

IC 14-16

ARTICLE 16. REGULATION OF LAND RECREATION

IC 14-16-1

Chapter 1. Off-Road Vehicles

IC 14-16-1-1

Legislative intent

Sec. 1. It is the general intent and purpose of the general assembly in enacting this chapter to promote:

- (1) safety for persons and property;
- (2) responsible enjoyment in and connected with the use and operation of off-road vehicles and snowmobiles; and
- (3) understanding consistent with the rights of all the citizens of Indiana.

As added by P.L.1-1995, SEC.9. Amended by P.L.186-2003, SEC.35.

IC 14-16-1-1.5

"Alcoholic beverage" defined

Sec. 1.5. As used in this chapter, "alcoholic beverage" has the meaning set forth in IC 7.1-1-3-5.

As added by P.L.219-2005, SEC.16.

IC 14-16-1-2

"Dealer" defined

Sec. 2. As used in this chapter, "dealer" means a person engaged in the commercial sale of off-road vehicles or snowmobiles.

As added by P.L.1-1995, SEC.9. Amended by P.L.186-2003, SEC.36.

IC 14-16-1-3

Repealed

(Repealed by P.L.225-2005, SEC.25.)

IC 14-16-1-4

"Operate" defined

Sec. 4. As used in this chapter, "operate" means to:

- (1) ride in or on; and
 - (2) be in actual physical control of the operation of;
- a vehicle.

As added by P.L.1-1995, SEC.9. Amended by P.L.225-2005, SEC.11.

IC 14-16-1-5

"Operator" defined

Sec. 5. As used in this chapter, "operator" means an individual who:

- (1) operates; or
 - (2) is in actual physical control of;
- an off-road vehicle or a snowmobile.

As added by P.L.1-1995, SEC.9. Amended by P.L.186-2003, SEC.38.

IC 14-16-1-6

"Owner" defined

Sec. 6. As used in this chapter, "owner" means a person, other than a lienholder, who:

- (1) has the property in or title to; and
 - (2) is entitled to the use or possession of;
- an off-road vehicle or a snowmobile.

As added by P.L.1-1995, SEC.9. Amended by P.L.186-2003, SEC.39.

IC 14-16-1-7

"Vehicle" defined

Sec. 7. As used in this chapter, "vehicle" refers to an off-road vehicle or a snowmobile.

As added by P.L.1-1995, SEC.9. Amended by P.L.186-2003, SEC.40.

IC 14-16-1-8

Registration; requirement; exemptions

Sec. 8. (a) Except as otherwise provided, the following may not be operated on public property unless registered:

- (1) An off-road vehicle.
 - (2) A snowmobile.
- (b) Except as provided under subsection (c), a vehicle that is purchased after December 31, 2003, must be registered under this chapter.
- (c) Registration is not required for the following vehicles:
- (1) A vehicle that is exclusively operated in a special event of limited duration that is conducted according to a prearranged schedule under a permit from the governmental unit having jurisdiction.
 - (2) A vehicle being operated by a nonresident of Indiana as authorized under section 19 of this chapter.
 - (3) A vehicle being operated for purposes of testing or demonstration with temporary placement of numbers as set forth in section 16 of this chapter.
 - (4) A vehicle the operator of which has in the operator's possession a bill of sale from a dealer or private individual that includes the following:
 - (A) The purchaser's name and address.
 - (B) A date of purchase that is not more than thirty-one (31) days preceding the date that the operator is required to show the bill of sale.
 - (C) The make, model, and vehicle number of the vehicle provided by the manufacturer as required by section 13 of this chapter.

As added by P.L.1-1995, SEC.9. Amended by P.L.186-2003, SEC.41; P.L.225-2005, SEC.12.

IC 14-16-1-9

Registration; application, issuance, and certificate

Sec. 9. (a) The owner of each vehicle required to be registered

under this chapter must do the following every three (3) years:

- (1) File an application for registration with the department on forms provided by the department.
- (2) Sign the application.
- (3) If the off-road vehicle is purchased after December 31, 2003, include a copy of the bill of sale.
- (4) Include a signed affidavit in which the applicant swears or affirms that the information set forth in the application by the applicant is correct.
- (5) Pay a fee of thirty dollars (\$30).

