

# SENATE BILL No. 476

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-13-2; IC 9-17-1-1; IC 9-18-1-2; IC 9-21-8-46; IC 14-8-2.

**Synopsis:** Mini-trucks. Authorizes the use of mini-trucks on Indiana highways after December 31, 2009. Requires a mini-truck that is operated on a highway to be titled and registered. Prohibits the operation of a mini-truck on an interstate highway. Requires a dealer of mini-trucks to register as a dealer after December 31, 2009. Excludes mini-trucks when being operated on a highway from the definition of "off-road vehicle" for the purpose of natural resources law. Makes conforming amendments.

**Effective:** July 1, 2009.

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January 14, 2009, read first time and referred to Committee on Homeland Security, Transportation & Veterans Affairs.

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First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

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## SENATE BILL No. 476



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 9-13-2-42, AS AMENDED BY P.L.131-2008,  
2 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2009]: Sec. 42. (a) "Dealer" means, except as otherwise  
4 provided in this section, a person who sells to the general public,  
5 including a person who sells directly by the Internet or other computer  
6 network, at least twelve (12) vehicles each year for delivery in Indiana.  
7 The term includes a person who sells off-road vehicles **and, after**  
8 **December 31, 2009, mini-trucks**. A dealer must have an established  
9 place of business that meets the minimum standards prescribed by the  
10 bureau under rules adopted under IC 4-22-2.

- 11 (b) The term does not include the following:  
12 (1) A receiver, trustee, or other person appointed by or acting  
13 under the judgment or order of a court.  
14 (2) A public officer while performing official duties.  
15 (3) A person who is a dealer solely because of activities as a  
16 transfer dealer.  
17 (c) "Dealer", for purposes of IC 9-31, means a person that sells to



1 the general public for delivery in Indiana at least six (6):

2 (1) boats; or

3 (2) trailers:

4 (A) designed and used exclusively for the transportation of  
5 watercraft; and

6 (B) sold in general association with the sale of watercraft;

7 per year.

8 SECTION 2. IC 9-13-2-103.1 IS ADDED TO THE INDIANA  
9 CODE AS A NEW SECTION TO READ AS FOLLOWS  
10 [EFFECTIVE JULY 1, 2009]: **Sec. 103.1. "Mini-truck" means a**  
11 **truck that:**

12 **(1) is a foreign manufactured import truck that is powered by**  
13 **an internal combustion engine with a piston or rotor**  
14 **displacement of six hundred sixty (660) cubic centimeters or**  
15 **less;**

16 **(2) is sixty (60) inches or less in width;**

17 **(3) has an unladen dry weight of one thousand six hundred**  
18 **(1,600) pounds or less;**

19 **(4) can achieve a top speed of not more than sixty (60) miles**  
20 **per hour;**

21 **(5) is capable of being operated on a highway and is capable**  
22 **of cross-country travel without the benefit of a road;**

23 **(6) is manufactured with a locking enclosed cab and a heated**  
24 **interior; and**

25 **(7) is operated on a highway.**

26 SECTION 3. IC 9-17-1-1 IS AMENDED TO READ AS FOLLOWS  
27 [EFFECTIVE JULY 1, 2009]: Sec. 1. **(a)** This article does not apply to  
28 farm wagons or to a motor vehicle that was designed to have a  
29 maximum design speed of not more than twenty-five (25) miles per  
30 hour and that was built, constructed, modified, or assembled by a  
31 person other than the manufacturer.

32 **(b) IC 9-17-2, IC 9-17-3, IC 9-17-4, IC 9-17-5, and IC 9-17-8**  
33 **apply to a mini-truck after December 31, 2009.**

34 SECTION 4. IC 9-18-1-2 IS ADDED TO THE INDIANA CODE  
35 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
36 1, 2009]: **Sec. 2. After December 31, 2009, this article applies to a**  
37 **mini-truck with the exception of the following:**

38 **(1) IC 9-18-7.**

39 **(2) IC 9-18-9 through IC 9-18-11.**

40 **(3) IC 9-18-13.**

41 **(4) IC 9-18-27.**

42 SECTION 5. IC 9-21-8-46, AS AMENDED BY P.L.210-2005,

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1 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2009]: Sec. 46. A person may not drive or operate:

- 3 (1) an implement of agriculture designed to be operated primarily
  - 4 in a farm field or on farm premises; **or**
  - 5 (2) a piece of special machinery; **or**
  - 6 **(3) after December 31, 2009, a mini-truck;**
- 7 upon any part of an interstate highway.

