

# SENATE BILL No. 120

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-13-2; IC 9-19-6; IC 13-17-5-6; IC 36-7.

**Synopsis:** Antique motor vehicle issues. Changes the definition of "antique motor vehicle" for purposes of the motor vehicle law. Authorizes the use of blue dot tail lights on antique motor vehicles under certain circumstances. Changes the description of vehicles that must be exempt from a rule of the air pollution control board concerning periodic motor vehicle emissions tests due to the age of the vehicles. Prohibits a local government unit from adopting a zoning ordinance or a land use regulation that prohibits a person from engaging in the activities of an automotive collector in compliance with certain conditions.

**Effective:** Upon passage; July 1, 2011.

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January 5, 2011, read first time and referred to Committee on Commerce & Economic Development.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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# SENATE BILL No. 120



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 9-13-2-3, AS AMENDED BY P.L.146-2009,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2011]: Sec. 3. (a) Except as provided in subsection (b),  
4 "antique motor vehicle" means a motor vehicle or motor scooter that is  
5 at least twenty-five (25) years old **and meets either of the following**  
6 **criteria:**

7 (1) **The motor vehicle or motor scooter is insured under a**  
8 **collectible vehicle or classic automobile insurance policy.**

9 (2) **Upon the motor vehicle or motor scooter being presented**  
10 **at a clean air car check vehicle emission test site in**  
11 **accordance with the applicable test cycle, it is verified that the**  
12 **following requirements have been met:**

13 (A) **The vehicle has been driven not more than three**  
14 **thousand (3,000) miles per calendar year.**

15 (B) **Federally required pollution control equipment for the**  
16 **make and model year of the vehicle is in place.**

17 (b) "Antique motor vehicle", for purposes of IC 9-19-11-1(6), means



1 a passenger motor vehicle or truck that was manufactured without a  
2 safety belt as a part of the standard equipment installed by the  
3 manufacturer at each designated seating position, before the  
4 requirement of the installation of safety belts in the motor vehicle  
5 according to the standards stated in the Federal Motor Vehicle Safety  
6 Standard Number 208 (49 CFR 571.208).

7 SECTION 2. IC 9-13-2-14.5 IS ADDED TO THE INDIANA CODE  
8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
9 1, 2011]: **Sec. 14.5. "Blue dot tail light", for purposes of IC 9-19-6,  
10 has the meaning set forth in IC 9-19-6-1.3.**

11 SECTION 3. IC 9-19-6-1.3 IS ADDED TO THE INDIANA CODE  
12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
13 1, 2011]: **Sec. 1.3. As used in this chapter, "blue dot tail light"  
14 means a red lamp that is installed in the rear of a motor vehicle  
15 and that contains a:**

- 16 (1) blue; or
  - 17 (2) purple;
- 18 **insert that is not more than one (1) inch in diameter.**

19 SECTION 4. IC 9-19-6-1.7 IS ADDED TO THE INDIANA CODE  
20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
21 1, 2011]: **Sec. 1.7. An antique motor vehicle may be equipped with  
22 a blue dot tail light for a:**

- 23 (1) stop lamp or stoplight;
- 24 (2) rear turn indicator lamp;
- 25 (3) rear hazard lamp; or
- 26 (4) rear reflector.

27 SECTION 5. IC 9-19-6-5 IS AMENDED TO READ AS FOLLOWS  
28 [EFFECTIVE JULY 1, 2011]: **Sec. 5. (a) Except as provided in  
29 subsections (b) through (d), a new motor vehicle sold and operated  
30 upon a highway, other than a truck-tractor, must carry on the rear,  
31 either as a part of the tail lamps or separately, two (2) red reflectors.**

32 (b) Except as provided in **section 1.7 of this chapter and**  
33 **subsection (c), a motorcycle and motor-driven cycle must carry at least**  
34 **one (1) reflector meeting the requirements of this section.**

35 (c) A motorcycle manufactured before January 1, 1956, is not  
36 required to carry a reflector under this section if the motorcycle is not  
37 operated at the times when lighted head lamps and other illuminating  
38 devices are required under IC 9-21-7-2.

