



February 21, 2003

SENATE BILL No. 384

DIGEST OF SB 384 (Updated February 18, 2003 8:30 PM - DI 106)

Citations Affected: IC 14-16.

Synopsis: Firearms on off-road vehicles and snowmobiles. Permits a person who possesses a handgun license to transport a handgun while operating an off-road vehicle or snowmobile.

Effective: July 1, 2003.

Nugent, Clark

January 16, 2003, read first time and referred to Committee on Criminal, Civil and Public Policy.
February 20, 2003, amended, reported favorably — Do Pass.

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SB 384—LS 7677/DI 47+



February 21, 2003

First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

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SENATE BILL No. 384

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

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

- 1 SECTION 1. IC 14-16-1-23 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 23. (a) An individual
3 shall not operate a vehicle under any of the following conditions:
4 (1) At a rate of speed greater than is reasonable and proper having
5 due regard for existing conditions.
6 (2) While:
7 (A) under the influence of intoxicating liquor; or
8 (B) unlawfully under the influence of a narcotic or other habit
9 forming or dangerous depressant or stimulant drug.
10 (3) During the hours from thirty (30) minutes after sunset to thirty
11 (30) minutes before sunrise without displaying a lighted headlight
12 and a lighted taillight.
13 (4) In a forest nursery, a planting area, or public land posted or
14 reasonably identified as an area of forest or plant reproduction
15 and when growing stock may be damaged.
16 (5) On the frozen surface of public waters within:
17 (A) one hundred (100) feet of an individual not in or upon a

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- 1 vehicle; or
- 2 (B) one hundred (100) feet of a fishing shanty or shelter;
- 3 except at a speed of not more than five (5) miles per hour.
- 4 (6) Unless the vehicle is equipped with a muffler in good working
- 5 order and in constant operation to prevent excessive or unusual
- 6 noise and annoying smoke.
- 7 (7) Within one hundred (100) feet of a dwelling between midnight
- 8 and 6:00 a.m., except on the individual's own property or property
- 9 under the individual's control or as an invited guest.
- 10 (8) On any property without the consent of the landowner or
- 11 tenant.
- 12 (9) ~~While~~ **Except as provided in subsection (b), while**
- 13 **transporting on or in the vehicle a firearm unless the firearm is:**
- 14 (A) unloaded; ~~and or~~
- 15 (B) ~~securely encased or~~ equipped with and made inoperative
- 16 by a manufactured keyed trigger housing mechanism.
- 17 (10) On or across a cemetery or burial ground.
- 18 (11) Within one hundred (100) feet of a slide, ski, or skating area,
- 19 except for the purpose of servicing the area.
- 20 (12) On a railroad track or railroad right-of-way, except railroad
- 21 personnel in the performance of duties.
- 22 (13) In or upon a flowing river, stream, or creek, except for the
- 23 purpose of crossing by the shortest possible route, unless the
- 24 river, stream, or creek is of sufficient water depth to permit
- 25 movement by flotation of the vehicle at all times.
- 26 (14) An individual shall not operate a vehicle while a bow is
- 27 present in or on the vehicle if the nock of an arrow is in position
- 28 on the string of the bow.

29 **(b) Subsection (a)(9) does not apply to a person who is carrying**
 30 **a handgun if the person is:**

- 31 **(1) licensed to carry a handgun under IC 35-47-2; or**
- 32 **(2) not required to possess a license to carry a handgun under**
 33 **IC 35-47-2-2.**

34 SECTION 2. IC 14-16-1-29, AS AMENDED BY P.L.158-2002,
 35 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2003]: Sec. 29. (a) A person who violates section 17, 23(2),
 37 or 24 of this chapter commits a Class B misdemeanor.

38 (b) A person who violates section 8, 9, 11, 12, 13, 14, 18, 19, 20, 21,
 39 23(1), 23(3), 23(4), 23(5), 23(6), 23(7), 23(8), 23(9), 23(10), 23(11),
 40 23(12), 23(13), ~~23(14)~~, or 27 of this chapter commits a Class C
 41 infraction.

