



February 20, 2004

# ENGROSSED SENATE BILL No. 298

DIGEST OF SB 298 (Updated February 18, 2004 7:01 pm - DI 92)

**Citations Affected:** IC 6-6; IC 9-13; IC 9-18; IC 9-19; IC 9-20; IC 9-21; IC 9-24; IC 9-29; IC 13-11; IC 26-1; noncode.

**Synopsis:** Lighting and marking of agricultural equipment. Provides that an implement of agriculture and a farm tractor manufactured after June 30, 2005, must be fitted with equipment that meets certain national standards when operated on a highway. Requires the criminal justice institute to adopt rules for the design of a slow moving vehicle emblem. Changes the defined term "implement of husbandry" to "implement of agriculture" for purposes of the motor vehicle code, and requires the bureau of motor vehicles (bureau) to determine categories of implements of agriculture by rule. Redefines the term "farm tractor" for purposes of the motor vehicle code. Defines special machinery and sets a fee for registration. Provides that certain motor vehicles may be operated and registered as farm trucks, farm trailers, or farm semitrailers and tractors if not used for certain commercial enterprises. Makes it a Class C infraction (and a Class B infraction for a second offense within three years) to operate or own a farm truck, farm trailer, or farm semitrailer and tractor if the vehicle is used for certain commercial enterprises. Requires the bureau to adopt rules to identify  
(Continued next page)

**Effective:** Upon passage; July 1, 2004.

## Jackman

(HOUSE SPONSORS — CHOWNING, CHERRY, BISCHOFF,  
VAN HAAFTEN)

January 8, 2004, read first time and referred to Committee on Transportation and Homeland Security.

January 22, 2004, reported favorably — Do Pass.

January 26, 2004, read second time, ordered engrossed. Engrossed.

January 29, 2004, read third time, passed. Yeas 47, nays 0.

### HOUSE ACTION

February 4, 2004, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.

February 19, 2004, amended, reported — Do Pass.

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and define "farm truck", "farm trailer", and "farm semitrailer and tractor". Prohibits a law enforcement officer from impounding certain farm products when a vehicle is discovered in violation of registration requirements and removes the penalty against an officer for a reckless violation of this provision. Revises the exclusion of certain garden tractors from the application of the waste tire management fund fee. Repeals the definitions of "farm machinery", "farm tractor used in transportation", and "special farm machinery", and repeals references to those terms within the motor vehicle code. Deletes an obsolete reference to a financing statement for a farm tractor. Repeals the license fee for certain vehicles used in farming operations. Makes conforming amendments.

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February 20, 2004

Second Regular Session 113th General Assembly (2004)

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 2003 Regular Session of the General Assembly.

# ENGROSSED SENATE BILL No. 298



A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

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

1 SECTION 1. IC 6-6-1.1-903 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 903. (a) A person is  
 3 entitled to a refund of gasoline tax paid on gasoline purchased or used  
 4 for the following purposes:

- 5 (1) Operating stationary gas engines.
- 6 (2) Operating equipment mounted on motor vehicles, whether or  
 7 not operated by the engine propelling the motor vehicle.
- 8 (3) Operating a tractor used for agricultural purposes.
- 9 (3.1) Operating implements of ~~husbandry~~ **agriculture** (as defined  
 10 in IC 9-13-2-77).
- 11 (4) Operating motorboats or aircraft.
- 12 (5) Cleaning or dyeing.
- 13 (6) Other commercial use, except propelling motor vehicles  
 14 operated in whole or in part on an Indiana public highway.
- 15 (7) Operating a taxicab (as defined in section 103 of this chapter).

16 (b) If a refund is not issued within ninety (90) days of filing of the  
 17 verified statement and all supplemental information required by

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1 IC 6-6-1.1-904.1, the department shall pay interest at the rate  
2 established by IC 6-8.1-9 computed from the date of filing of the  
3 verified statement and all supplemental information required by the  
4 department until a date determined by the administrator that does not  
5 precede by more than thirty (30) days the date on which the refund is  
6 made.

7 SECTION 2. IC 9-13-2-56 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 56. ~~(a)~~ "Farm tractor"  
9 means ~~except as provided in subsection (b);~~ a motor vehicle designed  
10 and used primarily as a farm implement for drawing ~~farm machinery~~  
11 ~~including plows, mowing machines, harvesters, and other implements~~  
12 of ~~husbandry, agriculture~~ used on a farm and, when using the  
13 highways, in traveling from one (1) field or farm to another or to or  
14 from places of repairs. The term includes a wagon, trailer, or other  
15 vehicle pulled by a farm tractor.

16 ~~(b) "Farm tractor", for purposes of IC 9-21, means a motor vehicle~~  
17 ~~designed and used primarily as a farm implement for drawing plows,~~  
18 ~~mowing machines, and other implements of husbandry.~~

19 SECTION 3. IC 9-13-2-60 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 60. "Farm wagon"  
21 means a wagon, other than an implement of ~~husbandry, agriculture,~~  
22 used primarily for transporting farm products and farm supplies in  
23 connection with a farming operation.

24 SECTION 4. IC 9-13-2-77 IS AMENDED TO READ AS  
25 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 77. (a) "Implement of  
26 husbandry" ~~agriculture~~" means ~~special farm machinery, farm~~  
27 ~~machinery, and other agricultural implements, pull type and~~  
28 ~~self-propelled, equipment used for the: transportation and~~

- 29 (1) transport;  
30 (2) delivery; or  
31 (3) application;  
32 of ~~plant food materials or agricultural chemicals~~ **crop inputs,**  
33 **including seed, fertilizers, and crop protection products,** and  
34 vehicles designed to transport ~~farm~~ **these types of agricultural**  
35 **implements.**

36 **(b) The bureau shall determine by rule under IC 4-22-2 whether**  
37 **a category of implement of agriculture was designed to be operated**  
38 **primarily:**

- 39 (1) **in a farm field or on farm premises; or**  
40 (2) **on a highway.**

41 SECTION 5. IC 9-13-2-105, AS AMENDED BY P.L.265-2003,  
42 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2004]: Sec. 105. (a) "Motor vehicle" means, except as  
2 otherwise provided in this section, a vehicle that is self-propelled. The  
3 term does not include a farm tractor, an implement of ~~husbandry~~,  
4 **agriculture designed to be operated primarily in a farm field or on**  
5 **farm premises**, or an electric personal assistive mobility device.

6 (b) "Motor vehicle", for purposes of IC 9-21, means:  
7 (1) a vehicle except a motorized bicycle that is self-propelled; or  
8 (2) a vehicle that is propelled by electric power obtained from  
9 overhead trolley wires, but not operated upon rails.

10 (c) "Motor vehicle", for purposes of IC 9-19-10.5 and IC 9-25,  
11 means a vehicle that is self-propelled upon a highway in Indiana. The  
12 term does not include a farm tractor.

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

15 SECTION 6. IC 9-13-2-170.3 IS ADDED TO THE INDIANA  
16 CODE AS A NEW SECTION TO READ AS FOLLOWS  
17 [EFFECTIVE JULY 1, 2004]: **Sec. 170.3. "Special machinery"**  
18 **means a portable saw mill or well drilling machinery.**

19 SECTION 7. IC 9-13-2-180 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 180. "Tractor" means  
21 a motor vehicle designed and used primarily for drawing or propelling  
22 trailers, semitrailers, or vehicles of any kind. The term does not include  
23 the following:

- 24 (1) A farm tractor.
- 25 ~~(2) A farm tractor used in transportation.~~
- 26 ~~(3)~~ (2) A tractor that is used exclusively for drawing a passenger  
27 carrying semitrailer.

28 SECTION 8. IC 9-13-2-188 IS AMENDED TO READ AS  
29 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 188. (a) "Truck" means  
30 a motor vehicle designed, used, or maintained primarily for the  
31 transportation of property.

32 (b) "Truck", for purposes of IC 9-21-8-3, includes the following:  
33 (1) A motor vehicle designed and used primarily for drawing  
34 another vehicle and constructed to carry a load other than a part  
35 of the weight of the vehicle and load so drawn.  
36 (2) A motor vehicle designed and used primarily as a farm  
37 implement for drawing plows, mowing machines, and other  
38 implements of ~~husbandry~~. **agriculture.**

39 SECTION 9. IC 9-13-2-196, AS AMENDED BY P.L.143-2002,  
40 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2004]: Sec. 196. (a) "Vehicle" means, except as otherwise  
42 provided in this section, a device in, upon, or by which a person or

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1 property is, or may be, transported or drawn upon a highway.

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

- 4 (1) A device moved by human power.  
5 (2) A vehicle that runs only on rails or tracks.  
6 (3) A vehicle propelled by electric power obtained from overhead  
7 trolley wires but not operated upon rails or tracks.  
8 (4) A firetruck and apparatus owned by a person or municipal  
9 division of the state and used for fire protection.  
10 (5) A municipally owned ambulance.  
11 (6) A police patrol wagon.  
12 (7) A vehicle not designed for or employed in general highway  
13 transportation of persons or property and occasionally operated or  
14 moved over the highway, including the following:  
15 (A) Road construction or maintenance machinery.  
16 (B) A movable device designed, used, or maintained to alert  
17 motorists of hazardous conditions on highways.  
18 (C) Construction dust control machinery.  
19 (D) Well boring apparatus.  
20 (E) Ditch digging apparatus.  
21 (F) An implement of ~~husbandry~~ **agriculture designed to be**  
22 **operated primarily in a farm field or on farm premises.**  
23 (G) An invalid chair.  
24 (H) A yard tractor.  
25 (8) An electric personal assistive mobility device.