8 SECTION 6. IC 14-8-2-123 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 123. "Highway, street,  
10 or right-of-way", for purposes of IC 14-16 **and section 185(c)(9) of**  
11 **this chapter**, means the entire width between the boundary lines of a  
12 way:

- 13 (1) that is publicly maintained; and
- 14 (2) when any part of the way is open to the use of the public for
- 15 purposes of vehicular travel.

16 SECTION 7. IC 14-8-2-166.5 IS ADDED TO THE INDIANA  
17 CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
18 **[EFFECTIVE JULY 1, 2009]: Sec. 166.5. "Mini-truck", for purposes**  
19 **of section 185 of this chapter, means a truck that:**

- 20 **(1) is a foreign manufactured import truck that is powered by**
- 21 **an internal combustion engine with a piston or rotor**
- 22 **displacement of six hundred sixty (660) cubic centimeters or**
- 23 **less;**
- 24 **(2) is sixty (60) inches or less in width;**
- 25 **(3) has an unladen dry weight of one thousand six hundred**
- 26 **(1,600) pounds or less;**
- 27 **(4) can achieve a top speed of not more than sixty (60) miles**
- 28 **per hour;**
- 29 **(5) is capable of being operated on a highway and is capable**
- 30 **of cross-country travel without the benefit of a road; and**
- 31 **(6) is manufactured with a locking enclosed cab and a heated**
- 32 **interior.**

33 SECTION 8. IC 14-8-2-185, AS AMENDED BY P.L.225-2005,  
34 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
35 JULY 1, 2009]: Sec. 185. (a) "Off-road vehicle", for purposes of  
36 IC 14-16-1 and IC 14-19-1-0.5, means a motor driven vehicle capable  
37 of cross-country travel:

- 38 (1) without benefit of a road; and
- 39 (2) on or immediately over land, water, snow, ice, marsh,
- 40 swampland, or other natural terrain.
- 41 (b) The term includes the following:
- 42 (1) A multi-wheel drive or low pressure tire vehicle.

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- 1 (2) An amphibious machine.
- 2 (3) A ground effect air cushion vehicle.
- 3 (4) Other means of transportation deriving motive power from a
- 4 source other than muscle or wind.
- 5 (c) The term does not include the following:
- 6 (1) A farm vehicle being used for farming.
- 7 (2) A vehicle used for military or law enforcement purposes.
- 8 (3) A construction, mining, or other industrial related vehicle used
- 9 in performance of the vehicle's common function.
- 10 (4) A snowmobile (as defined by section 261 of this chapter).
- 11 (5) A registered aircraft.
- 12 (6) Any other vehicle properly registered by the bureau of motor
- 13 vehicles.
- 14 (7) Any watercraft that is registered under Indiana statutes.
- 15 (8) A golf cart vehicle.
- 16 (9) **A mini-truck when the mini-truck is being operated on a**
- 17 **highway.**

18 SECTION 9. [EFFECTIVE JULY 1, 2009] (a) **As used in this**

19 **SECTION, "bureau" refers to the bureau of motor vehicles**

20 **created by IC 9-14-1-1.**

21 (b) **As used in this SECTION, "mini-truck" has the meaning set**

22 **forth in IC 9-13-2-103.1, as added by this act.**

23 (c) **Notwithstanding IC 9-13-2-42, as amended by this act, a**

24 **person who engages in the business of selling at least twelve (12)**

25 **mini-trucks to the general public each year for delivery in Indiana,**

26 **and whose business name begins with the letters A through L,**

27 **inclusive, is not required to apply for a dealer's license under**

28 **IC 9-23-2 with the bureau until the month in 2010 required by**

29 **IC 9-23-2-8.**

30 (d) **This SECTION expires December 31, 2010.**

31 SECTION 10. [EFFECTIVE JULY 1, 2009] (a) **As used in this**

32 **SECTION, "bureau" refers to the bureau of motor vehicles**

33 **created by IC 9-14-1-1.**

34 (b) **As used in this SECTION, "mini-truck" has the meaning set**

35 **forth in IC 9-13-2-103.1, as added by this act.**

36 (c) **Before January 1, 2010, in accordance with IC 6-6-5-3(b), the**

37 **bureau shall determine the true tax value for each make and model**

38 **of mini-truck, subject to review and adjustment by the department**

39 **of local government finance.**

40 (d) **This SECTION expires December 31, 2010.**

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