 9. IC 9-13-2-103 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 103. "Military vehicle" means a vehicle that:

- (1) was originally manufactured for military use;
- (2) is motorized or nonmotorized, including a motorcycle, ~~motor scooter,~~ **motor driven cycle,** and trailer;
- (3) is at least twenty-five (25) years old; and

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(4) is privately owned.

SECTION 10. IC 9-13-2-104 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 104. "Motor scooter" means a vehicle that has the following:~~

- ~~(1) Motive power.~~
- ~~(2) A seat, but not a saddle, for the driver.~~
- ~~(3) Two (2) wheels.~~
- ~~(4) A floor pad for the driver's feet.~~

SECTION 11. IC 9-13-2-104.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 104.1. "Motor driven cycle" refers to both of the following:**

- (1) A Class A motor driven cycle.**
- (2) A Class B motor driven cycle.**

SECTION 12. IC 9-13-2-105, AS AMENDED BY P.L.92-2013, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 105. (a) "Motor vehicle" means, except as otherwise provided in this section, a vehicle that is self-propelled. The term does not include a farm tractor, an implement of agriculture designed to be operated primarily in a farm field or on farm premises, or an electric personal assistive mobility device.

(b) "Motor vehicle", for purposes of IC 9-21, means:

- (1) a vehicle ~~except a motorized bicycle~~ that is self-propelled; or
- (2) a vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(c) "Motor vehicle", for purposes of IC 9-19-10.5, ~~and IC 9-25~~, means a vehicle that is self-propelled upon a highway in Indiana. The term does not include **the following:**

- (1) A farm tractor.**
- (2) A motorcycle.**
- (3) A motor driven cycle.**

~~(d) "Motor vehicle", for purposes of IC 9-30-10, does not include a motorized bicycle.~~

~~(e) (d) "Motor vehicle", for purposes of IC 9-32-13, includes a semitrailer.~~

~~(f) (e) "Motor vehicle", for purposes of IC 9-24-6, has the meaning set forth in 49 CFR 383.5 as in effect July 1, 2010.~~

(f) "Motor vehicle", for purposes of IC 9-25, does not include the following:

- (1) A farm tractor.**
- (2) A Class B motor driven cycle.**

SECTION 13. IC 9-13-2-108, AS AMENDED BY P.L.262-2013,

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SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 108. "Motorcycle" means a motor vehicle with motive power that:

- (1) has a seat or saddle for the use of the rider;
- (2) is designed to travel on not more than three (3) wheels in contact with the ground; and
- (3) satisfies the operational and equipment specifications described in 49 CFR 571 and IC 9-19.

The term does not include a farm tractor a ~~motor scooter, or a motorized bicycle, or a motor driven cycle.~~

SECTION 14. IC 9-13-2-109 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 109: "Motorized bicycle" means a two (2) or three (3) wheeled vehicle that is propelled by an internal combustion engine or a battery powered motor, and if powered by an internal combustion engine, has the following:~~

- ~~(1) An engine rating of not more than two (2) horsepower and a cylinder capacity not exceeding fifty (50) cubic centimeters.~~
- ~~(2) An automatic transmission.~~
- ~~(3) A maximum design speed of not more than twenty-five (25) miles per hour on a flat surface.~~

~~The term does not include an electric personal assistive mobility device.~~

SECTION 15. IC 9-13-2-123, AS AMENDED BY P.L.259-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 123. "Passenger motor vehicle" means a motor vehicle designed for carrying passengers. The term includes a low speed vehicle but does not include **the following:**

- (1) A motorcycle.
- (2) A bus.
- (3) A school bus.
- (4) A snowmobile. ~~or~~
- (5) An off-road vehicle.
- (6) A motor driven cycle.**

SECTION 16. IC 9-13-2-196, AS AMENDED BY P.L.9-2010, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 196. (a) "Vehicle" means, except as otherwise provided in this section, a device in, upon, or by which a person or property is, or may be, transported or drawn upon a highway.

(b) "Vehicle", for purposes of IC 9-14 through IC 9-18, does not include the following:

- (1) A device moved by human power.
- (2) A vehicle that runs only on rails or tracks.

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(3) A vehicle propelled by electric power obtained from overhead trolley wires but not operated upon rails or tracks.

(4) A firetruck and apparatus owned by a person or municipal division of the state and used for fire protection.

(5) A municipally owned ambulance.

(6) A police patrol wagon.

(7) A vehicle not designed for or employed in general highway transportation of persons or property and occasionally operated or moved over the highway, including the following:

(A) Road construction or maintenance machinery.

(B) A movable device designed, used, or maintained to alert motorists of hazardous conditions on highways.

(C) Construction dust control machinery.

(D) Well boring apparatus.

(E) Ditch digging apparatus.

(F) An implement of agriculture designed to be operated primarily in a farm field or on farm premises.

(G) An invalid chair.

(H) A yard tractor.

(8) An electric personal assistive mobility device.

(c) For purposes of IC 9-20 and IC 9-21, the term does not include devices moved by human power or used exclusively upon stationary rails or tracks.

(d) For purposes of IC 9-22, the term refers to an automobile, a motorcycle, a truck, a trailer, a semitrailer, a tractor, a bus, a school bus, a recreational vehicle, a trailer or semitrailer used in the transportation of watercraft, or a ~~motorized bicycle~~: **motor driven cycle**.

(e) For purposes of IC 9-24-6, the term has the meaning set forth in 49 CFR 383.5 as in effect July 1, 2010.

(f) For purposes of IC 9-30-5, IC 9-30-6, IC 9-30-8, and IC 9-30-9, the term means a device for transportation by land or air. The term does not include an electric personal assistive mobility device.

SECTION 17. IC 9-17-1-1, AS AMENDED BY P.L.262-2013, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. This article does not apply to **the following:**

(1) Special machinery.

(2) Farm wagons.

(3) A golf cart when operated in accordance with an ordinance adopted under IC 9-21-1-3(a)(14) or IC 9-21-1-3.3(a).

(4) A motor vehicle that was designed to have a maximum design

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speed of not more than twenty-five (25) miles per hour and that was built, constructed, modified, or assembled by a person other than the manufacturer. ~~or~~

(5) Snowmobiles.

(6) Motor driven cycles.

~~or~~ (7) Except as otherwise provided, any other vehicle that is not registered in accordance with IC 9-18-2.

SECTION 18. IC 9-18-2-1, AS AMENDED BY P.L.125-2012, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. (a) A person must register all motor vehicles owned by the person that:

- (1) are subject to the motor vehicle excise tax under IC 6-6-5; and
- (2) will be operated in Indiana.

(b) A person must register all commercial vehicles owned by the person that:

- (1) are subject to the commercial vehicle excise tax under IC 6-6-5.5;
- (2) are not subject to proportional registration under the International Registration Plan; and
- (3) will be operated in Indiana.

(c) A person must register all recreational vehicles owned by the person that:

- (1) are subject to the excise tax imposed under IC 6-6-5.1; and
- (2) will be operated in Indiana.

(d) A person must register all vehicles owned by the person not later than sixty (60) days after becoming an Indiana resident.

(e) Except as provided in subsection (f), an Indiana resident must register all motor vehicles operated in Indiana.

(f) An Indiana resident who has a legal residence in a state that is not contiguous to Indiana may operate a motor vehicle in Indiana for not more than sixty (60) days without registering the motor vehicle in Indiana.

(g) An Indiana resident who has registered a motor vehicle in Indiana in any previous registration year is not required to register the motor vehicle, is not required to pay motor vehicle excise tax under IC 6-6-5 or the commercial vehicle excise tax under IC 6-6-5.5 on the motor vehicle, and is exempt from property tax on the motor vehicle for any registration year in which:

- (1) the Indiana resident is:
 - (A) an active member of the armed forces of the United States; and
 - (B) assigned to a duty station outside Indiana; and

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(2) the motor vehicle is not operated inside or outside Indiana.

This subsection may not be construed as granting the bureau authority to require the registration of any vehicle that is not operated in Indiana.

(h) When an Indiana resident registers a motor vehicle in Indiana after the period of exemption described in subsection (g), the Indiana resident may submit an affidavit that:

(1) states facts demonstrating that the motor vehicle is a motor vehicle described in subsection (g); and

(2) is signed by the owner of the motor vehicle under penalties of perjury;

as sufficient proof that the owner of the motor vehicle is not required to register the motor vehicle during a registration year described in subsection (g). The commission or bureau may not require the Indiana resident to pay any civil penalty or any reinstatement or other fee that is not also charged to other motor vehicles being registered in the same registration year.

(i) Notwithstanding IC 9-18-1-1(a)(7), a person shall register all motor driven cycles owned by the person that:

(1) are subject to the motor vehicle excise tax under IC 6-6-5; and

(2) will be operated in Indiana.

SECTION 19. IC 9-18-2-8, AS AMENDED BY P.L.262-2013, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8. (a) Except as provided in section 7(h) of this chapter and subsection (f), the bureau shall determine the schedule for registration for the following categories of vehicles:

(1) Passenger motor vehicles.

(2) Recreational vehicles.