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

29 (d) For purposes of IC 9-22, the term refers to an automobile, a  
30 motorcycle, a truck, a trailer, a semitrailer, a tractor, a bus, a school  
31 bus, a recreational vehicle, or a motorized bicycle.

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

35 SECTION 10. IC 9-18-1-1 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. This article does not  
37 apply to the following:

- 38 (1) Farm wagons.  
39 (2) Farm tractors.  
40 ~~(3) Farm machinery.~~  
41 ~~(4)~~ **(3)** A new motor vehicle if the new motor vehicle is being  
42 operated in Indiana solely to remove it from an accident site to a

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1 storage location because:

2 (A) the new motor vehicle was being transported on a railroad  
3 car or semitrailer; and

4 (B) the railroad car or semitrailer was involved in an accident  
5 that required the unloading of the new motor vehicle to  
6 preserve or prevent further damage to it.

7 **(4) An implement of agriculture designed to be operated**  
8 **primarily in a farm field or on farm premises.**

9 SECTION 11. IC 9-18-2-26 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 26. (a) License plates  
11 shall be displayed as follows:

12 (1) For a motorcycle, trailer, semitrailer, or recreational vehicle,  
13 upon the rear of the vehicle.

14 (2) For a ~~farm tractor~~ or tractor, upon the front of the vehicle.

15 (3) For every other vehicle, upon the rear of the vehicle.

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

18 (1) to prevent the license plate from swinging;

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

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

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

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

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

29 SECTION 12. IC 9-18-2-29 IS AMENDED TO READ AS  
30 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 29. Except as otherwise  
31 provided, before:

32 (1) a motor vehicle;

33 (2) a motorcycle;

34 (3) a truck;

35 (4) a trailer;

36 (5) a semitrailer;

37 (6) a tractor;

38 ~~(7)~~ **(7)** an implement of husbandry or a farm tractor used in  
39 transportation;

40 ~~(8)~~ **(7)** a bus;

41 ~~(9)~~ **(8)** a school bus;

42 ~~(10)~~ **(9)** a recreational vehicle; or

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1           ~~(11)~~ **(10)** special ~~farm~~ machinery;  
2 is operated or driven on a highway, the person who owns the vehicle  
3 must register the vehicle with the bureau and pay the applicable  
4 registration fee.

5           SECTION 13. IC 9-18-2-29.5 IS ADDED TO THE INDIANA  
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
7 [EFFECTIVE JULY 1, 2004]: **Sec. 29.5. Before a piece of special**  
8 **machinery is operated off a highway or in a farm field, the person**  
9 **who owns the piece of special machinery must:**

10           **(1) register the piece of special machinery with the bureau;**  
11           **and**

12           **(2) pay the applicable registration fee.**

13           SECTION 14. IC 9-18-2-43 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 43. (a) Notwithstanding  
15 any law to the contrary but except as provided in subsection (b), a law  
16 enforcement officer authorized to enforce motor vehicle laws who  
17 discovers a vehicle required to be registered under this article that does  
18 not have the proper certificate of registration or license plate:

- 19           (1) shall take the vehicle into the officer's custody; and  
20           (2) may cause the vehicle to be taken to and stored in a suitable  
21 place until:  
22           (A) the legal owner of the vehicle can be found; or  
23           (B) the proper certificate of registration and license plates  
24 have been procured.

25           (b) A law enforcement officer who discovers a vehicle in violation  
26 of the registration provisions of this article ~~has discretion in the~~  
27 ~~impoundment of~~ **may not impound** any of the following:

- 28           (1) Perishable commodities.  
29           (2) Livestock.

30           ~~(c) A person who recklessly violates this section commits a Class A~~  
31 ~~misdemeanor.~~

32           SECTION 15. IC 9-19-1-1 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) Except as  
34 provided in ~~subsections~~ **subsection (b) through (c)** and as otherwise  
35 provided in this chapter, this article does not apply to the following  
36 with respect to equipment on vehicles:

- 37           (1) Implements of ~~husbandry~~ **agriculture designed to be**  
38 **operated primarily in a farm field or on farm premises.**  
39           (2) Road machinery.  
40           (3) Road rollers.  
41           (4) Farm tractors.  
42           (5) Vehicle chassis that:

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1 (A) are a part of a vehicle manufacturer's work in process; and  
2 (B) are driven under this subdivision only for a distance of less  
3 than one (1) mile.

4 (b) ~~A farm type dry or liquid fertilizer tank trailer or spreader that~~  
5 ~~is drawn or towed on a highway by:~~

- 6 ~~(1) a farm tractor; or~~
- 7 ~~(2) a motor vehicle at a speed not greater than thirty (30) miles~~  
8 ~~per hour;~~

9 is considered an implement of husbandry with respect to equipment  
10 requirements and all the requirements of this article regarding lamps  
11 on combinations; including farm tractors; apply:

12 ~~(c)~~ (b) A farm type dry or liquid fertilizer tank trailer or spreader  
13 that is drawn or towed on a highway by a motor vehicle other than a  
14 farm tractor at a speed greater than thirty (30) miles per hour is  
15 considered a trailer for equipment requirement purposes and all  
16 equipment requirements concerning trailers apply.

17 SECTION 16. IC 9-19-1-3, AS AMENDED BY P.L.1-1999,  
18 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2004]: Sec. 3. Sections 4 through 5 of this chapter and  
20 IC 9-19-4-3, IC 9-19-4-4, and IC 9-19-5-7:

21 (1) do not apply to:

- 22 (A) machinery or equipment used in highway construction or  
23 maintenance by the Indiana department of transportation,  
24 counties, or municipalities;
- 25 (B) farm drainage machinery;
- 26 (C) implements of ~~husbandry~~ **agriculture** when used during  
27 farming operations or when so constructed that they can be  
28 moved without material damage to the highways; or
- 29 (D) firefighting apparatus owned or operated by a political  
30 subdivision or a volunteer fire department (as defined in  
31 ~~IC 36-8-12-1~~; **IC 36-8-12-2**); and

32 (2) do not limit the width or height of farm vehicles when loaded  
33 with farm products.

34 SECTION 17. IC 9-19-6-11 IS AMENDED TO READ AS  
35 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. (a) **This section**  
36 **does not apply to a vehicle listed in section 11.3(a) of this chapter.**

37 (b) A farm tractor and a self-propelled farm equipment unit or an  
38 implement of ~~husbandry~~ **agriculture designed to be operated**  
39 **primarily in a farm field or on farm premises, when operated on a**  
40 **highway and** not equipped with an electric lighting system must, at all  
41 times required by IC 9-21-7-2, be equipped with the following:

- 42 (1) At least one (1) lamp displaying a white light visible from a

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1 distance of not less than five hundred (500) feet to the front of the  
 2 vehicle.  
 3 (2) At least one (1) lamp displaying a red light visible from a  
 4 distance of not less than five hundred (500) feet to the rear of the  
 5 vehicle.  
 6 (3) Two (2) red reflectors visible from a distance of one hundred  
 7 (100) feet to six hundred (600) feet to the rear when illuminated  
 8 by the upper beams of head lamps.  
 9 The lights required by this subsection must be positioned so that one  
 10 (1) lamp showing to the front and one (1) lamp or reflector showing to  
 11 the rear will indicate the furthest projection of the tractor, unit, or  
 12 implement on the side of the road used in passing the vehicle.  
 13 ~~(b)~~ (c) A combination of farm tractor and towed unit of farm  
 14 equipment or implement of **husbandry agriculture designed to be**  
 15 **operated primarily in a farm field or on farm premises, when**  
 16 **operated on a highway and** not equipped with an electric lighting  
 17 system must, at all times required by IC 9-21-7-2, be equipped with two  
 18 (2) red reflectors that meet the following requirements:  
 19 (1) Are visible from a distance of one hundred (100) feet to six  
 20 hundred (600) feet to the rear when illuminated by the upper  
 21 beams of head lamps.  
 22 (2) Are mounted in a manner so as to indicate as nearly as  
 23 practicable the extreme left and right rear projections of the towed  
 24 unit or implement on the highway.  
 25 ~~(c)~~ (d) A farm tractor and a self-propelled unit of farm equipment  
 26 or an implement of **husbandry agriculture designed to be operated**  
 27 **primarily in a farm field or on farm premises, when operated on a**  
 28 **highway and** equipped with an electric lighting system must, at all  
 29 times required by IC 9-21-7-2, be equipped with the following:  
 30 (1) Two (2) single-beam or multiple-beam head lamps meeting  
 31 the requirements of section 20 or 21 of this chapter **or**  
 32 IC 9-21-7-9.  
 33 (2) Two (2) red lamps visible from a distance of not less than five  
 34 hundred (500) feet to the rear, or in the alternative, one (1) red  
 35 lamp visible from a distance of not less than five hundred (500)  
 36 feet to the rear and two (2) red reflectors visible from a distance  
 37 of one hundred (100) feet to six hundred (600) feet to the rear  
 38 when illuminated by the upper beams of head lamps.  
 39 The red lamps or reflectors must be mounted in the rear of the farm  
 40 tractor or self-propelled implement of **husbandry agriculture** so as to  
 41 indicate as nearly as practicable the extreme left and right projections  
 42 of the vehicle on the highways.

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1            ~~(d)~~ **(e)** A combination of farm tractor and towed farm equipment or  
2 towed implement of ~~husbandry~~ **agriculture designed to be operated**  
3 **primarily in a farm field or on farm premises, when operated on a**  
4 **highway and** equipped with an electric lighting system must, at all  
5 times required by IC 9-21-7-2, be equipped as follows:

6            (1) The farm tractor element of each combination must be  
7 equipped with two (2) single-beam or multiple-beam head lamps  
8 meeting the requirements of section 20 or 21 of this chapter or  
9 IC 9-21-7-9.