39 (d) A vehicle of the type listed in section 7 of this chapter must be  
40 equipped with reflectors as required in those sections applicable to  
41 those vehicles.

42 (e) A reflector must be mounted on a vehicle at a height not less

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1 than twenty (20) inches and not more than sixty (60) inches as  
 2 measured in the manner set forth in section 2(b) of this chapter. Except  
 3 as otherwise provided, a reflector must be of the size and  
 4 characteristics and mounted so as to be visible at night from all  
 5 distances within three hundred fifty (350) feet to one hundred (100)  
 6 feet from the vehicle when directly in front of lawful upper beams of  
 7 head lamps.

8 SECTION 6. IC 9-19-6-6 IS AMENDED TO READ AS FOLLOWS  
 9 [EFFECTIVE JULY 1, 2011]: Sec. 6. **(a) This section does not apply**  
 10 **to a vehicle that is equipped as described in section 1.7 of this**  
 11 **chapter.**

12 ~~(a)~~ **(b)** Except as provided in subsection ~~(b)~~; **(c)**, a person may not:

- 13 (1) sell; or  
 14 (2) drive on the highways;

15 in Indiana a motor vehicle, including a motorcycle or motor-driven  
 16 cycle, unless the vehicle is equipped with at least one (1) stoplight  
 17 meeting the requirements of section 17 of this chapter.

18 ~~(b)~~ **(c)** A motorcycle manufactured before January 1, 1956, is not  
 19 required to be equipped with a stoplight under subsection ~~(a)~~ **(b)** if the  
 20 motorcycle is not operated at the times when lighted head lamps and  
 21 other illuminating devices are required under IC 9-21-7-2.

22 ~~(c)~~ **(d)** This subsection does not apply to a motorcycle or  
 23 motor-driven cycle. A person may not:

- 24 (1) sell;  
 25 (2) offer for sale; or  
 26 (3) operate on the highways;

27 a motor vehicle, trailer, or semitrailer registered in Indiana and  
 28 manufactured or assembled after January 1, 1956, unless the vehicle is  
 29 equipped with mechanical or electrical turn signals meeting the  
 30 requirements of section 17 of this chapter.

31 SECTION 7. IC 9-19-6-8 IS AMENDED TO READ AS FOLLOWS  
 32 [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) A front clearance lamp,  
 33 marker lamp, and reflector mounted on the front or on the side near the  
 34 front of a vehicle must display or reflect an amber color.

35 **(b) Except as provided in section 1.7 of this chapter,** a rear  
 36 clearance lamp, marker lamp, and reflector mounted on the rear or on  
 37 the sides near the rear of a vehicle must display or reflect a red color.

38 (c) A lighting device and reflector mounted on the rear of a vehicle  
 39 must display or reflect a red color, except as follows:

- 40 (1) The stoplight or other signal device may be red, amber, or  
 41 yellow.  
 42 (2) The light illuminating the license plate must be white.

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- 1 (3) The light emitted by a back-up lamp must be white or amber.
- 2 (4) **An antique motor vehicle may be equipped with a blue dot**
- 3 **tail light as provided in section 1.7 of this chapter.**

4 SECTION 8. IC 9-19-6-10 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. (a) A reflector upon  
 6 a vehicle referred to in section 7 of this chapter must be of the size and  
 7 characteristics and maintained so as to be readily visible at nighttime  
 8 from all distances within six hundred (600) feet to one hundred (100)  
 9 feet from the vehicle when directly in front of the lawful upper beams  
 10 of head lamps. A reflector required to be mounted on the side of a  
 11 vehicle must reflect the required color of light to the sides, and, **except**  
 12 **as provided in section 1.7 of this chapter**, a reflector mounted on the  
 13 rear must reflect a red color to the rear.