42 SECTION 3. IC 14-16-2-24 IS AMENDED TO READ AS



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1 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 24. An individual shall
 2 not operate a snowmobile under any of the following conditions:

3 (1) At a rate of speed greater than is reasonable and proper having
 4 due regard for existing conditions.

5 (2) While:

6 (A) under the influence of intoxicating liquor; or

7 (B) unlawfully under the influence of a narcotic or other habit
 8 forming or dangerous depressant or stimulant drug.

9 (3) During the hours from one-half (1/2) hour after sunset to
 10 one-half (1/2) hour before sunrise without displaying a lighted
 11 headlight and a lighted taillight.

12 (4) In a forest nursery, a planting area, or public land posted or
 13 reasonably identified as an area of forest or plant reproduction
 14 and when growing stock may be damaged.

15 (5) On the frozen surface of public waters within:

16 (A) one hundred (100) feet of an individual not in or upon a
 17 snowmobile; or

18 (B) one hundred (100) feet of a fishing shanty or shelter;
 19 except at a speed of not more than five (5) miles per hour.

20 (6) Unless the snowmobile is equipped with a muffler in good
 21 working order and in constant operation to prevent excessive or
 22 unusual noise and annoying smoke.

23 (7) Within one hundred (100) feet of a dwelling between midnight
 24 and 6:00 a.m., except on the individual's own property or property
 25 under the individual's control or as an invited guest.

26 (8) On any property without the consent of the landowner or
 27 tenant.

28 ~~(9) While transporting on the snowmobile a firearm unless~~
 29 ~~unloaded and securely encased or equipped with and made~~
 30 ~~inoperative by a manufactured keylocked trigger housing~~
 31 ~~mechanism.~~

32 ~~(+0) (9)~~ On or across a cemetery or burial ground.

33 ~~(+1) (10)~~ Within one hundred (100) feet of a slide, ski, or skating
 34 area, except for the purpose of servicing the area.

35 ~~(+2) (11)~~ On a railroad track or railroad right-of-way, except
 36 railroad personnel in performance of duties.

37 ~~(+3) (12)~~ On public property unless authorized to do so.

38 ~~(+4) (13)~~ While a bow is present on the snowmobile, if the nock
 39 of an arrow is in position on the string of the bow.

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SENATE MOTION

Mr. President: I move that Senator Clark be added as second author of Senate Bill 384.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Criminal, Civil and Public Policy, to which was referred Senate Bill No. 384, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 2, after "Sec. 23." insert "(a)".

Page 2, line 12, reset in roman "(9)".

Page 2, line 12, after "While" insert "**Except as provided in subsection (b), while**".

Page 2, line 12, reset in roman "transporting on or in the vehicle a firearm unless the".

Page 2, reset in roman line 13.

Page 2, line 14, reset in roman "(A) unloaded;".

Page 2, line 14, after "and" insert "**or**".

Page 2, line 15, reset in roman "(B)".

Page 2, line 15, reset in roman "equipped with and made inoperative".

Page 2, reset in roman line 16.

Page 2, line 17, reset in roman "(10)".

Page 2, line 17, delete "(9)".

Page 2, line 18, reset in roman "(11)".

Page 2, line 18, delete "(10)".

Page 2, line 20, reset in roman "(12)".

Page 2, line 20, delete "(11)".

Page 2, line 22, reset in roman "(13)".

Page 2, line 22, delete "(12)".

Page 2, line 26, reset in roman "(14)".

Page 2, line 26, delete "(13)".

Page 2, between lines 28 and 29, begin a new paragraph and insert:
"(b) Subsection (a)(9) does not apply to a person who is carrying a handgun if the person is:

(1) licensed to carry a handgun under IC 35-47-2; or

(2) not required to possess a license to carry a handgun under IC 35-47-2-2."

and when so amended that said bill do pass.

(Reference is to SB 384 as introduced.)

LONG, Chairperson

Committee Vote: Yeas 8, Nays 1.

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