10           (2) The towed unit of farm equipment or implement of ~~husbandry~~  
11 **agriculture** element of each combination must be equipped with  
12 the following:

13           (A) Two (2) red lamps visible from a distance of not less than  
14 five hundred (500) feet to the rear, or as an alternative, one (1)  
15 red lamp visible from a distance of not less than five hundred  
16 (500) feet to the rear.

17           (B) Two (2) red reflectors visible from a distance of one  
18 hundred (100) feet to six hundred (600) feet to the rear when  
19 illuminated by the upper beams of head lamps.

20           The red lamps or reflectors must be located so as to indicate as  
21 nearly as practicable the extreme left and right rear projections of  
22 the towed unit or implement on the highway.

23           (3) A combination of farm tractor and towed farm equipment or  
24 towed implement of ~~husbandry~~ **agriculture** equipped with an  
25 electric lighting system must be equipped with the following:

26           (A) A lamp displaying a white or an amber light, or any shade  
27 of color between white and amber, visible from a distance of  
28 not less than five hundred (500) feet to the front.

29           (B) A lamp displaying a red light visible from a distance of not  
30 less than five hundred (500) feet to the rear.

31           The lamps must be installed or capable of being positioned so as  
32 to indicate to the front and rear the furthest projection of that  
33 combination on the side of the road used by other vehicles in  
34 passing that combination.

35           ~~(e)~~ **(f)** A farm tractor, a self-propelled farm equipment unit, or an  
36 implement of ~~husbandry~~ **agriculture** must not display blinding field or  
37 flood lights when operated on a highway.

38           ~~(f)~~ **(g)** All rear lighting requirements may be satisfied by having a  
39 vehicle with flashing lights immediately trail farm equipment in  
40 accordance with IC 9-21-7-11.

41           SECTION 18. IC 9-19-6-11.3 IS ADDED TO THE INDIANA  
42 CODE AS A **NEW** SECTION TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2004]: **Sec. 11.3. (a) This section applies to**  
2 **the following vehicles manufactured after June 30, 2005, when**  
3 **operated on a highway:**

- 4 (1) **An implement of agriculture.**
- 5 (2) **A farm tractor.**
- 6 (b) **A vehicle listed in subsection (a) must be equipped with:**
  - 7 (1) **head lamps;**
  - 8 (2) **tail lamps;**
  - 9 (3) **worklamps;**
  - 10 (4) **warning lamps;**
  - 11 (5) **extremity lamps;**
  - 12 (6) **turn indicators;**
  - 13 (7) **rear reflectors;**
  - 14 (8) **front and rear conspicuity material; and**
  - 15 (9) **front, rear, and side retroreflective material;**

16 **that comply with the standards contained in the American Society**  
17 **of Agricultural Engineers (ASAE) Standard S279.11 DEC01 or any**  
18 **subsequent standards developed by ASAE at the time of**  
19 **manufacture of the vehicle.**

20 SECTION 19. IC 9-19-6-12 IS AMENDED TO READ AS  
21 FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 12. (a) This section**  
22 **does not apply to a vehicle listed in section 11.3(a) of this chapter.**

23 (b) A vehicle, including an animal-drawn vehicle and a vehicle  
24 referred to in IC 9-19-1-1 not specifically required by this article to be  
25 equipped with lamps or other lighting devices, must, at all times  
26 required by IC 9-21-7-2, be equipped with at least two (2) red reflectors  
27 visible from distances of one hundred (100) feet to six hundred (600)  
28 feet to the rear when illuminated by the upper beams of head lamps.

29 SECTION 20. IC 9-19-18-3 IS AMENDED TO READ AS  
30 FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 3. (a) Except as**  
31 **provided in subsections (b) through (d), a tire on a vehicle moved on**  
32 **a highway may not have on the tire's periphery a block, stud, flange,**  
33 **cleat, or spike or any other protuberance of any material other than**  
34 **rubber that projects beyond the tread of the traction surface of the tire.**

35 (b) **Farm machinery Implements of agriculture** may use tires  
36 having protuberances that will not injure the highway.

37 (c) Tire chains of reasonable proportions may be used upon a  
38 vehicle when required for safety because of snow, ice, or other  
39 conditions tending to cause a vehicle to skid.

40 (d) From October 1 to the following May 1, a vehicle may use tires  
41 in which have been inserted ice grips or tire studs of wear-resisting  
42 material, installed in a manner that provides resiliency upon contact

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1 with the road, with projections that do not exceed three thirty-seconds  
2 (3/32) of an inch beyond the tread of the traction surface of the tire, and  
3 constructed to prevent any appreciable damage to the road surface.

4 SECTION 21. IC 9-19-18-4 IS AMENDED TO READ AS  
5 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. The Indiana  
6 department of transportation and local authorities in their respective  
7 jurisdictions may in their discretion issue special permits authorizing  
8 the operation upon a highway of:

- 9 (1) traction engines; or
- 10 (2) tractors having movable tracks with transverse corrugations  
11 upon the periphery of movable tracks; or
- 12 (3) farm tractors or ~~other farm machinery~~; **implements of**  
13 **agriculture designed to be operated primarily in a farm field**  
14 **or on farm premises;**

15 the operation of which upon a highway would otherwise be prohibited  
16 under this chapter.

17 SECTION 22. IC 9-20-2-2, AS AMENDED BY P.L.1-1999,  
18 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2004]: Sec. 2. (a) As used in this section, "farm vehicle loaded  
20 with a farm product" includes a truck hauling unprocessed leaf tobacco.

21 (b) Except for interstate highway travel, this article does not apply  
22 to the following:

- 23 (1) Machinery or equipment used in highway construction or  
24 maintenance by the Indiana department of transportation,  
25 counties, or municipalities.
- 26 ~~(2) Farm drainage machinery.~~
- 27 ~~(3)~~ **(2)** Implements of ~~husbandry~~ **agriculture** when used during  
28 farming operations or when so constructed that the implements  
29 can be moved without material damage to the highways.

30 (c) This article does not apply to firefighting apparatus owned or  
31 operated by a political subdivision or volunteer fire department (as  
32 defined in IC 36-8-12-2).

33 (d) Except for interstate highway travel, this article does not limit  
34 the width or height of a farm vehicle loaded with a farm product.

35 SECTION 23. IC 9-21-8-27 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 27. (a) Except as  
37 provided in subsection (b), a stop or turn signal required under this  
38 chapter may be given by means of the hand and arm or by a signal lamp  
39 or lamps or mechanical signal device.

40 (b) This subsection does not apply to farm tractors and implements  
41 **of agriculture designed to be operated primarily in a farm field or**  
42 **on farm premises.** A motor vehicle in use on a highway must be

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1 equipped with and a required signal shall be given by a signal lamp or  
2 lamps or mechanical signal device when either of the following  
3 conditions exist:

4 (1) The distance from the center of the top of the steering post to  
5 the left outside limit of the body, cab, or load of the motor vehicle  
6 exceeds twenty-four (24) inches.

7 (2) The distance from the center of the top of the steering post to  
8 the rear limit of the body or load of the motor vehicle exceeds  
9 fourteen (14) feet. This measurement applies to a single vehicle  
10 and a combination of vehicles.

11 SECTION 24. IC 9-21-8-46 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 46. A person may not  
13 drive or operate:

- 14 (1) an implement of ~~husbandry~~ **agriculture designed to be**
- 15 **operated primarily in a farm field or on farm premises; or**
- 16 **(2) a piece of special machinery;**

17 upon any part of an interstate highway.

18 SECTION 25. IC 9-21-8-47, AS AMENDED BY P.L.1-1999,  
19 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 2004]: Sec. 47. The following vehicles must be moved or  
21 operated so as to avoid any material damage to the highway or  
22 unreasonable interference with other highway traffic:

- 23 (1) Machinery or equipment used in highway construction or  
24 maintenance by the Indiana department of transportation,  
25 counties, or municipalities.
- 26 (2) Farm drainage machinery.
- 27 (3) Implements of ~~husbandry~~ **agriculture.**
- 28 (4) Firefighting apparatus owned or operated by a political  
29 subdivision or a volunteer fire department (as defined in  
30 IC 36-8-12-2).
- 31 (5) Farm vehicles loaded with farm products.

32 SECTION 26. IC 9-21-9-5 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) The Indiana  
34 criminal justice institute ~~may~~ **shall** adopt rules under IC 4-22-2  
35 establishing standards and specifications for the design, materials, and  
36 mounting of a standard slow moving vehicle emblem for the uniform  
37 identification of slow moving vehicles.

38 (b) In adopting rules under subsection (a), the Indiana criminal  
39 justice institute shall ~~consider the standard markings used in other~~  
40 ~~states and~~ **substantially adhere to** the current recommendations of the  
41 American Society of Agricultural Engineers, **the American National**  
42 **Standards Institute**, and the Society of Automotive Engineers so that

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1 the slow moving vehicle emblem may be more universally recognizable  
2 and of adequate quality.