(3) Motorcycles.

(4) Trucks that:

(A) are regularly rented to others for not more than twenty-nine (29) days in the regular course of the corporation's business; and

(B) have a declared gross weight of not more than eleven thousand (11,000) pounds.

(5) Motor driven cycles.

(b) Except as provided in IC 9-18-12-2.5, a person that owns a vehicle shall receive a license plate, renewal tag, or other indicia upon registration of the vehicle. The bureau may determine the indicia required to be displayed.

(c) A corporation that owns a vehicle that is regularly rented to others for periods of not more than twenty-nine (29) days in the regular

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course of the corporation's business must register the vehicle on the date prescribed by the bureau.

(d) A person that owns a vehicle in a category required to be registered under this section and desires to register the vehicle for the first time must apply to the bureau for a certificate of registration. The bureau shall do the following:

- (1) Administer the certificate of registration.
- (2) Issue the license plate according to the bureau's central fulfillment processes.
- (3) Collect the proper registration and service fees in accordance with the procedure established by the bureau.

(e) Except as provided in IC 9-18-12-2.5, the bureau shall issue a semipermanent plate under section 30 of this chapter, or:

- (1) an annual renewal tag; or
- (2) other indicia;

to be affixed on the semipermanent plate.

(f) After June 30, 2011, the registration of a vehicle under IC 9-18-16-1(a)(1) or IC 9-18-16-1(a)(2) expires on December 14 of each year. However, if a vehicle is registered under IC 9-18-16-1(a)(1) or IC 9-18-16-1(a)(2) and the registration of the vehicle is in effect on June 30, 2011, the registration of the vehicle remains valid:

- (1) throughout calendar year 2011; and
- (2) during the period that:
 - (A) begins January 1, 2012; and
 - (B) ends on the date on which the vehicle was due for reregistration under the law in effect before this subsection took effect.

SECTION 20. IC 9-18-2-12, AS AMENDED BY P.L.262-2013, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 12. The bureau may not register the following motor vehicles:

- (1) A motor vehicle that:
 - (A) is subject under rules adopted under air pollution control laws (as defined in IC 13-11-2-6) to:
 - (i) inspection of vehicle air pollution control equipment; and
 - (ii) testing of emission characteristics; and
 - (B) has not been:
 - (i) inspected; and
 - (ii) certified by an inspection station under IC 13-17-5-5.1(b) that the air pollution equipment is not in a tampered condition and the vehicle meets air emission control standards.

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(2) A motor vehicle that does not comply with applicable motor vehicle equipment requirements under IC 9-19.

(3) A motor vehicle that does not comply with applicable operational and equipment specifications described in 49 CFR 571.

SECTION 21. IC 9-18-2-26, AS AMENDED BY P.L.262-2013, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 26. (a) License plates, including temporary license plates, shall be displayed as follows:

(1) For a motorcycle, **motor driven cycle**, trailer, semitrailer, or recreational vehicle, upon the rear of the vehicle, except as provided in subdivision (4).

(2) For a tractor or dump truck, upon the front of the vehicle.

(3) For every other vehicle, upon the rear of the vehicle, except as provided in subdivision (4).

(4) For a truck with a rear mounted forklift or a mechanism to carry a rear mounted forklift or implement, upon the front of the vehicle.

(b) A license plate shall be securely fastened, in a horizontal position, to the vehicle for which the plate is issued:

(1) to prevent the license plate from swinging;

(2) at a height of at least twelve (12) inches from the ground, measuring from the bottom of the license plate;

(3) in a place and position that are clearly visible;

(4) maintained free from foreign materials and in a condition to be clearly legible; and

(5) not obstructed or obscured by tires, bumpers, accessories, or other opaque objects.

(c) An interim license plate must be displayed in the manner required by IC 9-32-6-11(f).

(d) The bureau may adopt rules the bureau considers advisable to enforce the proper mounting and securing of license plates on vehicles consistent with this chapter.

SECTION 22. IC 9-18-2-29, AS AMENDED BY P.L.210-2005, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 29. Except as otherwise provided, before:

(1) a motor vehicle;

(2) a motorcycle;

(3) a truck;

(4) a trailer;

(5) a semitrailer;

(6) a tractor;

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- (7) a bus;
- (8) a school bus;
- (9) a recreational vehicle; ~~or~~
- (10) special machinery; **or**
- (11) a motor driven cycle;**

is operated or driven on a highway, the person who owns the vehicle must register the vehicle with the bureau and pay the applicable registration fee.

SECTION 23. IC 9-18-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. (a) If a person who registers an antique motor vehicle under this chapter makes substantial alterations or changes to the vehicle after the date of the antique motor vehicle's registration, the registrant shall have the vehicle reinspected by the state police department.

(b) If the antique motor vehicle is not found to be in a mechanical condition that guarantees the vehicle's safe operation upon the highways, the mechanical condition shall be reported to the bureau. The bureau shall do the following:

- (1) Immediately cancel the registration of the antique motor vehicle.
- (2) Notify the person who registered the antique motor vehicle of the cancellation.

~~(c) A motor scooter registered under this chapter is not required to have equipment that was not original on the motor scooter.~~

SECTION 24. IC 9-19-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. **(a) Subject to section 4 of this chapter**, a motor vehicle, ~~other than a motorcycle or motor-driven cycle~~, when operated upon a highway, must be equipped with brakes adequate to control the movement of and to stop and hold the vehicle. ~~The brakes must~~

(b) A motor vehicle other than a motorcycle or motor driven cycle must be equipped with brakes that include two (2) separate means of applying the brakes, each of which means must apply the brakes to at least two (2) wheels. If these two (2) separate means of applying the brakes are connected in any way, the means must be constructed so that failure of one (1) part of the operating mechanism does not leave the motor vehicle without brakes on at least two (2) wheels.

SECTION 25. IC 9-19-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. **Subject to section 4 of this chapter**, a motorcycle and a ~~motor-driven motor driven~~ cycle, when operated upon a highway, must be equipped with

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at least one (1) brake, which may be operated by hand or foot.

SECTION 26. IC 9-19-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 3. **Subject to section 4 of this chapter**, a trailer or semitrailer of a gross weight of at least three thousand (3,000) pounds, when operated upon a highway, must be equipped with brakes adequate to control the movement of and to stop and to hold the vehicle. The brakes must be designed so that the driver of the towing motor vehicle can apply the brakes from the cab, and must be designed and connected so that the brakes will be automatically applied in an accidental breakaway of the towed vehicle.

SECTION 27. IC 9-19-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. (a) Except as provided in subsections (b) through (c), a new motor vehicle, trailer, or semitrailer sold in Indiana and operated upon the highways must be equipped with service brakes upon all wheels of the vehicle.

(b) ~~The following are~~ **A semitrailer of less than three thousand (3,000) pounds gross weight is** not required to be equipped with brakes.

(1) ~~A motorcycle or motor-driven cycle.~~

(2) ~~A semitrailer of less than three thousand (3,000) pounds gross weight.~~

(c) A truck or truck-tractor having at least three (3) axles is not required to have service brakes on the front wheels. If a truck or truck-tractor is equipped with at least two (2) steerable axles, the wheels of one (1) steerable axle are not required to have service brakes although the truck or truck-tractor must be capable of complying with the performance requirements of sections 7 through 8 of this chapter.

SECTION 28. IC 9-19-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 3. (a) A motor vehicle other than a motorcycle or ~~motor-driven~~ **motor driven** cycle must be equipped with at least two (2) head lamps, with at least one (1) of the head lamps on each side of the front of the motor vehicle. The head lamps must comply with this chapter.

(b) Except as provided in subsection (c), a motorcycle and ~~motor-driven~~ **motor driven** cycle must be equipped with at least one (1) and not more than two (2) head lamps that comply with this chapter.

(c) A motorcycle manufactured before January 1, 1956, is not required to be equipped with a head lamp if the motorcycle is not operated at the times when lighted head lamps and other illuminating devices are required under IC 9-21-7-2.

(d) A head lamp upon a motor vehicle, including a motorcycle and

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~~motor-driven~~ **motor driven** cycle, must be located at a height measured from the center of the head lamp of not less than twenty-four (24) inches and not more than fifty-four (54) inches to be measured as set forth in section 2(b) of this chapter.

SECTION 29. IC 9-19-6-4, AS AMENDED BY P.L.34-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. (a) Except as otherwise provided in this section:

- (1) a motor vehicle, trailer, semitrailer, and pole trailer; and
- (2) any other vehicle that is drawn at the end of a train of vehicles;

must be equipped with at least one (1) tail lamp mounted on the rear that when lighted as required in this chapter, emits a red light plainly visible from a distance of five hundred (500) feet to the rear.

(b) Only the tail lamp on the rear-most vehicle of a train of vehicles is required to be seen from the distance specified.

