

Adopted	Rejected
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# COMMITTEE REPORT

<b>YES:</b>	<b>13</b>
<b>NO:</b>	<b>1</b>

**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:*

- 1           Page 1, between the enacting clause and line 1, begin a new
- 2           paragraph and insert:
- 3           "SECTION 1. IC 6-6-1.1-903 IS AMENDED TO READ AS
- 4           FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 903. (a) A person is
- 5           entitled to a refund of gasoline tax paid on gasoline purchased or used
- 6           for the following purposes:
- 7           (1) Operating stationary gas engines.
- 8           (2) Operating equipment mounted on motor vehicles, whether or
- 9           not operated by the engine propelling the motor vehicle.
- 10          (3) Operating a tractor used for agricultural purposes.
- 11          (3.1) Operating implements of ~~husbandry~~ **agriculture** (as defined
- 12          in IC 9-13-2-77).

- 1 (4) Operating motorboats or aircraft.  
 2 (5) Cleaning or dyeing.  
 3 (6) Other commercial use, except propelling motor vehicles  
 4 operated in whole or in part on an Indiana public highway.  
 5 (7) Operating a taxicab (as defined in section 103 of this chapter).

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

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

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

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

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

- 36 (1) transport;  
 37 (2) delivery; or

1           (3) application;  
 2 of ~~plant food materials or agricultural chemicals~~ **crop inputs, including**  
 3 **seed, fertilizers, and crop protection products**, and vehicles designed  
 4 to transport ~~farm~~ **these types of agricultural** implements.

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

8           **(1) in a farm field or on farm premises; or**

9           **(2) on a highway.**

10          SECTION 5. IC 9-13-2-105, AS AMENDED BY P.L.265-2003,  
 11 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2004]: Sec. 105. (a) "Motor vehicle" means, except as  
 13 otherwise provided in this section, a vehicle that is self-propelled. The  
 14 term does not include a farm tractor, an implement of ~~husbandry~~;  
 15 **agriculture designed to be operated primarily in a farm field or on**  
 16 **farm premises**, or an electric personal assistive mobility device.

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

18           (1) a vehicle except a motorized bicycle that is self-propelled; or

19           (2) a vehicle that is propelled by electric power obtained from  
 20 overhead trolley wires, but not operated upon rails.

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

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

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

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

35           (1) A farm tractor.

36           ~~(2) A farm tractor used in transportation.~~

1           (2) A tractor that is used exclusively for drawing a passenger  
2           carrying semitrailer.

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

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

8           (1) A motor vehicle designed and used primarily for drawing  
9           another vehicle and constructed to carry a load other than a part  
10          of the weight of the vehicle and load so drawn.

11          (2) A motor vehicle designed and used primarily as a farm  
12          implement for drawing plows, mowing machines, and other  
13          implements of ~~husbandry~~ **agriculture**.

14          SECTION 9. IC 9-13-2-196, AS AMENDED BY P.L.143-2002,  
15          SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16          JULY 1, 2004]: Sec. 196. (a) "Vehicle" means, except as otherwise  
17          provided in this section, a device in, upon, or by which a person or  
18          property is, or may be, transported or drawn upon a highway.

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

21          (1) A device moved by human power.

22          (2) A vehicle that runs only on rails or tracks.

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

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

27          (5) A municipally owned ambulance.

28          (6) A police patrol wagon.

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

32                  (A) Road construction or maintenance machinery.

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

35                  (C) Construction dust control machinery.

36                  (D) Well boring apparatus.

37                  (E) Ditch digging apparatus.

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

3 (G) An invalid chair.

4 (H) A yard tractor.

5 (8) An electric personal assistive mobility device.

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

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

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

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

18 (1) Farm wagons.

19 (2) Farm tractors.

20 ~~(3) Farm machinery.~~

21 ~~(4)~~ **(3)** A new motor vehicle if the new motor vehicle is being  
 22 operated in Indiana solely to remove it from an accident site to a  
 23 storage location because:

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

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

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

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

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

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

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

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

- 3 (1) to prevent the license plate from swinging;  
4 (2) at a height of at least twelve (12) inches from the ground,  
5 measuring from the bottom of the license plate;  
6 (3) in a place and position that are clearly visible;  
7 (4) maintained free from foreign materials and in a condition to be  
8 clearly legible; and  
9 (5) not obstructed or obscured by tires, bumpers, accessories, or  
10 other opaque objects.