3 **(c) The Indiana criminal justice institute shall adopt revisions**  
4 **to the standards and specifications adopted as required under**  
5 **subsection (a) as amendments are made to the recommendations of**  
6 **the American Society of Agricultural Engineers, the American**  
7 **National Standards Institute, and the Society of Automotive**  
8 **Engineers regarding the slow moving vehicle emblem.**

9 SECTION 27. IC 9-21-21 IS ADDED TO THE INDIANA CODE  
10 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2004]:

12 **Chapter 21. Farm Vehicles Involved in Commercial Enterprises**

13 **Sec. 1. A motor vehicle, trailer, or semitrailer and tractor may**  
14 **be operated primarily as a farm truck, farm trailer, or farm**  
15 **semitrailer and tractor if the vehicle meets the specifications set**  
16 **forth in IC 9-29-5-13(b).**

17 **Sec. 2. A farm truck, farm trailer, or farm semitrailer and**  
18 **tractor described in section 1 of this chapter may not be operated:**

19 **(1) part time or incidentally in the conduct of a commercial**  
20 **enterprise; or**

21 **(2) for the transportation of farm products after the**  
22 **commodities have entered the channels of commerce.**

23 **Sec. 3. A farm truck described in section 1 of this chapter may**  
24 **be used for personal purposes if the vehicle otherwise qualifies for**  
25 **that class of registration.**

26 **Sec. 4. If the owner of a farm truck, farm trailer, or farm**  
27 **semitrailer and tractor described in section 1 of this chapter begins**  
28 **to operate, or permits the farm truck, farm trailer, or farm**  
29 **semitrailer and tractor to be operated:**

30 **(1) in the conduct of a commercial enterprise; or**

31 **(2) for the transportation of farm products after the**  
32 **commodities have entered the channels of commerce during**  
33 **a registration year for which the license fee under**  
34 **IC 9-29-5-13 has been paid;**

35 **the owner shall pay the amount computed under IC 9-29-5-13.5**  
36 **due for the remainder of the registration year for the license fee.**

37 **Sec. 5. In addition to the penalty provided in section 7 of this**  
38 **chapter, a person that operates a vehicle, or allows a vehicle that**  
39 **the person owns to be operated when the vehicle is:**

40 **(1) registered under this chapter as a farm truck, farm trailer,**  
41 **or farm semitrailer and tractor; and**

42 **(2) operated as set forth in section 4 of this chapter;**

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1 commits a Class C infraction. However, the offense is a Class B  
2 infraction if, within the three (3) years preceding the commission  
3 of the offense, the person had a prior unrelated judgment under  
4 this section.

5 Sec. 6. For purposes of this chapter, the operation of a vehicle  
6 in violation of section 4 of this chapter is a continuing offense and  
7 the venue for prosecution lies in a county in which the unlawful  
8 operation occurred. However, a:

- 9 (1) judgment against; or
  - 10 (2) finding by the court for;
- 11 the owner or operator bars a prosecution in another county.

12 Sec. 7. (a) A law enforcement officer (as defined in  
13 IC 9-13-2-92(a)(1), IC 9-13-2-92(a)(2), or IC 9-13-2-92(a)(3)) who  
14 discovers a vehicle registered under this chapter as a farm truck,  
15 farm trailer, or farm semitrailer and tractor that is being operated  
16 as set forth in section 4 of this chapter:

- 17 (1) may take the vehicle into the officer's custody; and
- 18 (2) may cause the vehicle to be taken to and stored in a  
19 suitable place until:
  - 20 (A) the legal owner of the vehicle can be found; or
  - 21 (B) the proper certificate of registration and license plates  
22 have been procured and the amount computed under  
23 IC 9-29-5-13.5 has been paid.

24 (b) A law enforcement officer described in subsection (a) who  
25 discovers a vehicle in violation of the registration provisions of this  
26 chapter may not impound any of the following:

- 27 (1) Perishable commodities.
- 28 (2) Livestock.

29 SECTION 28. IC 9-24-1-7 IS AMENDED TO READ AS  
30 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. Sections 1 through  
31 5 of this chapter do not apply to the following individuals:

- 32 (1) An individual in the service of the armed forces of the United  
33 States while operating an official motor vehicle in that service.
- 34 (2) An individual while operating:
  - 35 (A) a road roller;
  - 36 (B) road construction or maintenance machinery, except where  
37 the road roller or machinery is required to be registered under  
38 Indiana law;
  - 39 (C) a ditch digging apparatus;
  - 40 (D) a well drilling apparatus;
  - 41 (E) a concrete mixer; or
  - 42 (F) a farm tractor or an implement of husbandry, agriculture

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1                   **designed to be operated primarily in a farm field or on**  
2                   **farm premises;**  
3                   that is being temporarily drawn, moved, or propelled on an  
4                   Indiana public highway.  
5                   (3) A nonresident who:  
6                   (A) is at least sixteen (16) years and one (1) month of age; and  
7                   (B) has in the nonresident's immediate possession a valid  
8                   operator's license that was issued to the nonresident in the  
9                   nonresident's home state or country;  
10                  while operating a motor vehicle in Indiana only as an operator.  
11                  (4) A nonresident who:  
12                  (A) is at least eighteen (18) years of age; and  
13                  (B) has in the nonresident's immediate possession a valid  
14                  chauffeur's license that was issued to the nonresident in the  
15                  nonresident's home state or country;  
16                  while operating a motor vehicle upon a public highway, either as  
17                  an operator or a chauffeur.  
18                  (5) A nonresident who:  
19                  (A) is at least eighteen (18) years of age; and  
20                  (B) has in the nonresident's immediate possession a valid  
21                  license issued by the nonresident's home state for the operation  
22                  of any motor vehicle upon a public highway when in use as a  
23                  public passenger carrying vehicle;  
24                  while operating a motor vehicle upon a public highway.  
25                  (6) A nonresident whose home state or country does not require  
26                  the licensing of operators or chauffeurs and who has not been  
27                  licensed as an operator or a chauffeur in the nonresident's home  
28                  state or country as an operator if the nonresident is at least sixteen  
29                  (16) years and thirty (30) days of age and less than eighteen (18)  
30                  years of age or as a chauffeur if the nonresident is at least  
31                  eighteen (18) years of age, for not more than sixty (60) days in  
32                  any one (1) year if the following conditions exist:  
33                  (A) The unlicensed nonresident is the owner of the motor  
34                  vehicle or the authorized driver of the vehicle.  
35                  (B) The vehicle has been registered for the current year in the  
36                  state or country of which the owner is a resident.  
37                  (C) The motor vehicle at all times displays a registration plate  
38                  issued in the home state or country of the owner.  
39                  (D) The nonresident owner or driver has in the owner's or  
40                  driver's immediate possession a registration card evidencing  
41                  ownership and registration in the owner's or driver's home  
42                  state or country or is able at any required time or place to do

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- the following:
- (i) Prove lawful possession or the right to operate the motor vehicle.
- (ii) Establish the nonresident's proper identity.

(7) An individual who is legally licensed to operate a motor vehicle in the state of the individual's residence and who is employed in Indiana, subject to the restrictions imposed by the state of the individual's residence.

(8) A new resident of Indiana who possesses an unexpired driver's license issued by the resident's former state of residence, for a period of sixty (60) days after becoming a resident of Indiana.

(9) An individual who is an engineer, a conductor, a brakeman, or another member of the crew of a locomotive or a train that is being operated upon rails, including the operation of the locomotive or the train on a crossing over a street or a highway. An individual described in this subdivision is not required to display a license to a law enforcement officer in connection with the operation of a locomotive or a train in Indiana.

SECTION 29. IC 9-29-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. (a) This section does not apply to a vehicle or person exempted from registration under IC 9-18.

(b) The license fee for a motor vehicle that has: (1) a corn sheller; (2) a well driller; (3) a hay press; (4) a clover huller; (5) a farm wagon type liquid fertilizer tank trailer; or (6) farm machinery; that is permanently mounted on the motor vehicle and used solely for transporting the equipment **a piece of special machinery** is five dollars (\$5). The motor vehicle is exempt from other fees provided under IC 9-18 or this article.

(c) The license fee for a farm wagon used for transporting farm products and farm supplies in connection with a farming operation is five dollars (\$5). The farm wagon is exempt from other fees provided under IC 9-18 or this article.

(d) The license fee for a farm type dry or liquid fertilizer tank trailer or spreader or implement of husbandry used to transport bulk fertilizer between distribution point and farm and return is five dollars (\$5). The trailer, spreader, or implement is exempt from the other fees provided under IC 9-18 or this article.

(e) (c) The owner of a vehicle listed in this section is not entitled to a reduction in the five dollar (\$5) license fee because the license is granted at a time that the license period is less than a year.

SECTION 30. IC 9-29-5-12 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 12. A farm wagon or  
 2 farm type dry or liquid fertilizer tank trailer or spreader used to  
 3 transport bulk fertilizer between distribution point and farm and return  
 4 is exempt from all license fees when the wagon, trailer, or spreader is  
 5 drawn or towed on a highway by a:

6 (1) farm tractor; or

7 (2) properly registered motor vehicle.

8 ~~that is registered as a farm tractor used in transportation.~~

9 SECTION 31. IC 9-29-5-13 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 13. (a) This section  
 11 does not apply to a vehicle or person exempt from registration under  
 12 IC 9-18.

13 (b) The license fee for a motor vehicle, trailer, or semitrailer and  
 14 tractor operated primarily as a farm truck, farm trailer, or farm  
 15 semitrailer and tractor:

16 (1) having a declared gross weight of at least ~~eleven~~ sixteen  
 17 thousand ~~(11,000)~~ (16,000) pounds; and

18 (2) used by the owner or guest occupant in connection with  
 19 agricultural pursuits usual and normal to the user's farming  
 20 operation;

21 is fifty percent (50%) of the amount listed in this chapter for a truck,  
 22 trailer, or semitrailer and tractor of the same declared gross weight.