(c) Excluding a truck-tractor semitrailer-semitrailer combination equipped with a B-train assembly (as defined in IC 9-13-2-13) governed by section 7 of this chapter, truck-tractor, motorcycle, or ~~motor-driven~~ **motor driven** cycle:

- (1) a motor vehicle, trailer, semitrailer, and pole trailer; and
- (2) any other vehicle drawn at the end of a train of vehicles;

that is registered in Indiana and manufactured or assembled after January 1, 1956, must be equipped with at least two (2) tail lamps mounted on the rear that, when lighted, complies with this section.

(d) A tail lamp upon a vehicle shall be located at a height of not less than twenty (20) inches and not more than seventy-two (72) inches.

(e) Either a tail lamp or a separate lamp must be placed and constructed so as to illuminate the rear registration plate with a white light and make the plate clearly legible from a distance of fifty (50) feet to the rear. A tail lamp or tail lamps, together with a separate lamp for illuminating the rear registration plate, must be wired so as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

SECTION 30. IC 9-19-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 5. (a) Except as provided in subsections (b) through (d), a new motor vehicle sold and operated upon a highway, other than a truck-tractor, must carry on the rear, either as a part of the tail lamps or separately, two (2) red reflectors.

(b) Except as provided in subsection (c), a motorcycle and ~~motor-driven~~ **motor driven** cycle must carry at least one (1) reflector meeting the requirements of this section.

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(c) A motorcycle manufactured before January 1, 1956, is not required to carry a reflector under this section if the motorcycle is not operated at the times when lighted head lamps and other illuminating devices are required under IC 9-21-7-2.

(d) A vehicle of the type listed in section 7 of this chapter must be equipped with reflectors as required in those sections applicable to those vehicles.

(e) A reflector must be mounted on a vehicle at a height not less than twenty (20) inches and not more than sixty (60) inches as measured in the manner set forth in section 2(b) of this chapter. Except as otherwise provided, a reflector must be of the size and characteristics and mounted so as to be visible at night from all distances within three hundred fifty (350) feet to one hundred (100) feet from the vehicle when directly in front of lawful upper beams of head lamps.

SECTION 31. IC 9-19-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 6. (a) Except as provided in subsection (b), a person may not:

- (1) sell; or
- (2) drive on the highways;

in Indiana a motor vehicle, including a motorcycle or ~~motor-driven~~ **motor driven** cycle unless the vehicle is equipped with at least one (1) stoplight meeting the requirements of section 17 of this chapter.

(b) A motorcycle manufactured before January 1, 1956, is not required to be equipped with a stoplight under subsection (a) if the motorcycle is not operated at the times when lighted head lamps and other illuminating devices are required under IC 9-21-7-2.

(c) This subsection does not apply to a motorcycle or ~~motor-driven~~ **motor driven** cycle. A person may not:

- (1) sell;
- (2) offer for sale; or
- (3) operate on the highways;

a motor vehicle, trailer, or semitrailer registered in Indiana and manufactured or assembled after January 1, 1956, unless the vehicle is equipped with mechanical or electrical turn signals meeting the requirements of section 17 of this chapter.

SECTION 32. IC 9-19-6-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 20. Except as otherwise provided in this chapter, the head lamps, the auxiliary driving lamp, the auxiliary passing lamp, or a combination of these lamps on motor vehicles, other than motorcycles or ~~motor-driven~~ **motor driven** cycles, must be arranged so that the driver may select

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between distributions of light projected to different elevations. The lamps may, in addition, be arranged so that the selection can be made automatically, subject to the following limitations:

- (1) There must be an uppermost distribution of light, or composite beam, aimed and of an intensity to reveal persons and vehicles at a distance of at least three hundred fifty (350) feet ahead for all conditions of loading.
- (2) There must be a lowermost distribution of light, or composite beam, aimed and of an intensity to reveal persons and vehicles at a distance of at least one hundred (100) feet ahead. On a straight level road, under any condition of loading, none of the high-intensity part of the beam may be directed to strike the eyes of an approaching driver.
- (3) A new motor vehicle, other than a motorcycle or ~~motor-driven~~ **motor driven** cycle, registered in Indiana after January 1, 1956, that has multiple-beam road lighting equipment must be equipped with a beam indicator that must be lighted whenever the uppermost distribution of light from the head lamps is in use. The beam indicator must not otherwise be lighted. The beam indicator must be designed and located so that when lighted the indicator is readily visible without glare to the driver of the vehicle so equipped.

SECTION 33. IC 9-19-6-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 22. (a) The head lamp or head lamps upon a **motorcycle or ~~motor-driven~~ motor driven** cycle may be of the single-beam or multiple-beam type.

(b) A head lamp on a **motorcycle or ~~motor-driven~~ motor driven** cycle must be of sufficient intensity to reveal a person or a vehicle at a distance of not less than:

- (1) one hundred (100) feet when the **motorcycle or ~~motor-driven~~ motor driven** cycle is operated at a speed of less than twenty-five (25) miles per hour;
- (2) two hundred (200) feet when the **motorcycle or ~~motor-driven~~ motor driven** cycle is operated at a speed of at least twenty-five (25) miles per hour; and
- (3) **for a motorcycle or Class A motor driven cycle**, three hundred (300) feet when the **motorcycle or ~~motor-driven~~ motor driven** cycle is operated at a speed of at least thirty-five (35) miles per hour.

(c) If a **motorcycle or ~~motor-driven~~ motor driven** cycle is equipped with a multiple beam head lamp, the upper beam must meet the minimum requirements set forth in this section and must not exceed the

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limitations set forth in section 20(1) of this chapter and the lowermost distribution of light as set forth in section 20(2) of this chapter.

(d) If a **motorcycle or motor-driven motor driven** cycle is equipped with a single beam lamp, the lamp must be aimed so that when the vehicle is loaded none of the high-intensity part of the light will, at a distance of twenty-five (25) feet ahead, project higher than the level of the center of the lamp from which the light comes.

SECTION 34. IC 9-19-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. An individual less than eighteen (18) years of age who is operating or riding on a motorcycle **or motor driven cycle** on the streets or highways shall do the following:

(1) Wear ~~protective headgear meeting the minimum standards set by the bureau.~~ **a helmet that meets the standards established by the United States Department of Transportation under 49 CFR 571.218 as in effect January 1, 1979.**

(2) Wear protective glasses, goggles, or transparent face shields.

SECTION 35. IC 9-19-7-2, AS AMENDED BY P.L.87-2010, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. (a) Except as provided in subsection (b), a motorcycle **or motor driven cycle** operated on the streets or highways by a resident of Indiana must meet the following requirements:

(1) Be equipped with handlebars that rise not higher than the shoulders of the driver when the driver is seated in the driver's seat or saddle.

(2) Be equipped with brakes in good working order on both front and rear wheels.

(3) Be equipped with footrests or pegs for both operator and passenger.

(4) Be equipped with lamps and reflectors meeting the standards of the United States Department of Transportation.

(b) A motorcycle **or motor driven cycle** manufactured before January 1, 1956, is not required to be equipped with lamps and other illuminating devices under subsection (a) if the motorcycle **or motor driven cycle** is not operated at the times when lighted head lamps and other illuminating devices are required under IC 9-21-7-2.

SECTION 36. IC 9-19-7-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2.5. A motorcycle **or motor driven cycle** manufactured before January 1, 1956, is not required to be equipped with the following devices:

(1) A rear view mirror.

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(2) A speedometer.

(3) Mechanical or electric turn signals.

SECTION 37. IC 9-19-19-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. A motor vehicle, except a motorcycle or a ~~motor-driven~~ **motor driven** cycle, required to be registered with the bureau must be equipped with a front windshield.

SECTION 38. IC 9-21-5-8.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8.5. A person may not ~~drive~~ **operate** a low speed vehicle on a highway that has a speed limit in excess of thirty-five (35) miles per hour.

SECTION 39. IC 9-21-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 3. (a) This section does not apply to a motorcycle or ~~motorized bicycle~~: **motor driven cycle**.

(b) A motor vehicle must display at least two (2) lighted lamps, one (1) on each side at the front of the motor vehicle.

(c) Whenever a motor vehicle equipped with head lamps required under subsection (b) is also equipped with:

(1) auxiliary lamps;

(2) a spot lamp; or

(3) any other lamp on the front of the motor vehicle projecting a beam of intensity greater than three hundred (300) candlepower; not more than a total of four (4) lamps described in this subsection on the front of a vehicle may be lighted at one (1) time when upon a highway.

(d) Passenger buses, trucks, truck tractors, and certain trailers, semitrailers, and pole trailers must display clearance and marker lamps, reflectors, and stop lights as required under this title when operated upon a highway. Except as provided in subsection (e), all lamp equipment required on vehicles described in this subsection shall be lighted at the times specified in section 2 of this chapter.

(e) Clearance and sidemarker lamps are not required to be lighted on a vehicle described in subsection (d) when the vehicle is operated within a municipality where there is sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred (500) feet.

SECTION 40. IC 9-21-7-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8. (a) This section applies to a vehicle that is parked or stopped upon a roadway or shoulder adjacent to a roadway between thirty (30) minutes after sunset and thirty (30) minutes before sunrise.

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(b) If there is sufficient light to reveal a person or object within a distance of five hundred (500) feet upon the street or highway upon which the vehicle is parked, no lights need be displayed upon the parked vehicle.