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

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

- 17 (1) a motor vehicle;  
18 (2) a motorcycle;  
19 (3) a truck;  
20 (4) a trailer;  
21 (5) a semitrailer;  
22 (6) a tractor;  
23 ~~(7) an implement of husbandry or a farm tractor used in~~  
24 ~~transportation;~~  
25 ~~(8) (7) a bus;~~  
26 ~~(9) (8) a school bus;~~  
27 ~~(10) (9) a recreational vehicle; or~~  
28 ~~(11) (10) special farm machinery;~~

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

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

- 37 **(1) register the piece of special machinery with the bureau;**

1           **and**

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

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

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

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

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

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

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

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

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

1           (1) a farm tractor; or

2           (2) a motor vehicle at a speed not greater than thirty (30) miles per  
3           hour;

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

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

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

16           (1) do not apply to:

17           (A) machinery or equipment used in highway construction or  
18 maintenance by the Indiana department of transportation,  
19 counties, or municipalities;

20           (B) farm drainage machinery;

21           (C) implements of ~~husbandry~~ **agriculture** when used during  
22 farming operations or when so constructed that they can be  
23 moved without material damage to the highways; or

24           (D) firefighting apparatus owned or operated by a political  
25 subdivision or a volunteer fire department (as defined in  
26 ~~IC 36-8-12-1~~; **IC 36-8-12-2**); and

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

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

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

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



- 1 Page 2, line 19, delete "chapter or" and insert "chapter **or**".
- 2 Page 2, line 28, strike "husbandry" and insert "**agriculture**".
- 3 Page 2, line 32, strike "husbandry" and insert "**agriculture designed**
- 4 **to be operated primarily in a farm field or on farm premises, when**
- 5 **operated on a highway and**".
- 6 Page 2, line 39, strike "husbandry" and insert "**agriculture**".
- 7 Page 3, line 11, strike "husbandry" and insert "**agriculture**".
- 8 Page 3, line 23, strike "husbandry" and insert "**agriculture**".
- 9 Page 3, line 32, delete "husbandry." and insert "**agriculture.**".
- 10 Page 4, between lines 14 and 15, begin a new paragraph and insert:
- 11 "SECTION 20. IC 9-19-18-3 IS AMENDED TO READ AS
- 12 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) Except as
- 13 provided in subsections (b) through (d), a tire on a vehicle moved on
- 14 a highway may not have on the tire's periphery a block, stud, flange,
- 15 cleat, or spike or any other protuberance of any material other than
- 16 rubber that projects beyond the tread of the traction surface of the tire.
- 17 (b) ~~Farm machinery~~ **Implements of agriculture** may use tires
- 18 having protuberances that will not injure the highway.
- 19 (c) Tire chains of reasonable proportions may be used upon a
- 20 vehicle when required for safety because of snow, ice, or other
- 21 conditions tending to cause a vehicle to skid.
- 22 (d) From October 1 to the following May 1, a vehicle may use tires
- 23 in which have been inserted ice grips or tire studs of wear-resisting
- 24 material, installed in a manner that provides resiliency upon contact with
- 25 the road, with projections that do not exceed three thirty-seconds (3/32)
- 26 of an inch beyond the tread of the traction surface of the tire, and
- 27 constructed to prevent any appreciable damage to the road surface.
- 28 SECTION 21. IC 9-19-18-4 IS AMENDED TO READ AS
- 29 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. The Indiana
- 30 department of transportation and local authorities in their respective
- 31 jurisdictions may in their discretion issue special permits authorizing the
- 32 operation upon a highway of:
- 33 (1) traction engines; ~~or~~
- 34 (2) tractors having movable tracks with transverse corrugations
- 35 upon the periphery of movable tracks; or
- 36 (3) farm tractors or ~~other farm machinery,~~ **implements of**

1           **agriculture designed to be operated primarily in a farm field**  
 2           **or on farm premises;**

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

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

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

11           (1) Machinery or equipment used in highway construction or  
 12           maintenance by the Indiana department of transportation, counties,  
 13           or municipalities.

14           ~~(2) Farm drainage machinery.~~

15           ~~(2)~~ (2) Implements of ~~husbandry~~ **agriculture** when used during  
 16           farming operations or when so constructed that the implements  
 17           can be moved without material damage to the highways.

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

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

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

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

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

37           (2) The distance from the center of the top of the steering post to

1 the rear limit of the body or load of the motor vehicle exceeds  
 2 fourteen (14) feet. This measurement applies to a single vehicle  
 3 and a combination of vehicles.

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

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

10 upon any part of an interstate highway.

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

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

25 Page 4, between lines 33 and 34, begin a new paragraph and insert:  
 26 "SECTION 27. IC 9-21-21 IS ADDED TO THE INDIANA CODE  
 27 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
 28 1, 2004]:

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

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

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

- 36 **(1) part time or incidentally in the conduct of a commercial**

- 1           enterprise; or  
 2           (2) for the transportation of farm products after the  
 3           commodities have entered the channels of commerce.