23 ~~(c) A farm truck, farm trailer, or farm semitrailer and tractor~~  
 24 ~~described in subsection (b) may not be operated either part time or~~  
 25 ~~incidentally in the conduct of a commercial enterprise or for the~~  
 26 ~~transportation of farm products after the commodities have entered the~~  
 27 ~~channels of commerce.~~

28 ~~(d) A farm truck described in subsection (b) may be used for~~  
 29 ~~personal purposes if the vehicle otherwise qualifies for that class of~~  
 30 ~~registration.~~

31 SECTION 32. IC 9-29-5-42 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 42. (a) Except as  
 33 provided in subsection (c), vehicles not subject to IC 9-18-2-8 shall be  
 34 registered at one-half (1/2) of the regular rate, subject to IC 9-18-2-7,  
 35 if the vehicle is registered after July 31 of any year. This subsection  
 36 does not apply to the following:

37 ~~(1) A farm tractor used in transportation.~~

38 ~~(2) (1) Special farm machinery.~~

39 ~~(3) (2) Semitrailers registered on a five (5) year or permanent~~  
 40 ~~basis under IC 9-18-10-2.~~

41 (3) An implement of agriculture designed to be operated  
 42 primarily on a highway.

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1 (b) Except as provided in subsection (c), subsection (a) and  
 2 IC 9-18-2-7 determine the registration fee for the registration of a  
 3 vehicle subject to registration under IC 9-18-2-8(c), IC 9-18-2-8(d),  
 4 and IC 9-18-2-8(e) and acquired by an owner subsequent to the date  
 5 required for the annual registration of vehicles by an owner set forth in  
 6 IC 9-18-2-8.

7 (c) Subject to subsection (d), a vehicle subject to the International  
 8 Registration Plan that is registered after September 30 shall be  
 9 registered at a rate determined by the following formula:

10 STEP ONE: Determine the number of months before April 1 of  
 11 the following year beginning with the date of registration. A  
 12 partial month shall be rounded to one (1) month.

13 STEP TWO: Multiply the STEP ONE result by one-twelfth  
 14 (1/12).

15 STEP THREE: Multiply the annual registration fee for the vehicle  
 16 by the STEP TWO result.

17 (d) If the department of state revenue adopts rules under IC 9-18-2-7  
 18 to implement staggered registration for motor vehicles subject to the  
 19 International Registration Plan, a motor vehicle subject to the  
 20 International Registration Plan that is registered after the date  
 21 designated for registration of the motor vehicle in rules adopted under  
 22 ~~IC 9-17-2-7~~ IC 9-18-2-7 shall be registered at a rate determined by the  
 23 following formula:

24 STEP ONE: Determine the number of months before the motor  
 25 vehicle must be re-registered. A partial month shall be rounded to  
 26 one (1) month.

27 STEP TWO: Multiply the STEP ONE result by one-twelfth  
 28 (1/12).

29 STEP THREE: Multiply the annual registration fee for the vehicle  
 30 by the STEP TWO result.

31 SECTION 33. IC 13-11-2-245 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 245. (a) "Vehicle", for  
 33 purposes of IC 13-17-5, refers to a vehicle required to be registered  
 34 with the bureau of motor vehicles and required to have brakes. The  
 35 term does not include the following:

36 ~~(1) Farm tractors:~~

37 ~~(2) Implements of husbandry:~~

38 ~~(3) Farm tractors used in transportation:~~

39 ~~(4) (1) Mobile homes (house trailers).~~

40 ~~(5) (2) Trailers weighing not more than three thousand (3,000)~~  
 41 ~~pounds.~~

42 ~~(6) (3) Antique motor vehicles.~~

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1           **(4) Special machinery (as defined in IC 9-13-2-170.3).**  
2           (b) "Vehicle", for purposes of IC 13-18-12, means a device used to  
3 transport a tank.  
4           (c) "Vehicle", for purposes of IC 13-20-4, refers to a municipal  
5 waste collection and transportation vehicle.  
6           (d) "Vehicle", for purposes of IC 13-20-13-7, means a motor vehicle  
7 and types of equipment, machinery, implements, or other devices used  
8 in transportation, manufacturing, agriculture, construction, or mining.  
9 The term does not include the following:  
10           (1) A lawn and garden tractor that is propelled by a motor of not  
11 more than ~~twenty (20)~~ **twenty-five (25)** horsepower.  
12           (2) A semitrailer.  
13           (e) "Vehicle", for purposes of IC 13-20-14, has the meaning set forth  
14 in IC 9-13-2-196.  
15           SECTION 34. IC 26-1-9.1-311, AS ADDED BY P.L.57-2000,  
16 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2004]: Sec. 311. (a) Except as otherwise provided in  
18 subsection (d), the filing of a financing statement is not necessary or  
19 effective to perfect a security interest in property subject to:  
20           (1) a statute, regulation, or treaty of the United States whose  
21 requirements for a security interest's obtaining priority over the  
22 rights of a lien creditor with respect to the property preempt  
23 IC 26-1-9.1-310(a);  
24           (2) any Indiana certificate-of-title statute covering automobiles,  
25 trailers, mobile homes, ~~or boats, farm tractors or the like~~, which  
26 provides for a security interest to be indicated on the certificate as  
27 a condition or result of perfection; or  
28           (3) a certificate-of-title statute of another jurisdiction which  
29 provides for a security interest to be indicated on the certificate as  
30 a condition or result of the security interest's obtaining priority  
31 over the rights of a lien creditor with respect to the property.  
32           (b) Compliance with the requirements of a statute, regulation, or  
33 treaty described in subsection (a) for obtaining priority over the rights  
34 of a lien creditor is equivalent to the filing of a financing statement  
35 under IC 26-1-9.1. Except as otherwise provided in subsection (d),  
36 IC 26-1-9.1-313, IC 26-1-9.1-316(d), and IC 26-1-9.1-316(e) for goods  
37 covered by a certificate of title, a security interest in property subject  
38 to a statute, regulation, or treaty described in subsection (a) may be  
39 perfected only by compliance with those requirements, and a security  
40 interest so perfected remains perfected notwithstanding a change in the  
41 use or transfer of possession of the collateral.  
42           (c) Except as otherwise provided in subsection (d),

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1 IC 26-1-9.1-316(d), and IC 26-1-9.1-316(e), duration and renewal of  
 2 perfection of a security interest perfected by compliance with the  
 3 requirements prescribed by a statute, regulation, or treaty described in  
 4 subsection (a) are governed by the statute, regulation, or treaty. In other  
 5 respects, the security interest is subject to IC 26-1-9.1.

6 (d) During any period in which collateral, subject to a statute  
 7 specified in subsection (a)(2), is inventory held for sale or lease by a  
 8 person or leased by that person as lessor, and that person is in the  
 9 business of selling goods of that kind, this section does not apply to a  
 10 security interest in that collateral created by that person, but instead,  
 11 the filing provisions of IC 26-1-9.1-501 through IC 26-1-9.1-527 apply.

12 SECTION 35. THE FOLLOWING ARE REPEALED [EFFECTIVE  
 13 JULY 1, 2004]: IC 6-6-2.5-11; IC 9-13-2-55; IC 9-13-2-57;  
 14 IC 9-13-2-169; IC 9-29-5-19.

15 SECTION 36. [EFFECTIVE JULY 1, 2004] (a) **Notwithstanding**  
 16 **IC 9-13-2-77(b), as added by this act, the bureau of motor vehicles**  
 17 **shall carry out the duties imposed on it under IC 9-13-2-77(b), as**  
 18 **added by this act, under interim written guidelines approved by the**  
 19 **commissioner of motor vehicles.**

20 (b) **This SECTION expires on the earlier of the following:**

21 (1) **The date rules are adopted under IC 9-13-2-77(b), as**  
 22 **added by this act.**

23 (2) **December 31, 2005.**

24 SECTION 37. [EFFECTIVE JULY 1, 2004] (a) **Notwithstanding**  
 25 **IC 9-21-9-5, as amended by this act, the Indiana criminal justice**  
 26 **institute shall carry out the duties imposed on it under IC 9-21-9-5,**  
 27 **as amended by this act, under interim written guidelines approved**  
 28 **by the executive director of the Indiana criminal justice institute.**

29 (b) **This SECTION expires on the earlier of the following:**

30 (1) **The date rules are adopted under IC 9-21-9-5, as amended**  
 31 **by this act.**

32 (2) **December 31, 2004.**

33 SECTION 38. [EFFECTIVE UPON PASSAGE] (a) **The bureau of**  
 34 **motor vehicles shall adopt rules under IC 4-22-2 to identify and**  
 35 **define "farm truck", "farm trailer", and "farm semitrailer and**  
 36 **tractor", as required by IC 9-13-2-58.**

37 (b) **Notwithstanding subsection (a), the bureau of motor vehicles**  
 38 **shall carry out the duties imposed on it by IC 9-13-2-58 and by this**  
 39 **SECTION under interim written guidelines approved by the**  
 40 **commissioner of motor vehicles.**

41 (c) **This SECTION expires on the earlier of the following:**

42 (1) **The date rules are adopted as required by IC 9-13-2-58.**

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**(2) December 31, 2005.**  
SECTION 39. [EFFECTIVE JULY 1, 2004] **(a) Notwithstanding IC 9-29-5-13, as amended by this act, the requirement that a motor vehicle, trailer, or semitrailer and tractor must have a declared gross weight of at least sixteen thousand (16,000) pounds in order to be categorized as a farm truck, farm trailer, or farm semitrailer and tractor does not apply to a motor vehicle, trailer, or semitrailer and tractor before January 1, 2005.**  
**(b) This SECTION expires December 31, 2005.**  
SECTION 40. **An emergency is declared for this act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Transportation and Homeland Security, to which was referred Senate Bill No. 298, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 298 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 6, Nays 0.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred Senate Bill 298, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-6-1.1-903 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 903. (a) A person is entitled to a refund of gasoline tax paid on gasoline purchased or used for the following purposes:

- (1) Operating stationary gas engines.
- (2) Operating equipment mounted on motor vehicles, whether or not operated by the engine propelling the motor vehicle.
- (3) Operating a tractor used for agricultural purposes.
- (3.1) Operating implements of ~~husbandry~~ **agriculture** (as defined in IC 9-13-2-77).
- (4) Operating motorboats or aircraft.
- (5) Cleaning or dyeing.
- (6) Other commercial use, except propelling motor vehicles operated in whole or in part on an Indiana public highway.
- (7) Operating a taxicab (as defined in section 103 of this chapter).