(c) This subsection does not apply to a ~~motor-driven~~ **motor driven** cycle. This subsection applies whether a vehicle parked or stopped is attended or unattended. If there is not sufficient light to reveal a person or object within a distance of five hundred (500) feet upon the highway upon which the vehicle is parked or stopped, the vehicle parked or stopped shall be equipped with one (1) or more lamps that meet the following requirements:

- (1) At least one (1) lamp must display a white or amber light visible from a distance of five hundred (500) feet to the front of the vehicle.
- (2) The lamp described in subdivision (1) or at least one (1) other lamp must display a red light visible from a distance of five hundred (500) feet to the rear of the vehicle.
- (3) The lamp or lamps described in subdivisions (1) and (2) shall be installed as near as practicable on the side of the vehicle that is closest to passing traffic.

(d) Lighted head lamps upon a parked vehicle must be depressed or dimmed.

SECTION 41. IC 9-21-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. (a) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway except as follows:

- (1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing overtaking and passing.
- (2) When the right half of a roadway is closed to traffic under construction or repair.
- (3) Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable to a roadway divided into three (3) marked lanes.
- (4) Upon a roadway designated and signposted for one-way traffic.

(b) Upon all roadways, a vehicle proceeding at less than the normal speed of traffic at the time and place under the conditions then existing shall be driven:

- (1) in the right-hand lane then available for traffic; or
- (2) as close as practicable to the right-hand curb or edge of the roadway;

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except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

(c) Upon all roadways, a motor driven cycle shall be driven as close as practicable to the right-hand curb or edge of the roadway except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

SECTION 42. IC 9-21-8-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 20. The Indiana department of transportation may by resolution or order entered in its minutes, and local authorities may by ordinance, with respect to any freeway or interstate highway system under their respective jurisdictions, prohibit the use of a highway by pedestrians, bicycles, or other nonmotorized traffic or by a person operating a ~~motor-driven~~ **motor driven** cycle. The Indiana department of transportation or the local authority adopting a prohibiting regulation shall erect and maintain official signs on the freeway or interstate highway system on which the regulations are applicable. If signs are erected, a person may not disobey the restrictions stated on the signs.

SECTION 43. IC 9-21-9-0.5, AS AMENDED BY P.L.259-2013, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 0.5. (a) This chapter does not apply to the following:

- (1) An electric personal assistive mobility device.
- (2) A low speed vehicle.
- (3) Except as provided in subsection (b), a golf cart or off-road vehicle.

(4) A motor driven cycle.

(b) An ordinance adopted in accordance with IC 9-21-1-3(a)(14) or IC 9-21-1-3.3(a) may require a golf cart or off-road vehicle to display a slow moving vehicle emblem in accordance with section 3 of this chapter or a red or amber flashing lamp in accordance with section 4 of this chapter. A fine assessed for a violation of an ordinance under this section shall be deposited in the general fund of the city, county, or town.

SECTION 44. IC 9-21-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. **(a)** In addition to the person who operates a motorcycle ~~that has only two (2) wheels in contact with the ground or pavement;~~ **or a Class A motor driven cycle**, one (1) person may be carried on the motorcycle **or Class A motor driven cycle**. A passenger may be carried only on a firmly

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attached and regular seat designed for passenger use.

(b) A passenger may not be carried on a Class B motor driven cycle.

SECTION 45. IC 9-21-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. A passenger may not be carried on a motorcycle **or Class A motor driven cycle** in a position that interferes with the operation or control of the motorcycle **or Class A motor driven cycle** or the view of the person who operates the motorcycle **or Class A motor driven cycle**.

SECTION 46. IC 9-21-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 3. A person who operates a motorcycle **or motor driven cycle** may not carry a package, bundle, or other article that prevents the person from keeping both hands on the handlebars.

SECTION 47. IC 9-21-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. A person may not drive, operate, or ride as a passenger on a motorcycle ~~that has only two (2) wheels in contact with the ground or pavement~~ **or Class A motor driven cycle** in a position other than astride the seat or saddle provided.

SECTION 48. IC 9-21-10-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 5. Headlamps shall be illuminated at all times when a motorcycle **or motor driven cycle** is in operation.

SECTION 49. IC 9-21-10-7, AS AMENDED BY HEA 1080-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. (a) Subject to subsection (b), all traffic regulations and all rights and duties inured from the traffic regulations that apply to a person who drives or operates a motor vehicle apply to a person who operates a motorcycle **or motor driven cycle** except the following:

- (1) Regulations that expressly do not apply to motorcycles **or motor driven cycles**.
- (2) Regulations that by their nature have no application.

(b) IC 9-21-3-7(b)(3)(D) applies to the operation of a motorcycle.

SECTION 50. IC 9-21-10-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8. A ~~motorcycle:~~

- (1) ~~with a design speed of not more than thirty (30) miles per hour; and~~
- (2) ~~that has a seat, but not a saddle; motor driven cycle~~ may not be operated on an interstate highway. ~~or on a highway outside the limits of a city or town.~~

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SECTION 51. IC 9-21-10-9 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 9. If a person who is less than eighteen (18) years of age is operating or riding on a motorcycle on the streets or highways, the person shall wear the following:~~

~~(1) Protective headgear meeting the minimum standards set by the bureau.~~

~~(2) Protective glasses, goggles, or a transparent face shield.~~

SECTION 52. IC 9-21-10-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 10. A person may not rent, lease, or furnish a motorcycle **or Class A motor driven cycle** to another person for use on the streets and highways who is not regularly licensed to operate a motor vehicle by the state in which the other person is a resident.

SECTION 53. IC 9-21-10-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 11. A person to whom a motorcycle **or Class A motor driven cycle** is rented, leased, or furnished may not rent, sublease, or otherwise authorize the use of the motorcycle **or Class A motor driven cycle** on the streets and highways to a person who is not licensed to operate a vehicle in Indiana.

SECTION 54. IC 9-21-10-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 12. A person may not rent, lease, or furnish a motorcycle **or motor driven cycle** that is not in safe operating condition.

SECTION 55. IC 9-21-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. A person riding a bicycle **or operating a Class B motor driven cycle** upon a roadway has all the rights and duties under this article that are applicable to a person who drives a vehicle, except the following:

(1) Special regulations of this article.

(2) Those provisions of this article that by their nature have no application.

SECTION 56. IC 9-21-11-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 12. A ~~motorized bicycle~~ **Class B motor driven cycle** may not be operated under any of the following conditions:

(1) By a person less than fifteen (15) years of age.

(2) By a person who has not obtained an identification card **with a Class B motor driven cycle endorsement** under IC 9-24, a permit under IC 9-24, an operator's license under IC 9-24, a chauffeur's license under IC 9-24, or a public passenger chauffeur's license under IC 9-24.

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(3) On an interstate highway or a sidewalk.

(4) At a speed greater than ~~twenty-five (25)~~ **thirty-five (35)** miles per hour.

SECTION 57. IC 9-21-11-13 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 13: A person less than eighteen (18) years of age who operates or rides a motorized bicycle on a street or highway shall do the following:~~

~~(1) Wear protective headgear meeting the minimum standards set by the bureau or a helmet that meets the standards established by the United States Department of Transportation under 49 CFR 571.218 in effect January 1, 1979.~~

~~(2) Wear protective glasses, goggles, or a transparent face shield.~~

SECTION 58. IC 9-24-1-1, AS AMENDED BY P.L.125-2012, SECTION 159, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. **(a)** Except as otherwise provided in this chapter, an individual must have a valid Indiana:

- (1) operator's license;
- (2) chauffeur's license;
- (3) public passenger chauffeur's license;
- (4) commercial driver's license;
- (5) driver's license listed in subdivision (1), (2), (3), or (4) with:
 - (A) a motorcycle endorsement; or**
 - (B) a motorcycle endorsement with a Class A motor driven cycle restriction;**
- (6) learner's permit; or
- (7) motorcycle learner's permit;

issued to the individual by the bureau under this article to **drive operate** upon an Indiana highway the type of motor vehicle for which the license or permit was issued.

(b) An individual must have:

- (1) an unexpired identification card with a Class B motor driven cycle endorsement issued to the individual by the bureau under IC 9-24-16; or**
- (2) a valid driver's license described in subsection (a);**

to operate a Class B motor driven cycle upon an Indiana highway.

SECTION 59. IC 9-24-1-5, AS AMENDED BY P.L.85-2013, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 5. (a) An individual must have: ~~a valid driver's license that may be any of the following to operate a motorcycle upon an Indiana highway:~~

- ~~(1) an a valid operator's, a chauffeur's, a public passenger chauffeur's, or a commercial driver's license with a motorcycle~~

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endorsement;

(2) a **valid** motorcycle learner's permit subject to the limitations imposed under IC 9-24-8; **or**

(3) a **valid** driver's license from any other jurisdiction that is valid for the operation of a motorcycle in that jurisdiction;

to operate a motorcycle upon an Indiana highway.

