

First Regular Session 115th General Assembly (2007)

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 2006 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1237

AN ACT to amend the Indiana Code concerning motor vehicles.

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

SECTION 1. IC 6-6-5-6.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6.7. (a) As used in this section, "passenger motor vehicle" and "truck" have the meanings set forth for those terms in ~~IC 9-13-2-123(a)~~ **IC 9-13-2-123** and IC 9-13-2-188(a).

(b) Every owner of a passenger motor vehicle or passenger motor vehicles or of a truck or trucks who during a registration year regularly rents those vehicles or trucks for periods of under thirty (30) days to others in the regular course of the owner's business is entitled to a credit against the motor vehicle excise tax liability owed for those passenger motor vehicles or trucks for that registration year. The maximum credit an owner is entitled to claim against the tax owed for all those passenger motor vehicles and trucks for a registration year under this section equals the lesser of:

- (1) the total motor vehicle excise taxes due for those passenger motor vehicles and trucks for that registration year, before the application of the credit allowed by this section; or
- (2) the total auto rental excise taxes collected by the owner during the immediately preceding registration year.

(c) A passenger motor vehicle or truck is regularly rented by a

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person in the regular course of the person's business during a registration year if the passenger motor vehicle or truck is rented by the person to another person an average of ten (10) days each month of the registration year that the person owned the passenger motor vehicle or truck.

SECTION 2. IC 6-6-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. As used in this chapter, "passenger motor vehicle" has the meaning set forth in ~~IC 9-13-2-123(a)~~: **IC 9-13-2-123.**

SECTION 3. IC 6-6-9.5-4, AS ADDED BY P.L.214-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. As used in this chapter, "passenger motor vehicle" has the meaning set forth in ~~IC 9-13-2-123(a)~~: **IC 9-13-2-123.**

SECTION 4. IC 6-6-9.7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. As used in this chapter, "passenger motor vehicle" has the meaning set forth in ~~IC 9-13-2-123(a)~~: **IC 9-13-2-123.**

SECTION 5. IC 9-13-2-123, AS AMENDED BY P.L.219-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 123. (a) "Passenger motor vehicle" means ~~except as provided in subsection (b)~~; a motor vehicle designed for carrying passengers. The term includes a low speed vehicle but does not include a motorcycle, a bus, a school bus, or an off-road vehicle.

(b) ~~For purposes of IC 9-19-10, the term includes buses, school buses, and private buses, and excludes trucks, tractors, and recreational vehicles.~~

SECTION 6. IC 9-19-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. This chapter does not apply to a ~~front seat~~ **an occupant of a motor vehicle** who meets any of the following conditions:

- (1) For medical reasons should not wear safety belts, **provided the occupant has written documentation of the medical reasons from a physician.**
- (2) Is a child required to be restrained by a child restraint system under IC 9-19-11.
- (3) Is traveling in a commercial or a United States Postal Service vehicle that makes frequent stops for the purpose of pickup or delivery of goods or services.
- (4) Is a rural carrier of the United States Postal Service and is operating a vehicle while serving a rural postal route.
- (5) Is a newspaper motor route carrier or newspaper bundle hauler who stops to make deliveries from a vehicle.

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(6) Is a driver examiner designated and appointed under IC 9-14-2-3 and is conducting an examination of an applicant for a permit or license under IC 9-24-10.

(7) Is an occupant of a farm truck being used on a farm in connection with agricultural pursuits that are usual and normal to the farming operation, as set forth in IC 9-29-5-13(b)(2).

(8) Is an occupant of a motor vehicle participating in a parade.

(9) Is an occupant of the living quarters area of a recreational vehicle.

(10) Is an occupant of the treatment area of an ambulance (as defined in IC 16-18-2-13).

(11) Is an occupant of the sleeping area of a tractor.

(12) Is an occupant other than the operator of a vehicle described in IC 9-20-11-1(1).

(13) Is an occupant other than the operator of a truck on a construction site.

(14) Is a passenger other than the operator in a cab of a Class A recovery vehicle or a Class B recovery vehicle who is being transported in the cab because the motor vehicle of the passenger is being towed by the recovery vehicle.

(15) Is an occupant other than the operator of a motor vehicle being used by a public utility in an emergency as set forth in IC 9-20-6-5.

SECTION 7. IC 9-19-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. Each ~~front seat~~ occupant of a ~~passenger~~ motor vehicle ~~that is~~ equipped with a safety belt ~~that~~:

(1) ~~meeting~~ meets the standards stated in the Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208); **and**

(2) is standard equipment installed by the manufacturer;

shall have a safety belt properly fastened about the occupant's body at all times when the vehicle is in forward motion.

SECTION 8. IC 9-19-10-3.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3.1. **(a) Except as provided in subsection (b), a vehicle may be stopped to determine compliance with this chapter. However, a vehicle, the contents of a vehicle, the driver of a vehicle, or a passenger in a vehicle may not be inspected, searched, or detained solely because of a violation of this chapter.**

(b) A law enforcement agency may not use a safety belt

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checkpoint to detect and issue a citation for a person's failure to comply with this chapter.

SECTION 9. IC 9-19-10-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) Failure to comply with section 1, 2, ~~3~~, **3.1(a)**, or 4 of this chapter does not constitute fault under IC 34-51-2 and does not limit the liability of an insurer.

(b) Except as provided in subsection (c), evidence of the failure to comply with section 1, 2, ~~3~~, **3.1(a)**, or 4 of this chapter may not be admitted in a civil action to mitigate damages.

(c) Evidence of a failure to comply with this chapter may be admitted in a civil action as to mitigation of damages in a product liability action involving a motor vehicle restraint or supplemental restraint system. The defendant in such an action has the burden of proving noncompliance with this chapter and that compliance with this chapter would have reduced injuries, and the extent of the reduction.

SECTION 10. IC 9-19-10-3 IS REPEALED [EFFECTIVE JULY 1, 2007].

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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