
HOUSE BILL No. 1429

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-21-21; IC 9-29-5-13.

Synopsis: Registration and license plates for farm vehicles. 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 and permits certain law enforcement officers to impound the vehicle and its contents. Requires the bureau of motor vehicles to adopt rules to identify and define "farm truck", "farm trailer", and "farm semitrailer and tractor". Makes conforming amendments.

Effective: Upon passage; July 1, 2004.

Stutzman, Cherry

January 20, 2004, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.

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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.

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HOUSE BILL No. 1429



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 9-21-21 IS ADDED TO THE INDIANA CODE AS
 2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 3 1, 2004]:
 4 **Chapter 21. Farm Vehicles Involved in Commercial Enterprises**
 5 **Sec. 1. A motor vehicle, trailer, or semitrailer and tractor may**
 6 **be operated primarily as a farm truck, farm trailer, or farm**
 7 **semitrailer and tractor if the vehicle meets the specifications set**
 8 **forth in IC 9-29-5-13(b).**
 9 **Sec. 2. A farm truck, farm trailer, or farm semitrailer and**
 10 **tractor described in section 1 of this chapter may not be operated:**
 11 **(1) part time or incidentally in the conduct of a commercial**
 12 **enterprise; or**
 13 **(2) for the transportation of farm products after the**
 14 **commodities have entered the channels of commerce.**
 15 **Sec. 3. A farm truck described in section 1 of this chapter may**
 16 **be used for personal purposes if the vehicle otherwise qualifies for**
 17 **that class of registration.**



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

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

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

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

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

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

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

- 26 (1) **judgment against; or**
 - 27 (2) **finding by the court for the owner or operator;**
- 28 **bars a prosecution in another county.**

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

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

41 **(b) A law enforcement officer (as defined in subsection (a)) who**
42 **discovers a vehicle in violation of the registration provisions of this**

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1 **chapter may impound any of the following:**

2 **(1) Perishable commodities.**

3 **(2) Livestock.**

4 SECTION 2. IC 9-29-5-13 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 13. (a) This section
6 does not apply to a vehicle or person exempt from registration under
7 IC 9-18.

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

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

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

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

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

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

26 SECTION 3. [EFFECTIVE JULY 1, 2004] (a) **Notwithstanding**
27 **IC 9-29-5-13, as amended by this act, the requirement that a motor**
28 **vehicle, trailer, or semitrailer and tractor must have a declared**
29 **gross weight of at least twenty thousand (20,000) pounds in order**
30 **to be categorized as a farm truck, farm trailer, or farm semitrailer**
31 **and tractor does not apply to a motor vehicle, trailer, or**
32 **semitrailer and tractor before January 1, 2005.**

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

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

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

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

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- 1 **(1) The date rules are adopted under IC 9-13-2-58.**
- 2 **(2) December 31, 2005.**
- 3 **SECTION 5. An emergency is declared for this act.**

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