(b) If a refund is not issued within ninety (90) days of filing of the verified statement and all supplemental information required by IC 6-6-1.1-904.1, the department shall pay interest at the rate established by IC 6-8.1-9 computed from the date of filing of the verified statement and all supplemental information required by the department until a date determined by the administrator that does not precede by more than thirty (30) days the date on which the refund is made.

SECTION 2. IC 9-13-2-56 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 56. ~~(a)~~ "Farm tractor" means ~~except as provided in subsection (b);~~ a motor vehicle designed and used primarily as a farm implement for drawing ~~farm machinery including plows, mowing machines, harvesters, and other~~ implements of ~~husbandry,~~ **agriculture** used on a farm and, when using the highways, in traveling from one (1) field or farm to another or to or from places of repairs. The term includes a wagon, trailer, or other vehicle pulled by a farm tractor.

~~(b) "Farm tractor", for purposes of IC 9-21, means a motor vehicle designed and used primarily as a farm implement for drawing plows;~~

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~~mowing machines, and other implements of husbandry.~~

SECTION 3. IC 9-13-2-60 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 60. "Farm wagon" means a wagon, other than an implement of ~~husbandry~~, **agriculture**, used primarily for transporting farm products and farm supplies in connection with a farming operation.

SECTION 4. IC 9-13-2-77 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 77. (a) "Implement of ~~husbandry~~" **agriculture**" means ~~special farm machinery, farm machinery, and other agricultural implements, pull type and self-propelled, equipment used for the: transportation and~~

- (1) **transport;**
- (2) **delivery; or**
- (3) **application;**

~~of plant food materials or agricultural chemicals~~ **crop inputs, including seed, fertilizers, and crop protection products,** and vehicles designed to transport ~~farm~~ **these types of agricultural implements.**

(b) **The bureau shall determine by rule under IC 4-22-2 whether a category of implement of agriculture was designed to be operated primarily:**

- (1) **in a farm field or on farm premises; or**
- (2) **on a highway.**

SECTION 5. IC 9-13-2-105, AS AMENDED BY P.L.265-2003, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: 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 ~~husbandry~~, **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 a farm tractor.

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

SECTION 6. IC 9-13-2-170.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 170.3. "Special machinery"**

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**means a portable saw mill or well drilling machinery.**

SECTION 7. IC 9-13-2-180 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 180. "Tractor" means a motor vehicle designed and used primarily for drawing or propelling trailers, semitrailers, or vehicles of any kind. The term does not include the following:

- (1) A farm tractor.
- ~~(2) A farm tractor used in transportation.~~
- ~~(3)~~ (2) A tractor that is used exclusively for drawing a passenger carrying semitrailer.

SECTION 8. IC 9-13-2-188 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 188. (a) "Truck" means a motor vehicle designed, used, or maintained primarily for the transportation of property.

(b) "Truck", for purposes of IC 9-21-8-3, includes the following:

- (1) A motor vehicle designed and used primarily for drawing another vehicle and constructed to carry a load other than a part of the weight of the vehicle and load so drawn.
- (2) A motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of ~~husbandry~~: **agriculture**.

SECTION 9. IC 9-13-2-196, AS AMENDED BY P.L.143-2002, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: 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.
- (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.

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- (C) Construction dust control machinery.
- (D) Well boring apparatus.
- (E) Ditch digging apparatus.
- (F) An implement of ~~husbandry~~ **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, or a motorized bicycle.

(e) 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 10. IC 9-18-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. This article does not apply to the following:

- (1) Farm wagons.
- (2) Farm tractors.
- ~~(3) Farm machinery.~~
- ~~(4)~~ **(3)** A new motor vehicle if the new motor vehicle is being operated in Indiana solely to remove it from an accident site to a storage location because:
  - (A) the new motor vehicle was being transported on a railroad car or semitrailer; and
  - (B) the railroad car or semitrailer was involved in an accident that required the unloading of the new motor vehicle to preserve or prevent further damage to it.

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

SECTION 11. IC 9-18-2-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 26. (a) License plates shall be displayed as follows:

- (1) For a motorcycle, trailer, semitrailer, or recreational vehicle, upon the rear of the vehicle.
- (2) For a ~~farm tractor~~ or tractor, upon the front of the vehicle.
- (3) For every other vehicle, upon the rear of the vehicle.

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

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- (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) 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 12. IC 9-18-2-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: 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;
- ~~(7)~~ an implement of husbandry or a farm tractor used in transportation;
- ~~(8)~~ (7) a bus;
- ~~(9)~~ (8) a school bus;
- ~~(10)~~ (9) a recreational vehicle; or
- ~~(11)~~ (10) special farm machinery;

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 13. IC 9-18-2-29.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 29.5. Before a piece of special machinery is operated off a highway or in a farm field, the person who owns the piece of special machinery must:**

- (1) register the piece of special machinery with the bureau;**
- and**
- (2) pay the applicable registration fee.**

SECTION 14. IC 9-18-2-43 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 43. (a) Notwithstanding any law to the contrary but except as provided in subsection (b), a law enforcement officer authorized to enforce motor vehicle laws who discovers a vehicle required to be registered under this article that does

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not have the proper certificate of registration or license plate:

- (1) shall take the vehicle into the officer's custody; and
- (2) may cause the vehicle to be taken to and stored in a suitable place until:
  - (A) the legal owner of the vehicle can be found; or
  - (B) the proper certificate of registration and license plates have been procured.

(b) A law enforcement officer who discovers a vehicle in violation of the registration provisions of this article ~~has discretion in the impoundment of~~ **may not impound** any of the following:

- (1) Perishable commodities.
- (2) Livestock.

~~(c) A person who recklessly violates this section commits a Class A misdemeanor.~~

SECTION 15. IC 9-19-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) Except as provided in ~~subsections~~ **subsection** (b) ~~through (c)~~ and as otherwise provided in this chapter, this article does not apply to the following with respect to equipment on vehicles:

- (1) Implements of ~~husbandry~~: **agriculture designed to be operated primarily in a farm field or on farm premises.**
- (2) Road machinery.
- (3) Road rollers.
- (4) Farm tractors.
- (5) Vehicle chassis that:
  - (A) are a part of a vehicle manufacturer's work in process; and
  - (B) are driven under this subdivision only for a distance of less than one (1) mile.

~~(b) A farm type dry or liquid fertilizer tank trailer or spreader that is drawn or towed on a highway by:~~

- ~~(1) a farm tractor; or~~
- ~~(2) a motor vehicle at a speed not greater than thirty (30) miles per hour;~~

~~is considered an implement of husbandry with respect to equipment requirements and all the requirements of this article regarding lamps or combinations, including farm tractors, apply.~~

~~(c)~~ **(b)** A farm type dry or liquid fertilizer tank trailer or spreader that is drawn or towed on a highway by a motor vehicle other than a farm tractor at a speed greater than thirty (30) miles per hour is considered a trailer for equipment requirement purposes and all equipment requirements concerning trailers apply.

SECTION 16. IC 9-19-1-3, AS AMENDED BY P.L.1-1999,

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SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. Sections 4 through 5 of this chapter and IC 9-19-4-3, IC 9-19-4-4, and IC 9-19-5-7:

(1) do not apply to:

- (A) machinery or equipment used in highway construction or maintenance by the Indiana department of transportation, counties, or municipalities;
- (B) farm drainage machinery;
- (C) implements of ~~husbandry~~ **agriculture** when used during farming operations or when so constructed that they can be moved without material damage to the highways; or
- (D) firefighting apparatus owned or operated by a political subdivision or a volunteer fire department (as defined in ~~IC 36-8-12-1~~; **IC 36-8-12-2**); and

(2) do not limit the width or height of farm vehicles when loaded with farm products."

Page 1, line 5, strike "husbandry" and insert "**agriculture designed to be operated primarily in a farm field or on farm premises, when operated on a highway and**".

Page 2, line 5, strike "husbandry" and insert "**agriculture designed to be operated primarily in a farm field or on farm premises, when operated on a highway and**".

Page 2, line 15, strike "husbandry" and insert "**agriculture designed to be operated primarily in a farm field or on farm premises, when operated on a highway and**".

Page 2, line 19, delete "chapter or" and insert "chapter **or**".

Page 2, line 28, strike "husbandry" and insert "**agriculture**".

Page 2, line 32, strike "husbandry" and insert "**agriculture designed to be operated primarily in a farm field or on farm premises, when operated on a highway and**".

Page 2, line 39, strike "husbandry" and insert "**agriculture**".

Page 3, line 11, strike "husbandry" and insert "**agriculture**".

Page 3, line 23, strike "husbandry" and insert "**agriculture**".

Page 3, line 32, delete "husbandry." and insert "**agriculture.**".

Page 4, between lines 14 and 15, begin a new paragraph and insert: "SECTION 20. IC 9-19-18-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) Except as provided in subsections (b) through (d), a tire on a vehicle moved on a highway may not have on the tire's periphery a block, stud, flange, cleat, or spike or any other protuberance of any material other than rubber that projects beyond the tread of the traction surface of the tire.