14 (b) A front or rear clearance lamp must be capable of being seen and  
 15 distinguished under normal atmospheric conditions at the times lights  
 16 are required under IC 9-21-7-2 at a distance of five hundred (500) feet  
 17 from the front and rear, respectively, of the vehicle.

18 (c) A side marker lamp must be capable of being seen and  
 19 distinguished under normal atmospheric conditions at the times lights  
 20 are required under IC 9-21-7-2 at a distance of five hundred (500) feet  
 21 from the side of the vehicle on which the side marker lamps are  
 22 mounted.

23 SECTION 9. IC 9-19-6-12, AS AMENDED BY P.L.148-2005,  
 24 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2011]: Sec. 12. (a) This section does not apply to:

- 26 (1) an implement of husbandry; or
  - 27 (2) a farm tractor;
- 28 manufactured after June 30, 2006.

29 (b) A vehicle, including:  
 30 (1) an animal-drawn vehicle; and  
 31 (2) a vehicle referred to in IC 9-19-1-1 **that is** not specifically  
 32 required by this article to be equipped with lamps or other  
 33 lighting devices;

34 must at all times required by IC 9-21-7-2 be equipped with at least two  
 35 (2) red reflectors **that are** visible from distances of one hundred (100)  
 36 feet to six hundred (600) feet to the rear when illuminated by the upper  
 37 beams of head lamps. **However, the requirement of this subsection**  
 38 **may be satisfied under section 1.7 of this chapter in the case of an**  
 39 **antique motor vehicle.**

40 SECTION 10. IC 9-19-6-17 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 17. (a) **Except as**  
 42 **provided in section 1.7 of this chapter**, a motor vehicle may be

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1 equipped, and when required under this chapter must be equipped, with  
2 a stop lamp or lamps on the rear of the vehicle that:

3 (1) displays a red or an amber light, or any shade of color between  
4 red and amber, visible from a distance of not less than one  
5 hundred (100) feet to the rear in normal sunlight;

6 (2) will be actuated upon application of the service (foot) brake;  
7 and

8 (3) may be incorporated with at least one (1) other rear lamp.

9 (b) A motor vehicle may be equipped and when required under this  
10 chapter must be equipped with lamps or mechanical signal devices  
11 showing to the front and rear for the purpose of indicating an intention  
12 to turn either to the right or left. If lamps are used for this purpose, the  
13 lamps showing to the front must be located on the same level and as  
14 widely spaced laterally as practicable and when in use must display a  
15 white or an amber light, or any shade of color between white and  
16 amber, visible from a distance of not less than one hundred (100) feet  
17 to the front in normal sunlight. The lamps showing to the rear must be  
18 located at the same level and as widely spaced laterally as practicable  
19 and when in use, **except as provided in section 1.7 of this chapter,**  
20 must display a red or an amber light, or any shade of color between red  
21 and amber, visible from a distance of not less than one hundred (100)  
22 feet to the rear in normal sunlight. When actuated the lamps must  
23 indicate the intended direction of turning by flashing the lights showing  
24 to the front and rear on the side toward which the turn is made. If  
25 mechanical signal devices are used for this purpose, the devices must  
26 be self-illuminated when in use at the times required by IC 9-21-7-2.

27 (c) A stop lamp or signal lamp or device may not project a glaring  
28 light.

29 SECTION 11. IC 9-19-6-19, AS AMENDED BY P.L.183-2005,  
30 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
31 JULY 1, 2011]: Sec. 19. (a) A vehicle may be equipped with lamps that  
32 may be used for the purpose of warning the operators of other vehicles  
33 of the presence of a vehicular traffic hazard requiring the exercise of  
34 unusual care in approaching, overtaking, or passing. The vehicles,  
35 when so equipped, may display the warning in addition to any other  
36 warning signals required by this article.