(b) An individual who held a motorcycle operator's license on December 31, 2011, must hold a valid operator's, chauffeur's, public passenger chauffeur's, or commercial driver's license with a motorcycle endorsement in order to operate a motorcycle after December 31, 2011, without restrictions.

(c) An individual must have:

(1) a **driver's license or learner's permit described in subsection (a); or**

(2) a **valid operator's, chauffeur's, public passenger chauffeur's, or commercial driver's license with a motorcycle endorsement with a Class A motor driven cycle restriction under IC 9-24-8-4(g);**

to operate a Class A motor driven cycle upon an Indiana highway.

SECTION 60. IC 9-24-4-4, AS AMENDED BY P.L.125-2012, SECTION 178, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. A chauffeur's license entitles the licensee to operate a motor vehicle, except a motorcycle, **Class A motor driven cycle**, or commercial motor vehicle without a proper permit or endorsement, upon a public highway. A chauffeur's license does not entitle the licensee to operate a motor vehicle as a public passenger chauffeur.

SECTION 61. IC 9-24-5-3, AS AMENDED BY P.L.85-2013, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 3. A public passenger chauffeur's license entitles the licensee to:

(1) transport persons for hire; and

(2) operate a motor vehicle, except a commercial motor vehicle, **a Class A motor driven cycle**, or a motorcycle without the proper permit or endorsement;

upon a public highway.

SECTION 62. IC 9-24-8-3, AS AMENDED BY P.L.125-2012, SECTION 201, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 3. (a) The bureau shall issue a motorcycle learner's permit to an individual who meets the following conditions:

(1) The individual holds a valid operator's, chauffeur's, public

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passenger chauffeur's, or commercial driver's license issued under this article.

(2) The individual passes a written examination developed by the bureau concerning the safe operation of a motorcycle.

(b) A motorcycle learner's permit authorizes the permit's holder to operate a motorcycle **or Class A motor driven cycle** upon a highway during a period of one (1) year under the following conditions:

(1) The holder wears a helmet that meets the standards established by the United States Department of Transportation under 49 CFR 571.218 as in effect January 1, 1979.

(2) The motorcycle **or Class A motor driven cycle** is operated only during daylight hours.

(3) The motorcycle **or Class A motor driven cycle** does not carry passengers other than the operator.

(c) A motorcycle learner's permit may be renewed one (1) time for a period of one (1) year. An individual who does not obtain a motorcycle operator endorsement before the expiration of the renewed learner's permit must wait one (1) year to reapply for a new motorcycle learner's permit.

SECTION 63. IC 9-24-8-4, AS AMENDED BY P.L.85-2013, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. (a) Except as provided in subsections (b) and (c), the bureau shall validate an operator's, a chauffeur's, a public passenger chauffeur's, or a commercial driver's license for motorcycle operation upon a highway by endorsement to a person who:

(1) satisfactorily completes the written and approved operational skills tests;

(2) satisfactorily completes a motorcycle operator safety education course approved by the bureau as set forth in IC 9-27-7; or

(3) holds a current motorcycle operator endorsement or motorcycle operator's license from any other jurisdiction and successfully completes the written test.

The bureau may waive the testing requirements for an individual who has completed a course described in subdivision (2).

(b) The bureau may not issue a motorcycle endorsement **or a motorcycle endorsement with a Class A motor driven cycle restriction** to an individual less than sixteen (16) years and one hundred eighty (180) days of age.

(c) If an applicant for a motorcycle license endorsement **or a motorcycle endorsement with a Class A motor driven cycle restriction** is less than eighteen (18) years of age, the bureau may not

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issue a license endorsement described in subsection (a) **or (g), as applicable**, if the applicant is ineligible under IC 9-24-2-1.

(d) The bureau shall develop and implement both a written test and an operational skills test to determine whether an applicant for a motorcycle endorsement **or a motorcycle endorsement with a Class A motor driven cycle restriction** demonstrates the necessary knowledge and skills to operate a motorcycle upon a highway. The written test must be made available at license branch locations approved by the bureau. The operational skills test must be given at locations designated by the bureau. The bureau shall adopt rules under IC 4-22-2 to establish standards for persons administering operational skills tests and the provisions of the operational skills test. An individual applying for a motorcycle endorsement **or a motorcycle endorsement with a Class A motor driven cycle restriction** must pass the written exam before taking the operational skills test. If an applicant fails to satisfactorily complete either the written or operational tests, the applicant may reapply for and must be offered the examination upon the same terms and conditions as applicants may reapply for and be offered examinations for an operator's license. The bureau shall publish and make available at all locations where an individual may apply for an operator's license information concerning a motorcycle endorsement **or a motorcycle endorsement with a Class A motor driven cycle restriction**.

(e) An individual may apply for a motorcycle endorsement **or a motorcycle endorsement with a Class A motor driven cycle restriction** not later than the expiration date of the permit. However, an individual who holds a learner's permit and does not pass the operating skills examination after a third attempt is not eligible to take the examination until two (2) months after the date of the last failed examination.

(f) A person who held a valid Indiana motorcycle operator's license on December 31, 2011, may be issued a motorcycle operator's endorsement after December 31, 2011, on a valid Indiana operator's, chauffeur's, public passenger chauffeur's, or commercial driver's license after:

- (1) making the appropriate application for endorsement;
- (2) passing the appropriate examinations; and
- (3) paying the appropriate fee set forth in IC 9-29-9-7 or IC 9-29-9-8.

(g) Except as provided in subsections (b) and (c), the bureau may validate a driver's license described in subsection (a) for Class A motor driven cycle operation upon a highway by endorsement

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with a **Class A motor driven cycle restriction to a person who:**

- (1) makes the appropriate application for endorsement;**
- (2) satisfactorily completes the written and approved operational skills tests described in subsection (a)(1); and**
- (3) pays the appropriate fees under IC 9-29-9.**

SECTION 64. IC 9-24-8-6, AS AMENDED BY P.L.85-2013, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 6. In addition to any other penalty, the bureau:

- (1) shall revoke the motorcycle learner's permit of a person who is convicted of operating a motorcycle **or motor driven cycle** under the influence of alcohol; and
- (2) may not issue a motorcycle learner's permit or motorcycle endorsement to a person referred to in subdivision (1) for at least (1) year after the date of the person's conviction.

SECTION 65. IC 9-24-12-7, AS AMENDED BY P.L.109-2011, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. A motorcycle ~~operator~~ endorsement **or motorcycle endorsement with a Class A motor driven cycle restriction** remains in effect for the same term as the license being endorsed and is subject to renewal at and after the expiration of the license in accordance with this chapter.

SECTION 66. IC 9-24-16-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 1.5. An individual must have:**

- (1) an unexpired identification card with a Class B motor driven cycle endorsement issued to the individual by the bureau under this chapter; or**
 - (2) a valid driver's license described in IC 9-24-1-1(a);**
- to operate a Class B motor driven cycle upon an Indiana highway.**

SECTION 67. IC 9-24-16-2, AS AMENDED BY P.L.85-2013, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. (a) An application for an identification card issued under this chapter must require the following information concerning an applicant:

- (1) The full legal name of the applicant.
- (2) The applicant's date of birth.
- (3) The gender of the applicant.
- (4) The applicant's height, weight, hair color, and eye color.
- (5) The principal address and mailing address of the applicant.
- (6) A:

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- (A) valid Social Security number; or
- (B) verification of an applicant's:
 - (i) ineligibility to be issued a Social Security number; and
 - (ii) identity and lawful status.
- (7) A digital photograph of the applicant.
- (8) The signature of the applicant showing the applicant's legal name as it will appear on the identification card.
- (9) If the applicant is also applying for a Class B motor driven cycle endorsement, verification that the applicant has satisfactorily completed the test required under section 3.6 of this chapter.**

The bureau shall maintain records of the information provided under subdivisions (1) through ~~(8)~~: **(9)**.

(b) The bureau may invalidate an identification card that the bureau believes to have been issued as a result of fraudulent documentation.

(c) The bureau:

- (1) shall adopt rules under IC 4-22-2 to establish a procedure to verify an applicant's identity and lawful status; and
- (2) may adopt rules to establish a procedure to temporarily invalidate an identification card that it believes to have been issued based on fraudulent documentation.

(d) For purposes of subsection (a), an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the individual's principal address and mailing address, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the individual's principal address and mailing address.

(e) In addition to the information required under subsection (a), an application for an identification card to be issued under this chapter must enable the applicant to indicate that the applicant is a veteran of the armed forces of the United States and wishes to have an indication of the applicant's veteran status appear on the identification card. An applicant who wishes to have an indication of the applicant's veteran status appear on the identification card must:

- (1) indicate on the application that the applicant:
 - (A) is a veteran of the armed forces of the United States; and
 - (B) wishes to have an indication of the applicant's veteran status appear on the identification card; and
- (2) verify the applicant's veteran status by providing proof of discharge or separation, other than a dishonorable discharge, from the armed forces of the United States.

The bureau shall maintain records of the information provided under

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this subsection.

SECTION 68. IC 9-24-16-3, AS AMENDED BY SEA 24-2014, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 3. (a) An identification card must have the same dimensions and shape as a driver's license, but the card must have markings sufficient to distinguish the card from a driver's license.