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

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

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

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

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

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

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

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

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

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

35           **Sec. 7. (a)** A law enforcement officer (as defined in

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

5 **(1) may take the vehicle into the officer's custody; and**

6 **(2) may cause the vehicle to be taken to and stored in a**  
 7 **suitable place until:**

8 **(A) the legal owner of the vehicle can be found; or**

9 **(B) the proper certificate of registration and license plates**

10 **have been procured and the amount computed under**

11 **IC 9-29-5-13.5 has been paid.**

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

15 **(1) Perishable commodities.**

16 **(2) Livestock.**

17 SECTION 28. IC 9-24-1-7 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. Sections 1 through  
 19 5 of this chapter do not apply to the following individuals:

20 (1) An individual in the service of the armed forces of the United  
 21 States while operating an official motor vehicle in that service.

22 (2) An individual while operating: ~~æ~~

23 (A) a road roller;

24 (B) road construction or maintenance machinery, except where  
 25 the road roller or machinery is required to be registered under  
 26 Indiana law;

27 (C) a ditch digging apparatus;

28 (D) a well drilling apparatus;

29 (E) a concrete mixer; or

30 (F) a farm tractor or an implement of husbandry, agriculture

31 **designed to be operated primarily in a farm field or on**  
 32 **farm premises;**

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

35 (3) A nonresident who:

36 (A) is at least sixteen (16) years and one (1) month of age; and

1 (B) has in the nonresident's immediate possession a valid  
2 operator's license that was issued to the nonresident in the  
3 nonresident's home state or country;

4 while operating a motor vehicle in Indiana only as an operator.

5 (4) A nonresident who:

6 (A) is at least eighteen (18) years of age; and

7 (B) has in the nonresident's immediate possession a valid  
8 chauffeur's license that was issued to the nonresident in the  
9 nonresident's home state or country;

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

12 (5) A nonresident who:

13 (A) is at least eighteen (18) years of age; and

14 (B) has in the nonresident's immediate possession a valid  
15 license issued by the nonresident's home state for the operation  
16 of any motor vehicle upon a public highway when in use as a  
17 public passenger carrying vehicle;

18 while operating a motor vehicle upon a public highway.

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

27 (A) The unlicensed nonresident is the owner of the motor  
28 vehicle or the authorized driver of the vehicle.

29 (B) The vehicle has been registered for the current year in the  
30 state or country of which the owner is a resident.

31 (C) The motor vehicle at all times displays a registration plate  
32 issued in the home state or country of the owner.

33 (D) The nonresident owner or driver has in the owner's or  
34 driver's immediate possession a registration card evidencing  
35 ownership and registration in the owner's or driver's home  
36 state or country or is able at any required time or place to do  
37 the following:

1 (i) Prove lawful possession or the right to operate the motor  
2 vehicle.

3 (ii) Establish the nonresident's proper identity.

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

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

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

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

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

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

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

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

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

10            (1) farm tractor; or

11            (2) **properly registered motor vehicle.**

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

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

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

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

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

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

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

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

35        SECTION 32. IC 9-29-5-42 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 42. (a) Except as  
 37 provided in subsection (c), vehicles not subject to IC 9-18-2-8 shall be



1 registered at one-half (1/2) of the regular rate, subject to IC 9-18-2-7,  
 2 if the vehicle is registered after July 31 of any year. This subsection  
 3 does not apply to the following:

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

5 ~~(2) (1) Special farm machinery.~~

6 ~~(3) (2) Semitrailers registered on a five (5) year or permanent~~  
 7 ~~basis under IC 9-18-10-2.~~

8 **(3) An implement of agriculture designed to be operated**  
 9 **primarily on a highway.**

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

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

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

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

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

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

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

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

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

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

6 ~~(1) Farm tractors.~~

7 ~~(2) Implements of husbandry.~~

8 ~~(3) Farm tractors used in transportation.~~

9 ~~(4)~~ (1) Mobile homes (house trailers).

10 ~~(5)~~ (2) Trailers weighing not more than three thousand (3,000)  
 11 pounds.

12 ~~(6)~~ (3) Antique motor vehicles.

13 **(4) Special machinery (as defined in IC 9-13-2-170.3).**

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

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

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

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

24 (2) A semitrailer.

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

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

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

36 (2) any Indiana certificate-of-title statute covering automobiles,  
 37 trailers, mobile homes, or boats, ~~farm tractors or the like~~, which

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

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

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

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

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

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

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

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

3           **(2) December 31, 2005."**

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

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

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

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

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

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

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

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

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

25           Renumber all SECTIONS consecutively.

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

**and when so amended that said bill do pass.**

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Representative Bischoff