37 (b) A lamp used to display a warning to the front must be mounted  
38 at the same level and as widely spaced laterally as practicable, and  
39 must display simultaneously flashing white or amber lights or any  
40 shade of color between white and amber.

41 (c) A lamp used to display a warning to the rear must be mounted  
42 at the same level and as widely spaced laterally as practicable and,

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1 **except as provided in section 1.7 of this chapter**, must show  
2 simultaneously flashing amber or red lights or any shade of color  
3 between red and amber.

4 (d) A warning light must be visible from a distance of not less than  
5 five hundred (500) feet under normal atmospheric conditions at night.

6 (e) A motor vehicle used to transport operating crew members may  
7 display a lamp placed on the top of the motor vehicle with  
8 simultaneously flashing yellow or amber lights that must be visible as  
9 set forth in subsection (d).

10 SECTION 12. IC 13-17-5-6 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) A rule adopted  
12 by the board under air pollution control laws that:

- 13 (1) requires periodic motor vehicle emissions tests; and
- 14 (2) makes new vehicles exempt from the emissions tests for a  
15 time;

16 may not require that new vehicles be presented at an official vehicle  
17 inspection station for the purpose of obtaining a certificate of  
18 compliance.

19 (b) A rule adopted by the board under air pollution control laws that:

- 20 (1) requires periodic motor vehicle emissions tests; and
- 21 (2) ~~makes certain vehicles exempt~~ **exempts** from the emissions  
22 test, ~~due to the length of time since the vehicles were~~  
23 ~~manufactured; without condition, a vehicle that:~~

24 (A) **was actually manufactured; or**

25 (B) **was designated by the manufacturer as a model**  
26 **manufactured;**

27 **in a calendar year at least twenty-five (25) years before**  
28 **January 1 of the calendar year to which the exemption**  
29 **applies;**

30 may not require that those vehicles be presented at an official vehicle  
31 inspection station for the purpose of obtaining a certificate of  
32 compliance.

33 SECTION 13. IC 36-7-1-3.5 IS ADDED TO THE INDIANA CODE  
34 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE  
35 UPON PASSAGE]: **Sec. 3.5. "Automotive collector" means a**  
36 **person who collects and restores collector vehicles as a hobby or a**  
37 **profession.**

38 SECTION 14. IC 36-7-1-12.5 IS ADDED TO THE INDIANA  
39 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
40 [EFFECTIVE UPON PASSAGE]: **Sec. 12.5. "Ordinary public view"**  
41 **means within the normal visual range of an individual when on a**  
42 **public street or sidewalk adjacent to real property.**

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1 SECTION 15. IC 36-7-1-13.5 IS ADDED TO THE INDIANA  
2 CODE AS A NEW SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE UPON PASSAGE]: **Sec. 13.5. "Parts car" means a**  
4 **vehicle that is:**

- 5 (1) **not intended to be operated on a public way; and**
- 6 (2) **intended to be used to provide parts for the restoration of**  
7 **other vehicles.**

8 SECTION 16. IC 36-7-2-4.5 IS ADDED TO THE INDIANA CODE  
9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
10 UPON PASSAGE]: **Sec. 4.5. (a) For purposes of this section, the**  
11 **activities of an automotive collector include the making of**  
12 **mechanical repairs and modifications to a vehicle.**

13 (b) **A zoning ordinance or land use regulation adopted by a unit**  
14 **may not prohibit a person from engaging in the activities of an**  
15 **automotive collector within the area subject to the zoning**  
16 **ordinance or land use regulation if all vehicles, including any parts**  
17 **cars, that are maintained and stored by the person engaging in the**  
18 **activities of an automotive collector:**

- 19 (1) **are kept on private real property; and**
- 20 (2) **remain out of ordinary public view by means of inside**  
21 **storage, suitable fencing, trees, shrubbery, or other manner**  
22 **of visual obstruction.**

23 SECTION 17. **An emergency is declared for this act.**

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