(b) Except as provided in subsection (g), the front side of an identification card must contain the expiration date of the identification card and the following information about the individual to whom the card is being issued:

- (1) Full legal name.
- (2) The address of the principal residence.
- (3) Date of birth.
- (4) Date of issue and date of expiration.
- (5) Unique identification number.
- (6) Gender.
- (7) Weight.
- (8) Height.
- (9) Color of eyes and hair.
- (10) Reproduction of the signature of the individual identified.
- (11) Whether the individual is blind (as defined in IC 12-7-2-21(1)).
- (12) If the individual is less than eighteen (18) years of age at the time of issuance, the dates on which the individual will become:
 - (A) eighteen (18) years of age; and
 - (B) twenty-one (21) years of age.
- (13) If the individual is at least eighteen (18) years of age but less than twenty-one (21) years of age at the time of issuance, the date on which the individual will become twenty-one (21) years of age.
- (14) Digital photograph of the individual.

(c) The information contained on the identification card as required by subsection (b)(12) or (b)(13) for an individual who is less than twenty-one (21) years of age at the time of issuance shall be printed prominently on the identification card.

(d) If the individual:

- (1) has indicated on the application that the individual is a veteran of the armed forces of the United States and wishes to have an indication of the applicant's veteran status appear on the identification card; and
- (2) has provided proof of any discharge or separation, other than a dishonorable discharge, from the armed forces of the United States;

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an indication of the individual's veteran status shall be shown on the identification card.

(e) If the applicant for an identification card submits information to the bureau concerning the applicant's medical condition, the bureau shall place an identifying symbol on the face of the identification card to indicate that the applicant has a medical condition of note. The bureau shall include information on the identification card that briefly describes the medical condition of the holder of the card. The information must be printed in a manner that alerts a person reading the card to the existence of the medical condition. The applicant for an identification card is responsible for the accuracy of the information concerning the medical condition submitted under this subsection. The bureau shall inform an applicant that submission of information under this subsection is voluntary.

- (f) An identification card issued by the state to an individual who:
- (1) has a valid, unexpired nonimmigrant visa or has nonimmigrant visa status for entry in the United States;
 - (2) has a pending application for asylum in the United States;
 - (3) has a pending or approved application for temporary protected status in the United States;
 - (4) has approved deferred action status; or
 - (5) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent residence status in the United States;

must be clearly identified as a temporary identification card. A temporary identification card issued under this subsection may not be renewed without the presentation of valid documentary evidence proving that the holder of the identification card's temporary status has been extended.

(g) For purposes of subsection (b), an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the address of the individual's principal residence, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the address of the individual's principal residence.

(h) The bureau shall validate an identification card for Class B motor driven cycle operation upon a highway by endorsement to an individual who:

- (1) applies for or has previously been issued an identification card under this chapter;**
- (2) makes the appropriate application for endorsement; and**

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(3) satisfactorily completes the test required under section 3.6 of this chapter.

The bureau shall place a designation on the face of the identification card to indicate that the individual has received a Class B motor driven cycle endorsement.

SECTION 69. IC 9-24-16-3.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 3.6. The bureau shall develop and implement a test to determine whether an applicant for a Class B motor driven cycle endorsement demonstrates the necessary knowledge of traffic control devices to operate a Class B motor driven cycle upon a highway. Upon the request of an individual with a disability, or of a representative of an individual with a disability, the bureau shall make available to the individual a test that:**

- (1) complies with this section; and**
- (2) accommodates the individual's disability.**

SECTION 70. IC 9-24-16-10, AS AMENDED BY P.L.85-2013, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 10. (a) The bureau may adopt rules under IC 4-22-2 and prescribe all forms necessary to implement this chapter. However, the bureau may not impose a fee for the issuance of:**

- (1) an original;**
- (2) a renewal of an;**
- (3) a replacement; or**
- (4) an amended;**

identification card to an individual described in subsection (b). For purposes of this subsection, the amendment of an identification card includes the addition of a Class B motor driven cycle endorsement to the identification card.

(b) An identification card must be issued without the payment of a fee or charge to an individual who:

- (1) does not have a valid Indiana driver's license; and**
- (2) will be at least eighteen (18) years of age and eligible to vote in the next general, municipal, or special election.**

SECTION 71. IC 9-24-18-1, AS AMENDED BY HEA 1279-2014, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 1. (a) A person, except a person exempted under IC 9-24-1-7, who knowingly or intentionally operates a motor vehicle upon a highway and has never received a valid driving license commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if the person has a prior unrelated conviction under this**

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section.

(b) In a prosecution under this section, the burden is on the defendant to prove by a preponderance of the evidence that the defendant:

- (1) had been issued a driver's license or permit that was valid; or
- (2) **was operating a Class B motor driven cycle;**

at the time of the alleged offense. **However, it is not a defense under subdivision (2) if the defendant was operating the Class B motor driven cycle in violation of IC 9-21-11-12.**

SECTION 72. IC 9-24-19-7, AS AMENDED BY P.L.85-2013, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. In a prosecution under this chapter, the burden is on the defendant to prove by a preponderance of the evidence that the defendant:

- (1) had been issued a driver's license or permit that was valid; or
- (2) **was operating a Class B motor driven cycle;**

at the time of the alleged offense. **However, it is not a defense under subdivision (2) if the defendant was operating the Class B motor driven cycle in violation of IC 9-21-11-12.**

SECTION 73. IC 9-29-3-10, AS AMENDED BY P.L.109-2011, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 10. (a) Fifty cents (\$0.50) of each service charge collected under this section shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.

(b) The service charge for a motorcycle learner's permit, or motorcycle endorsement, **or motorcycle endorsement with a Class A motor driven cycle restriction** of an operator's license issued to or renewed for an individual who is at least seventy-five (75) years of age is one dollar and fifty cents (\$1.50). The service charge for a motorcycle endorsement **or motorcycle endorsement with a Class A motor driven cycle restriction** of an operator's license issued to or renewed for an individual less than seventy-five (75) years of age is two dollars and twenty-five cents (\$2.25).

SECTION 74. IC 9-29-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 11. (a) The service charge for each motorcycle ~~operator~~ **endorsement or motorcycle endorsement with a Class A motor driven cycle restriction** of a chauffeur's license or a public passenger chauffeur's license is one dollar (\$1).

(b) Fifty cents (\$0.50) of each service charge collected under subsection (a) shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.

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SECTION 75. IC 9-29-5-2, AS AMENDED BY P.L.13-2013, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. The fee for the registration of a motorcycle **or motor driven cycle** is seventeen dollars and thirty cents (\$17.30). The revenue from this fee shall be allocated as follows:

- (1) Seven dollars (\$7) to the motorcycle operator safety education fund established by IC 9-27-7-7.
- (2) An amount prescribed as a license branch service charge under IC 9-29-3.
- (3) Thirty cents (\$0.30) to the spinal cord and brain injury fund under IC 16-41-42.2-3, as provided under section 0.5 of this chapter.
- (4) The balance to the state general fund for credit to the motor vehicle highway account.

SECTION 76. IC 9-29-9-7, AS AMENDED BY P.L.109-2011, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. The fee for validation of a motorcycle **operator endorsement or motorcycle endorsement with a Class A motor driven cycle restriction** under IC 9-24-8-4 and IC 9-24-12-7 of an operator's license issued to an individual who is:

- (1) at least seventy-five (75) years of age is three dollars (\$3); and
- (2) less than seventy-five (75) years of age is four dollars and fifty cents (\$4.50).

SECTION 77. IC 9-29-9-8, AS AMENDED BY P.L.109-2011, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8. The fee for validation of a motorcycle **operator endorsement or motorcycle endorsement with a Class A motor driven cycle restriction** under IC 9-24-8-4 and IC 9-24-12-7 of a chauffeur's license issued to an individual who is:

- (1) at least seventy-five (75) years of age is three dollars (\$3); and
- (2) less than seventy-five (75) years of age is four dollars and fifty cents (\$4.50).

SECTION 78. IC 9-29-9-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 9. The fee for a motorcycle **operator endorsement or motorcycle endorsement with a Class A motor driven cycle restriction** of a public passenger chauffeur's license is one dollar and fifty cents (\$1.50).

SECTION 79. IC 9-30-10-4, AS AMENDED BY P.L.85-2013, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. (a) A person who has accumulated at least two (2) judgments within a ten (10) year period for any of the following violations, singularly or in combination, and

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not arising out of the same incident, is a habitual violator:

- (1) Reckless homicide resulting from the operation of a motor vehicle.
- (2) Voluntary or involuntary manslaughter resulting from the operation of a motor vehicle.
- (3) Failure of the driver of a motor vehicle involved in an accident resulting in death or injury to any person to stop at the scene of the accident and give the required information and assistance.
- (4) Operation of a vehicle while intoxicated resulting in death.
- (5) Before July 1, 1997, operation of a vehicle with at least ten-hundredths percent (0.10%) alcohol in the blood resulting in death.
- (6) After June 30, 1997, and before July 1, 2001, operation of a vehicle with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per:
 - (A) one hundred (100) milliliters of the blood; or
 - (B) two hundred ten (210) liters of the breath;
 resulting in death.
- (7) After June 30, 2001, operation of a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:
 - (A) one hundred (100) milliliters of the blood; or
 - (B) two hundred ten (210) liters of the breath;
 resulting in death.

