



January 29, 2010

SENATE BILL No. 400

DIGEST OF SB 400 (Updated January 26, 2010 12:40 pm - DI 71)

Citations Affected: IC 14-8; IC 14-16; IC 15-12.

Synopsis: Off-road vehicles. Defines "all-terrain vehicle" (ATV) and "recreational off-highway vehicle" (ROV). Amends the definition of "off-road vehicle" for purposes of regulation of land recreation to specifically include ATVs and ROVs. Prohibits: (1) a county, city, or town from adopting an ordinance; and (2) the department of natural resources from adopting a rule, regulation, or guideline; that imposes on off-road vehicles a dry weight limitation of less than 2,000 pounds. Cross-references the new ATV definition for purposes of excluding ATVs from requirements concerning the repurchase of farm or industrial machinery.

Effective: July 1, 2010.

Yoder, Lewis

January 14, 2010, read first time and referred to Committee on Homeland Security, Transportation & Veterans Affairs.
January 28, 2010, reported favorably — Do Pass.

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SB 400—LS 7099/DI 103+



January 29, 2010

Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

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SENATE BILL No. 400



A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

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

1 SECTION 1. IC 14-8-2-5.7 IS ADDED TO THE INDIANA CODE
 2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 3 1, 2010]: **Sec. 5.7. "All-terrain vehicle", for purposes of**
 4 **IC 14-8-2-185, means a motorized, off-highway vehicle that:**
 5 (1) is fifty (50) inches or less in width;
 6 (2) has a dry weight of twelve hundred (1,200) pounds or less;
 7 (3) is designed for travel on at least three (3) nonhighway or
 8 off-highway tires;
 9 (4) is designed for recreational use by one (1) or more
 10 individuals;
 11 (5) has a seat or saddle designed to be straddled by the
 12 operator; and
 13 (6) has handlebars for steering control.
 14 **The term includes parts, equipment, or attachments sold with the**
 15 **vehicle.**
 16 SECTION 2. IC 14-8-2-185, AS AMENDED BY P.L.150-2009,
 17 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

SB 400—LS 7099/DI 103+



1 JULY 1, 2010]: Sec. 185. (a) "Off-road vehicle", for purposes of
 2 IC 14-16-1 and IC 14-19-1-0.5, means a motor driven vehicle capable
 3 of cross-country travel:

- 4 (1) without benefit of a road; and
 5 (2) on or immediately over land, water, snow, ice, marsh,
 6 swampland, or other natural terrain.

7 (b) The term includes the following:

- 8 (1) A multiwheel drive or low pressure tire vehicle.
 9 (2) An amphibious machine.
 10 (3) A ground effect air cushion vehicle.

11 **(4) An all-terrain vehicle (as defined in section 5.7 of this**
 12 **chapter).**

13 **(5) A recreational off-highway vehicle (as defined in section**
 14 **233.5 of this chapter).**

15 ~~(4)~~ **(6) Other means of transportation deriving motive power from**
 16 **a source other than muscle or wind.**

17 (c) The term does not include the following:

- 18 (1) A farm vehicle being used for farming, including, but not
 19 limited to, a farm wagon (as defined in IC 9-13-2-60(a)(2)).
 20 (2) A vehicle used for military or law enforcement purposes.
 21 (3) A construction, mining, or other industrial related vehicle used
 22 in performance of the vehicle's common function.
 23 (4) A snowmobile (as defined by section 261 of this chapter).
 24 (5) A registered aircraft.
 25 (6) Any other vehicle properly registered by the bureau of motor
 26 vehicles.
 27 (7) Any watercraft that is registered under Indiana statutes.
 28 (8) A golf cart vehicle.

29 SECTION 3. IC 14-8-2-233.5 IS ADDED TO THE INDIANA
 30 CODE AS A NEW SECTION TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2010]: **Sec. 233.5. "Recreational off-road**
 32 **vehicle", for purposes of IC 14-8-2-185, means a motorized,**
 33 **off-highway vehicle that:**

- 34 **(1) is sixty-four (64) inches or less in width;**
 35 **(2) has a dry weight of two thousand (2,000) pounds or less;**
 36 **(3) is designed for travel on at least four (4) nonhighway or**
 37 **off-highway tires;**
 38 **(4) is designed for recreational use by one (1) or more**
 39 **individuals;**
 40 **(5) has a nonstraddle seat or saddle; and**
 41 **(6) has a steering wheel for steering control.**

42 SECTION 4. IC 14-16-1-22 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 22. A county, city, or
2 town may pass an ordinance regulating the operation of vehicles if the
3 ordinance meets substantially the minimum requirements of this
4 chapter. However, a county, city, or town may not adopt an ordinance
5 that does any of the following:

- 6 (1) Imposes a fee for a license.
- 7 (2) Specifies accessory equipment to be carried on the vehicles.
- 8 (3) Requires a vehicle operator to possess a driver's license issued
9 under IC 9-24-11 while operating an off-road vehicle or
10 snowmobile.
- 11 **(4) Imposes a dry weight limitation of less than two thousand**
12 **(2,000) pounds.**

13 SECTION 5. IC 14-16-1-31 IS ADDED TO THE INDIANA CODE
14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
15 1, 2010]: **Sec. 31. The department may not adopt a rule, regulation,
16 or guideline that, with respect to an off-road vehicle, imposes a dry
17 weight limitation of less than two thousand (2,000) pounds.**

18 SECTION 6. IC 15-12-3-2, AS ADDED BY P.L.2-2008, SECTION
19 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
20 2010]: Sec. 2. As used in this chapter, "all terrain vehicle" means a
21 motorized, off-highway vehicle that:

- 22 (1) is fifty (50) inches or less in width;
- 23 (2) has a dry weight of six hundred (600) pounds or less;
- 24 (3) is designed for travel on at least three (3) low pressure tires;
- 25 (4) is designed for operator use only with no passengers;
- 26 (5) has a seat or saddle designed to be straddled by the operator;
- 27 and
- 28 (6) has handlebars for steering control.

29 The term includes parts, equipment, or attachments sold with the
30 vehicle: has the meaning set forth in IC 14-8-2-5.7.

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COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill No. 400, 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 400 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 8, Nays 0.

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