(b) **Farm machinery Implements of agriculture** may use tires

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having protuberances that will not injure the highway.

(c) Tire chains of reasonable proportions may be used upon a vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid.

(d) From October 1 to the following May 1, a vehicle may use tires in which have been inserted ice grips or tire studs of wear-resisting material, installed in a manner that provides resiliency upon contact with the road, with projections that do not exceed three thirty-seconds (3/32) of an inch beyond the tread of the traction surface of the tire, and constructed to prevent any appreciable damage to the road surface.

SECTION 21. IC 9-19-18-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. The Indiana department of transportation and local authorities in their respective jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of:

- (1) traction engines; or
- (2) tractors having movable tracks with transverse corrugations upon the periphery of movable tracks; or
- (3) farm tractors or ~~other farm machinery~~, **implements of agriculture designed to be operated primarily in a farm field or on farm premises;**

the operation of which upon a highway would otherwise be prohibited under this chapter.

SECTION 22. IC 9-20-2-2, AS AMENDED BY P.L.1-1999, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) As used in this section, "farm vehicle loaded with a farm product" includes a truck hauling unprocessed leaf tobacco.

(b) Except for interstate highway travel, this article does not apply to the following:

- (1) Machinery or equipment used in highway construction or maintenance by the Indiana department of transportation, counties, or municipalities.
- (2) ~~Farm drainage machinery.~~
- (3) ~~(2)~~ **(2)** Implements of ~~husbandry~~ **agriculture** when used during farming operations or when so constructed that the implements can be moved without material damage to the highways.

(c) This article does not apply to firefighting apparatus owned or operated by a political subdivision or volunteer fire department (as defined in IC 36-8-12-2).

(d) Except for interstate highway travel, this article does not limit the width or height of a farm vehicle loaded with a farm product.

SECTION 23. IC 9-21-8-27 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 27. (a) Except as provided in subsection (b), a stop or turn signal required under this chapter may be given by means of the hand and arm or by a signal lamp or lamps or mechanical signal device.

(b) This subsection does not apply to farm tractors and implements **of agriculture designed to be operated primarily in a farm field or on farm premises**. A motor vehicle in use on a highway must be equipped with and a required signal shall be given by a signal lamp or lamps or mechanical signal device when either of the following conditions exist:

- (1) The distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of the motor vehicle exceeds twenty-four (24) inches.
- (2) The distance from the center of the top of the steering post to the rear limit of the body or load of the motor vehicle exceeds fourteen (14) feet. This measurement applies to a single vehicle and a combination of vehicles.

SECTION 24. IC 9-21-8-46 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 46. A person may not drive or operate:

- (1) an implement of ~~husbandry~~ **agriculture designed to be operated primarily in a farm field or on farm premises; or**
- (2) **a piece of special machinery;**

upon any part of an interstate highway.

SECTION 25. IC 9-21-8-47, AS AMENDED BY P.L.1-1999, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 47. The following vehicles must be moved or operated so as to avoid any material damage to the highway or unreasonable interference with other highway traffic:

- (1) Machinery or equipment used in highway construction or maintenance by the Indiana department of transportation, counties, or municipalities.
- (2) Farm drainage machinery.
- (3) Implements of ~~husbandry~~ **agriculture**.
- (4) Firefighting apparatus owned or operated by a political subdivision or a volunteer fire department (as defined in IC 36-8-12-2).
- (5) Farm vehicles loaded with farm products."

Page 4, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 27. IC 9-21-21 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]:



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**Chapter 21. Farm Vehicles Involved in Commercial Enterprises**

**Sec. 1. A motor vehicle, trailer, or semitrailer and tractor may be operated primarily as a farm truck, farm trailer, or farm semitrailer and tractor if the vehicle meets the specifications set forth in IC 9-29-5-13(b).**

**Sec. 2. A farm truck, farm trailer, or farm semitrailer and tractor described in section 1 of this chapter may not be operated:**

- (1) part time or incidentally in the conduct of a commercial enterprise; or**
- (2) for the transportation of farm products after the commodities have entered the channels of commerce.**

**Sec. 3. A farm truck described in section 1 of this chapter may be used for personal purposes if the vehicle otherwise qualifies for that class of registration.**

**Sec. 4. If the owner of a farm truck, farm trailer, or farm semitrailer and tractor described in section 1 of this chapter begins to operate, or permits the farm truck, farm trailer, or farm semitrailer and tractor to be operated:**

- (1) in the conduct of a commercial enterprise; or**
- (2) for the transportation of farm products after the commodities have entered the channels of commerce during a registration year for which the license fee under IC 9-29-5-13 has been paid;**

**the owner shall pay the amount computed under IC 9-29-5-13.5 due for the remainder of the registration year for the license fee.**

**Sec. 5. In addition to the penalty provided in section 7 of this chapter, a person that operates a vehicle, or allows a vehicle that the person owns to be operated when the vehicle is:**

- (1) registered under this chapter as a farm truck, farm trailer, or farm semitrailer and tractor; and**
- (2) operated as set forth in section 4 of this chapter;**

**commits a Class C infraction. However, the offense is a Class B infraction if, within the three (3) years preceding the commission of the offense, the person had a prior unrelated judgment under this section.**

**Sec. 6. For purposes of this chapter, the operation of a vehicle in violation of section 4 of this chapter is a continuing offense and the venue for prosecution lies in a county in which the unlawful operation occurred. However, a:**

- (1) judgment against; or**
- (2) finding by the court for;**

**the owner or operator bars a prosecution in another county.**

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**Sec. 7. (a) A law enforcement officer (as defined in IC 9-13-2-92(a)(1), IC 9-13-2-92(a)(2), or IC 9-13-2-92(a)(3)) who discovers a vehicle registered under this chapter as a farm truck, farm trailer, or farm semitrailer and tractor that is being operated as set forth in section 4 of this chapter:**

- (1) may take the vehicle into the officer's custody; and**
- (2) may cause the vehicle to be taken to and stored in a suitable place until:**
  - (A) the legal owner of the vehicle can be found; or**
  - (B) the proper certificate of registration and license plates have been procured and the amount computed under IC 9-29-5-13.5 has been paid.**

**(b) A law enforcement officer described in subsection (a) who discovers a vehicle in violation of the registration provisions of this chapter may not impound any of the following:**

- (1) Perishable commodities.**
- (2) Livestock.**

SECTION 28. IC 9-24-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. Sections 1 through 5 of this chapter do not apply to the following individuals:

- (1) An individual in the service of the armed forces of the United States while operating an official motor vehicle in that service.
- (2) An individual while operating:
  - (A) a road roller;
  - (B) road construction or maintenance machinery, except where the road roller or machinery is required to be registered under Indiana law;
  - (C) a ditch digging apparatus;
  - (D) a well drilling apparatus;
  - (E) a concrete mixer; or
  - (F) **a farm tractor or an implement of husbandry; agriculture designed to be operated primarily in a farm field or on farm premises;**

that is being temporarily drawn, moved, or propelled on an Indiana public highway.

- (3) A nonresident who:
  - (A) is at least sixteen (16) years and one (1) month of age; and
  - (B) has in the nonresident's immediate possession a valid operator's license that was issued to the nonresident in the nonresident's home state or country;
 while operating a motor vehicle in Indiana only as an operator.
- (4) A nonresident who:

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- (A) is at least eighteen (18) years of age; and
- (B) has in the nonresident's immediate possession a valid chauffeur's license that was issued to the nonresident in the nonresident's home state or country;

while operating a motor vehicle upon a public highway, either as an operator or a chauffeur.

(5) A nonresident who:

- (A) is at least eighteen (18) years of age; and
- (B) has in the nonresident's immediate possession a valid license issued by the nonresident's home state for the operation of any motor vehicle upon a public highway when in use as a public passenger carrying vehicle;

while operating a motor vehicle upon a public highway.

(6) A nonresident whose home state or country does not require the licensing of operators or chauffeurs and who has not been licensed as an operator or a chauffeur in the nonresident's home state or country as an operator if the nonresident is at least sixteen (16) years and thirty (30) days of age and less than eighteen (18) years of age or as a chauffeur if the nonresident is at least eighteen (18) years of age, for not more than sixty (60) days in any one (1) year if the following conditions exist:

- (A) The unlicensed nonresident is the owner of the motor vehicle or the authorized driver of the vehicle.
- (B) The vehicle has been registered for the current year in the state or country of which the owner is a resident.
- (C) The motor vehicle at all times displays a registration plate issued in the home state or country of the owner.
- (D) The nonresident owner or driver has in the owner's or driver's immediate possession a registration card evidencing ownership and registration in the owner's or driver's home state or country or is able at any required time or place to do the following:
  - (i) Prove lawful possession or the right to operate the motor vehicle.
  - (ii) Establish the nonresident's proper identity.

(7) An individual who is legally licensed to operate a motor vehicle in the state of the individual's residence and who is employed in Indiana, subject to the restrictions imposed by the state of the individual's residence.

(8) A new resident of Indiana who possesses an unexpired driver's license issued by the resident's former state of residence, for a period of sixty (60) days after becoming a resident of Indiana.

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(9) An individual who is an engineer, a conductor, a brakeman, or another member of the crew of a locomotive or a train that is being operated upon rails, including the operation of the locomotive or the train on a crossing over a street or a highway. An individual described in this subdivision is not required to display a license to a law enforcement officer in connection with the operation of a locomotive or a train in Indiana.

SECTION 29. IC 9-29-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. (a) This section does not apply to a vehicle or person exempted from registration under IC 9-18.