(b) A person who has accumulated at least three (3) judgments within a ten (10) year period for any of the following violations, singularly or in combination, and not arising out of the same incident, is a habitual violator:

- (1) Operation of a vehicle while intoxicated.
- (2) Before July 1, 1997, operation of a vehicle with at least ten-hundredths percent (0.10%) alcohol in the blood.
- (3) After June 30, 1997, and before July 1, 2001, operation of a vehicle with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per:
 - (A) one hundred (100) milliliters of the blood; or
 - (B) two hundred ten (210) liters of the breath.
- (4) After June 30, 2001, operation of a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:
 - (A) one hundred (100) milliliters of the blood; or
 - (B) two hundred ten (210) liters of the breath.
- (5) Operating a motor vehicle while the person's license to do so

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has been suspended or revoked as a result of the person's conviction of an offense under IC 9-1-4-52 (repealed July 1, 1991), IC 9-24-18-5(b) (repealed July 1, 2000), IC 9-24-19-2, or IC 9-24-19-3. ~~or IC 9-24-19-4.~~

(6) Operating a motor vehicle without ever having obtained a license to do so.

(7) Reckless driving.

(8) Criminal recklessness involving the operation of a motor vehicle.

(9) Drag racing or engaging in a speed contest in violation of law.

(10) Violating IC 9-4-1-40 (repealed July 1, 1991), IC 9-4-1-46 (repealed July 1, 1991), IC 9-26-1-1(1), IC 9-26-1-1(2), IC 9-26-1-2(1), IC 9-26-1-2(2), IC 9-26-1-3, or IC 9-26-1-4.

(11) Any felony under an Indiana motor vehicle statute or any felony in the commission of which a motor vehicle is used.

(12) Operating a Class B motor driven cycle in violation of IC 9-24-1-1(b).

A judgment for a violation enumerated in subsection (a) shall be added to the violations described in this subsection for the purposes of this subsection.

(c) A person who has accumulated at least ten (10) judgments within a ten (10) year period for any traffic violation, except a parking or an equipment violation, of the type required to be reported to the bureau, singularly or in combination, and not arising out of the same incident, is a habitual violator. However, at least one (1) of the judgments must be for a violation enumerated in subsection (a) or (b). A judgment for a violation enumerated in subsection (a) or (b) shall be added to the judgments described in this subsection for the purposes of this subsection.

(d) For purposes of this section, a judgment includes a judgment in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of the offenses described in subsections (a), (b), and (c).

(e) For purposes of this section, the offense date is used when determining the number of judgments accumulated within a ten (10) year period.

SECTION 80. IC 9-30-10-9, AS AMENDED BY P.L.85-2013, SECTION 102, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 9. (a) This section does not apply to a person who:

(1) holds a commercial driver's license; and

(2) has been charged with an offense involving the operation of

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a motor vehicle in accordance with the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159.113 Stat. 1748).

(b) If a court finds that a person:

- (1) is a habitual violator under section 4(c) of this chapter;
- (2) has not been previously placed on probation under this section by a court;
- (3) operates a vehicle for commercial or business purposes, and the person's mileage for commercial or business purposes:
 - (A) is substantially in excess of the mileage of an average driver; and
 - (B) may have been a factor that contributed to the person's poor driving record;
- (4) does not have:
 - (A) a judgment for a violation enumerated in section 4(a) of this chapter; or
 - (B) at least three (3) judgments (singularly or in combination and not arising out of the same incident) of the violations enumerated in section 4(b) of this chapter; and
- (5) has not violated the terms of the person's suspension by operating a vehicle;

the court may place the person on probation in accordance with subsection (d).

(c) If a court finds that a person:

- (1) is a habitual violator under section 4(b) of this chapter;
- (2) has not been previously placed on probation under this section by a court;
- (3) does not have a judgment for any violation listed in section 4(a) of this chapter;
- (4) has had the person's driving privileges suspended under this chapter for at least five (5) consecutive years; and
- (5) has not violated the terms of the person's suspension by operating a vehicle;

the court may place the person on probation in accordance with subsection (d). However, if the person has any judgments for operation of a vehicle before July 1, 2001, while intoxicated or with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per one hundred (100) milliliters of the blood or two hundred ten (210) liters of the breath, or for the operation of a vehicle after June 30, 2001, while intoxicated or with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per one hundred (100) milliliters of the blood or two hundred ten (210) liters of the

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breath, the court, before the court places a person on probation under subsection (d), must find that the person has successfully fulfilled the requirements of a rehabilitation program certified by the division of mental health and addiction or the Indiana judicial center.

(d) Whenever a court places a habitual violator on probation, the court:

- (1) shall record each of the court's findings under this section in writing;
- (2) shall order the bureau to issue the person probationary driving privileges for a fixed period of not more than the applicable remaining period of suspension;
- (3) shall attach restrictions to the person's driving privileges, including restrictions limiting the person's driving to:
 - (A) commercial or business purposes or other employment related driving;
 - (B) specific purposes in exceptional circumstances;
 - (C) rehabilitation programs; and
 - (D) specified hours during which the person may drive;
- (4) shall require the person to submit to reasonable monitoring requirements;
- (5) shall order the person to file proof of future financial responsibility for three (3) years following the date of being placed on probation; and
- (6) shall impose other appropriate conditions of probation, which must include one (1) or more of the following conditions if the person was convicted of an offense described in IC 9-30-10-4(b)(1) through IC 9-30-10-4(b)(4):
 - (A) An order prohibiting the person from operating a motor vehicle ~~or motorized bicycle~~ with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:
 - (i) one hundred (100) milliliters of the person's blood; or
 - (ii) two hundred ten (210) liters of the person's breath;
 or while under the influence of any other intoxicating substance.
 - (B) An order that the person submit to a method to monitor the person's compliance with the prohibition against operating a motor vehicle ~~or motorized bicycle~~ with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:
 - (i) one hundred (100) milliliters of the person's blood; or
 - (ii) two hundred ten (210) liters of the person's breath;

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or while intoxicated (as defined under IC 9-13-2-86).

(C) The court shall determine the appropriate monitoring method, which may include one (1) or more of the following:

(i) The person may operate only a motor vehicle equipped with an ignition interlock device.

(ii) The person must submit to a chemical test if a law enforcement officer lawfully stops the person while operating a motor vehicle ~~or motorized bicycle~~ and the law enforcement officer requests that the person submit to a chemical test.

(iii) The person must wear a device that detects and records the person's use of alcohol.

(iv) The person must submit to any other reasonable monitoring requirement as determined by the court.

(e) If a court finds that a person:

(1) is a habitual violator under section 4(b) or 4(c) of this chapter;

(2) does not have any judgments for violations under section 4(a) of this chapter;

(3) does not have any judgments or convictions for violations under section 4(b) of this chapter, except for judgments or convictions under section 4(b)(5) of this chapter that resulted from driving on a suspended license that was suspended for:

(A) the commission of infractions only; or

(B) previously driving on a suspended license;

(4) has not been previously placed on probation under this section by a court; and

(5) has had the person's driving privileges suspended under this chapter for at least three (3) consecutive years and has not violated the terms of the person's suspension by operating a vehicle for at least three (3) consecutive years;

the court may place the person on probation under the conditions described in subsection (d)(1) through (d)(5).

(f) If the bureau receives an order granting probationary driving privileges to a person who, according to the records of the bureau, does not qualify under this chapter, the bureau shall do the following:

(1) Issue the person probationary driving privileges and notify the prosecuting attorney of the county from which the order was received that the person is not eligible for the rescission and reinstatement.

(2) Send a certified copy of the person's driving record to the prosecuting attorney.

The prosecuting attorney shall, in accordance with IC 35-38-1-15,

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petition the court to correct the court's order. If the bureau does not receive a corrected order within sixty (60) days, the bureau shall notify the attorney general, who shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order.

SECTION 81. IC 9-30-10-13, AS AMENDED BY P.L.85-2013, SECTION 103, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 13. (a) The bureau may issue driving privileges to a habitual violator whose driving privileges were suspended under section 5(b) of this chapter if the following conditions exist:

(1) The time specified for the person's probation or the restriction or suspension of the person's driving privileges has elapsed.

(2) The person has met all the requirements of all applicable statutes and rules relating to the licensing of motor vehicle operators.

(3) The person files with the bureau and maintains, for three (3) years after termination of probation, restriction, or suspension of driving privileges, proof of future financial responsibility in accordance with IC 9-25.

(4) If the person has a prior conviction for operating while intoxicated, the bureau places a restriction on the person's driver's license and driving record that indicates the person is prohibited from operating a motor vehicle ~~or motorized bicycle~~ with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath;

for three (3) years after termination of probation, restriction, or suspension of driving privileges.

(5) The person signs a bureau form by which the person agrees that as a condition to obtaining the driving privileges the person will submit to a chemical test at any time during the period three (3) years after termination of probation, restriction, or suspension of driving privileges if a law enforcement officer lawfully stops the person while operating a motor vehicle ~~or motorized bicycle~~ and the law enforcement officer requests that the person submit to a chemical test.

(b) The bureau may issue driving privileges to operate a motor vehicle to a habitual violator whose driving privileges have been suspended for life if the following conditions exist:

(1) The bureau has received an order for rescission of suspension and reinstatement issued under section 15 of this chapter.

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(2) The person to whom the driving privileges are to be issued has never been convicted of a violation described in section 4(a) or 17 of this chapter.

(3) The person has not been convicted of an offense under section 16 of this chapter more than one (1) time.

(4) The person has met all the requirements of all applicable statutes and rules relating to the licensing of motor vehicle operators.

(5) The person:

(A) files with the bureau; and

(B) maintains for three (3) years after rescission of the suspension;

proof of future financial responsibility in accordance with IC 9-25.

(6) If the person has a prior conviction for operating while intoxicated, the bureau places a restriction on the person's driver's license and driving record that indicates the person is prohibited from operating a motor vehicle ~~or motorized bicycle~~ with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath;

or while intoxicated (as defined under IC 9-13-2-86) for three (3) years after termination of probation, restriction, or suspension of driving privileges.

(7) The person signs a bureau form by which the person agrees that as a condition to obtaining the driving privileges the person will submit to a chemical test at any time during the period three (3) years after termination of probation, restriction, or suspension of driving privileges if a law enforcement officer lawfully stops the person while operating a motor vehicle ~~or motorized bicycle~~ and the law enforcement officer requests that the person submit to a chemical test.

(c) A habitual violator is not eligible for relief under the hardship provisions of IC 9-24-15.

(d) The bureau shall not issue driving privileges to a person who does not satisfy all of the requirements set forth in subsections (a) and (b).

SECTION 82. IC 9-30-10-15, AS AMENDED BY P.L.85-2013, SECTION 105, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 15. (a) Upon receiving a petition filed under section 14 of this chapter, a court shall set a date

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for hearing the matter and direct the clerk of the court to provide notice of the hearing date to the following:

- (1) The petitioner.
- (2) The prosecuting attorney of the county where the petitioner resides.
- (3) The bureau.

(b) A court may order the rescission of the order that required the suspension of the petitioner's driving privileges for life and may order the bureau to reinstate the driving privileges of a petitioner whose driving privileges have been suspended for life if, after the hearing of the matter, the court makes the following written findings and conclusions, based on clear and convincing evidence:

- (1) That the petitioner has never been convicted of a violation described in section 4(a) of this chapter.
- (2) That the petitioner has never been convicted of an offense under section 17 of this chapter.
- (3) That the petitioner has not been convicted of an offense under section 16 of this chapter more than one (1) time.
- (4) If the person is petitioning the court under section 14(a) of this chapter that ten (10) years have elapsed since the date on which an order was issued that required the suspension of the petitioner's driving privileges for life.
- (5) That there has been a substantial change in the petitioner's circumstances indicating the petitioner would no longer pose a risk to the safety of others if the petitioner's driving privileges were reinstated.
- (6) That there has been a substantial change in the petitioner's circumstances indicating that the suspension of the petitioner's driving privileges for life has become unreasonable.
- (7) That it is in the best interests of society for the petitioner's driving privileges to be reinstated.
- (8) If the person is petitioning the court under section 14(e) of this chapter:
 - (A) that three (3) years have elapsed since the date the order was issued that required the suspension of the petitioner's driving privileges for life; and
 - (B) that the conditions listed under section 14(e) of this chapter are satisfied.

(c) The petitioner has the burden of proof under this section and an order issued under subsection (b) is a final order, appealable by any party to the action.

(d) In an order for reinstatement of driving privileges issued under



this section, the court may require the bureau to issue the prevailing petitioner:

- (1) driving privileges under section 13(b) of this chapter; or
- (2) restricted driving privileges for a time and subject to conditions specified by the court, which must include one (1) or more of the following conditions if the person was determined to be a habitual violator under IC 9-30-10-4(a)(4) through IC 9-30-10-4(a)(7) or IC 9-30-10-4(b)(1) through IC 9-30-10-4(b)(4):

- (A) Specified hours during which the person may drive.

- (B) An order prohibiting the person from operating a motor vehicle ~~or motorized bicycle~~ with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:

- (i) one hundred (100) milliliters of the person's blood; or
- (ii) two hundred ten (210) liters of the person's breath;

or while intoxicated (as defined under IC 9-13-2-86).

- (C) An order that the person submit to a method to monitor the person's compliance with the prohibition against operating a motor vehicle ~~or motorized bicycle~~ with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:

- (i) one hundred (100) milliliters of the person's blood; or
- (ii) two hundred ten (210) liters of the person's breath;

or while intoxicated (as defined under IC 9-13-2-86).

- (D) The court shall determine the appropriate monitoring method, which may include one (1) or more of the following:

- (i) The person may operate only a motor vehicle equipped with an ignition interlock device.

- (ii) The person must submit to a chemical test if a law enforcement officer lawfully stops the person while operating a motor vehicle ~~or motorized bicycle~~ and the law enforcement officer requests that the person submit to a chemical test.

- (iii) The person must wear a device that detects and records the person's use of alcohol.

- (iv) The person must submit to any other reasonable monitoring requirement as determined by the court.

- (e) If a court orders the bureau to issue restricted or probationary driving privileges to a petitioner under subsection (d), the court shall specify the conditions under which the petitioner may be issued driving privileges to operate a motor vehicle under section 13(b) of this

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chapter. After the expiration date of the restricted or probationary driving privileges and upon:

- (1) fulfillment by the petitioner of the conditions specified by the court; and
- (2) the expiration of the restricted driving privileges issued under subsection (d)(2);

the bureau shall issue the petitioner driving privileges to operate a motor vehicle under section 13(b) of this chapter.

(f) If the bureau receives an order granting a rescission of the suspension order and reinstatement of driving privileges to a person who, according to the records of the bureau, does not qualify under this chapter, the bureau shall do the following:

- (1) Issue the person probationary driving privileges and notify the prosecuting attorney of the county from which the order was received that the person is not eligible for the rescission and reinstatement.
- (2) Send a certified copy of the person's driving record to the prosecuting attorney.

The prosecuting attorney shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order. If the bureau does not receive a corrected order within sixty (60) days, the bureau shall notify the attorney general, who shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order.

SECTION 83. IC 9-30-10-17.5, AS AMENDED BY P.L.125-2012, SECTION 358, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 17.5. A person who operates a vehicle ~~or motorized bicycle~~ in violation of conditions of restricted driving privileges ordered by a court under section 9(d)(6) or 15(d)(2) of this chapter commits a Class A misdemeanor.

SECTION 84. IC 9-30-10-18, AS AMENDED BY P.L.28-2010, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 18. **(a)** In a criminal action brought under section 16, 17, or 17.5 of this chapter, it is a defense that the operation of a motor vehicle ~~or motorized bicycle~~ was necessary to save life or limb in an extreme emergency. The defendant must bear the burden of proof by a preponderance of the evidence to establish this defense.

(b) In an action brought under section 16, 17, or 17.5 of this chapter, it is a defense that the defendant was operating a Class B motor driven cycle, unless the defendant was operating the Class B motor driven cycle in violation of IC 9-21-11-12. The defendant must bear the burden of proof by a preponderance of the evidence to establish this defense.

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SECTION 85. IC 13-11-2-130.1, AS ADDED BY P.L.170-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 130.1. (a) "Motor vehicle", for purposes of this chapter, means a vehicle that is self-propelled on a highway in Indiana. The term does not include a farm tractor or a ~~motorized bicycle~~ **motor driven cycle**.

(b) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.

SECTION 86. IC 14-19-1-0.5, AS ADDED BY P.L.225-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 0.5. (a) "Motorized cart" means a conveyance that is:

- (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).

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

(b) 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);~~
- (3) a motor driven cycle (as defined in IC 9-13-2-104.1);** or
- ~~(5) (4) an off-road vehicle.~~

SECTION 87. IC 24-5-13-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 5. As used in this chapter, "motor vehicle" or "vehicle" means any self-propelled vehicle that:

- (1) has a declared gross vehicle weight of less than ten thousand (10,000) pounds;
- (2) is sold to:
 - (A) a buyer in Indiana and registered in Indiana; or
 - (B) a buyer in Indiana who is not an Indiana resident (as defined in IC 9-13-2-78);
- (3) is intended primarily for use and operation on public highways; and
- (4) is required to be registered or licensed before use or operation.

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The term does not include conversion vans, motor homes, farm tractors, and other machines used in the actual production, harvesting, and care of farm products, road building equipment, truck tractors, road tractors, motorcycles, ~~mopeds~~, **motor driven cycles**, snowmobiles, or vehicles designed primarily for offroad use.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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