(b) The license fee for a motor vehicle that has: (1) a corn sheller; (2) a well driller; (3) a hay press; (4) a clover huller; (5) a farm wagon type liquid fertilizer tank trailer; or (6) farm machinery; that is permanently mounted on the motor vehicle and used solely for transporting the equipment a piece of special machinery is five dollars (\$5). The motor vehicle is exempt from other fees provided under IC 9-18 or this article.

(c) The license fee for a farm wagon used for transporting farm products and farm supplies in connection with a farming operation is five dollars (\$5). The farm wagon is exempt from other fees provided under IC 9-18 or this article.

(d) The license fee for a farm type dry or liquid fertilizer tank trailer or spreader or implement of husbandry used to transport bulk fertilizer between distribution point and farm and return is five dollars (\$5). The trailer, spreader, or implement is exempt from the other fees provided under IC 9-18 or this article.

(e) (c) The owner of a vehicle listed in this section is not entitled to a reduction in the five dollar (\$5) license fee because the license is granted at a time that the license period is less than a year.

SECTION 30. IC 9-29-5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 12. A farm wagon or farm type dry or liquid fertilizer tank trailer or spreader used to transport bulk fertilizer between distribution point and farm and return is exempt from all license fees when the wagon, trailer, or spreader is drawn or towed on a highway by a:

- (1) farm tractor; or
- (2) properly registered motor vehicle.

that is registered as a farm tractor used in transportation:

SECTION 31. IC 9-29-5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 13. (a) This section does not apply to a vehicle or person exempt from registration under

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IC 9-18.

(b) The license fee for a motor vehicle, trailer, or semitrailer and tractor operated primarily as a farm truck, farm trailer, or farm semitrailer and tractor:

- (1) having a declared gross weight of at least ~~eleven~~ **sixteen** thousand (~~11,000~~) **(16,000)** pounds; and
- (2) used by the owner or guest occupant in connection with agricultural pursuits usual and normal to the user's farming operation;

is fifty percent (50%) of the amount listed in this chapter for a truck, trailer, or semitrailer and tractor of the same declared gross weight.

~~(c) A farm truck, farm trailer, or farm semitrailer and tractor described in subsection (b) may not be operated either part time or incidentally in the conduct of a commercial enterprise or for the transportation of farm products after the commodities have entered the channels of commerce.~~

~~(d) A farm truck described in subsection (b) may be used for personal purposes if the vehicle otherwise qualifies for that class of registration.~~

SECTION 32. IC 9-29-5-42 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 42. (a) Except as provided in subsection (c), vehicles not subject to IC 9-18-2-8 shall be registered at one-half (1/2) of the regular rate, subject to IC 9-18-2-7, if the vehicle is registered after July 31 of any year. This subsection does not apply to the following:

- ~~(1) A farm tractor used in transportation.~~
- ~~(2) (1) Special farm machinery.~~
- ~~(3) (2) Semitrailers registered on a five (5) year or permanent basis under IC 9-18-10-2.~~
- (3) An implement of agriculture designed to be operated primarily on a highway.**

(b) Except as provided in subsection (c), subsection (a) and IC 9-18-2-7 determine the registration fee for the registration of a vehicle subject to registration under IC 9-18-2-8(c), IC 9-18-2-8(d), and IC 9-18-2-8(e) and acquired by an owner subsequent to the date required for the annual registration of vehicles by an owner set forth in IC 9-18-2-8.

(c) Subject to subsection (d), a vehicle subject to the International Registration Plan that is registered after September 30 shall be registered at a rate determined by the following formula:

STEP ONE: Determine the number of months before April 1 of the following year beginning with the date of registration. A

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partial month shall be rounded to one (1) month.

STEP TWO: Multiply the STEP ONE result by one-twelfth (1/12).

STEP THREE: Multiply the annual registration fee for the vehicle by the STEP TWO result.

(d) If the department of state revenue adopts rules under IC 9-18-2-7 to implement staggered registration for motor vehicles subject to the International Registration Plan, a motor vehicle subject to the International Registration Plan that is registered after the date designated for registration of the motor vehicle in rules adopted under ~~IC 9-17-2-7~~ IC 9-18-2-7 shall be registered at a rate determined by the following formula:

STEP ONE: Determine the number of months before the motor vehicle must be re-registered. A partial month shall be rounded to one (1) month.

STEP TWO: Multiply the STEP ONE result by one-twelfth (1/12).

STEP THREE: Multiply the annual registration fee for the vehicle by the STEP TWO result.

SECTION 33. IC 13-11-2-245 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 245. (a) "Vehicle", for purposes of IC 13-17-5, refers to a vehicle required to be registered with the bureau of motor vehicles and required to have brakes. The term does not include the following:

- ~~(1)~~ Farm tractors.
- ~~(2)~~ Implements of husbandry.
- ~~(3)~~ Farm tractors used in transportation.
- ~~(4)~~ **(1)** Mobile homes (house trailers).
- ~~(5)~~ **(2)** Trailers weighing not more than three thousand (3,000) pounds.
- ~~(6)~~ **(3)** Antique motor vehicles.
- (4) Special machinery (as defined in IC 9-13-2-170.3).**

(b) "Vehicle", for purposes of IC 13-18-12, means a device used to transport a tank.

(c) "Vehicle", for purposes of IC 13-20-4, refers to a municipal waste collection and transportation vehicle.

(d) "Vehicle", for purposes of IC 13-20-13-7, means a motor vehicle and types of equipment, machinery, implements, or other devices used in transportation, manufacturing, agriculture, construction, or mining. The term does not include the following:

- (1) A lawn and garden tractor that is propelled by a motor of not more than ~~twenty (20)~~ **twenty-five (25)** horsepower.

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(2) A semitrailer.

(e) "Vehicle", for purposes of IC 13-20-14, has the meaning set forth in IC 9-13-2-196.

SECTION 34. IC 26-1-9.1-311, AS ADDED BY P.L.57-2000, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 311. (a) Except as otherwise provided in subsection (d), the filing of a financing statement is not necessary or effective to perfect a security interest in property subject to:

(1) a statute, regulation, or treaty of the United States whose requirements for a security interest's obtaining priority over the rights of a lien creditor with respect to the property preempt IC 26-1-9.1-310(a);

(2) any Indiana certificate-of-title statute covering automobiles, trailers, mobile homes, ~~or boats, farm tractors or the like~~, which provides for a security interest to be indicated on the certificate as a condition or result of perfection; or

(3) a certificate-of-title statute of another jurisdiction which provides for a security interest to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the property.

(b) Compliance with the requirements of a statute, regulation, or treaty described in subsection (a) for obtaining priority over the rights of a lien creditor is equivalent to the filing of a financing statement under IC 26-1-9.1. Except as otherwise provided in subsection (d), IC 26-1-9.1-313, IC 26-1-9.1-316(d), and IC 26-1-9.1-316(e) for goods covered by a certificate of title, a security interest in property subject to a statute, regulation, or treaty described in subsection (a) may be perfected only by compliance with those requirements, and a security interest so perfected remains perfected notwithstanding a change in the use or transfer of possession of the collateral.

(c) Except as otherwise provided in subsection (d), IC 26-1-9.1-316(d), and IC 26-1-9.1-316(e), duration and renewal of perfection of a security interest perfected by compliance with the requirements prescribed by a statute, regulation, or treaty described in subsection (a) are governed by the statute, regulation, or treaty. In other respects, the security interest is subject to IC 26-1-9.1.

(d) During any period in which collateral, subject to a statute specified in subsection (a)(2), is inventory held for sale or lease by a person or leased by that person as lessor, and that person is in the business of selling goods of that kind, this section does not apply to a security interest in that collateral created by that person, but instead, the filing provisions of IC 26-1-9.1-501 through IC 26-1-9.1-527 apply.

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SECTION 35. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2004]: IC 6-6-2.5-11; IC 9-13-2-55; IC 9-13-2-57; IC 9-13-2-169; IC 9-29-5-19.

SECTION 36. [EFFECTIVE JULY 1, 2004] (a) **Notwithstanding IC 9-13-2-77(b), as added by this act, the bureau of motor vehicles shall carry out the duties imposed on it under IC 9-13-2-77(b), as added by this act, under interim written guidelines approved by the commissioner of motor vehicles.**

(b) **This SECTION expires on the earlier of the following:**

- (1) **The date rules are adopted under IC 9-13-2-77(b), as added by this act.**
- (2) **December 31, 2005."**

Page 4, after line 42, begin a new paragraph and insert:

"SECTION 38. [EFFECTIVE UPON PASSAGE] (a) **The bureau of motor vehicles shall adopt rules under IC 4-22-2 to identify and define "farm truck", "farm trailer", and "farm semitrailer and tractor", as required by IC 9-13-2-58.**

(b) **Notwithstanding subsection (a), the bureau of motor vehicles shall carry out the duties imposed on it by IC 9-13-2-58 and by this SECTION under interim written guidelines approved by the commissioner of motor vehicles.**

(c) **This SECTION expires on the earlier of the following:**

- (1) **The date rules are adopted as required by IC 9-13-2-58.**
- (2) **December 31, 2005.**

SECTION 39. [EFFECTIVE JULY 1, 2004] (a) **Notwithstanding IC 9-29-5-13, as amended by this act, the requirement that a motor vehicle, trailer, or semitrailer and tractor must have a declared gross weight of at least sixteen thousand (16,000) pounds in order to be categorized as a farm truck, farm trailer, or farm semitrailer and tractor does not apply to a motor vehicle, trailer, or semitrailer and tractor before January 1, 2005.**

(b) **This SECTION expires December 31, 2005.**

SECTION 40. **An emergency is declared for this act."**

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 298 as printed January 23, 2004.)

BISCHOFF, Chair

Committee Vote: yeas 13, nays 1.

ES 298—LS 6868/DI 96+

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