(b) Upon receipt of an application in approved form, the department shall enter the application upon the department's records and issue to the applicant the following:

- (1) A certificate of registration containing the following:
 - (A) The number awarded to the vehicle.
 - (B) The name and address of the owner.
 - (C) Other information that the department considers necessary.
- (2) Two (2) decals indicating the vehicle's registration number and the year in which the registration will expire that must be attached to the vehicle as provided in section 11.5 of this chapter.
- (c) A certificate of registration must:
 - (1) be pocket size;
 - (2) accompany the vehicle; and
 - (3) be made available for inspection upon demand by a law enforcement officer.

As added by P.L.1-1995, SEC.9. Amended by P.L.186-2003, SEC.42.

IC 14-16-1-9.5

Registration; certificate of title for off-road vehicle

Sec. 9.5. Registration under this chapter does not relieve an owner of an off-road vehicle from any requirement to obtain a certificate of title for the off-road vehicle under IC 9-17-2.

As added by P.L.219-2005, SEC.17.

IC 14-16-1-10

Use of revenues

Sec. 10. The revenues obtained under this chapter shall be deposited into the off-road vehicle and snowmobile fund under IC 14-16-1-30.

As added by P.L.1-1995, SEC.9. Amended by P.L.186-2003, SEC.43.

IC 14-16-1-11

Display of registration decals; registration expiration

Sec. 11. (a) The department may adopt rules for the size and placement of registration decals upon vehicles.

(b) Not earlier than ninety (90) days before the expiration date of a certificate, a registration renewal decal or other device may be issued indicating that the certificate of registration is in full force and

effect. The department shall adopt rules under IC 4-22-2 prescribing the display of the decal or other device.

(c) An initial certificate of registration and a renewal of a certificate awarded under this chapter expires three (3) years from the date of purchase of the certificate unless the certificate is canceled.

(d) The department may:

(1) award a certificate of number directly; or

(2) authorize a person to act as the department's agent for the awarding.

As added by P.L.1-1995, SEC.9. Amended by P.L.186-2003, SEC.44.

IC 14-16-1-11.5

Decal placement; decal replacement

Sec. 11.5. (a) The owner of a vehicle shall attach the decals issued under section 9 of this chapter on the forward half of the vehicle. All decals shall be maintained in a legible condition and displayed only for the period for which the registration is valid.

(b) If a registration decal is lost or destroyed, the owner may apply for a duplicate on forms provided by the department. An application submitted under this subsection must be accompanied by a fee established by the department for each decal. Upon receipt of a proper application and the required fee, the department shall issue a duplicate registration decal to the owner.

As added by P.L.186-2003, SEC.45.

IC 14-16-1-12

Public records

Sec. 12. Records of the department made or kept under this chapter are public records except as otherwise provided.

As added by P.L.1-1995, SEC.9.

IC 14-16-1-13

Vehicle number

Sec. 13. A manufacturer of a vehicle shall stamp into the frame of the vehicle the vehicle number, which is an identifying number unique to the vehicle. The number shall be stamped where the number is easily visible with a minimum of physical effort. A manufacturer shall furnish to a requesting police agency or the department information as to the location of vehicle numbers on vehicles the manufacturer produces. The vehicle number shall be printed on the registration certificate issued by the department to the vehicle owner.

As added by P.L.1-1995, SEC.9.

IC 14-16-1-14

Surrender and transfer of certificate

Sec. 14. (a) The owner of a vehicle required to be registered under this chapter shall notify the department within fifteen (15) days if any of the following conditions exist:

- (1) The vehicle is destroyed or abandoned.
- (2) The vehicle is sold or an interest in the vehicle is transferred wholly or in part to another person.
- (3) The owner's address no longer conforms to the address appearing on the certificate of registration.

(b) The notice must consist of a surrender of the certificate of registration on which the proper information shall be noted on a place to be provided.

(c) If the surrender of the certificate is required because the vehicle is destroyed or abandoned, the department shall cancel the certificate and enter that fact in the records. The number then may be reassigned.

(d) If the surrender is required because of a change of address on the part of the owner, the department shall record the new address. Upon payment of a fee established by the commission, a certificate of registration bearing the new information shall be returned to the owner.

(e) The transferee of a vehicle registered under this chapter shall, within fifteen (15) days after acquiring the vehicle, make application to the department for transfer to the transferee of the certificate of registration issued to the vehicle. The transferee shall provide the transferee's name and address and the number of the vehicle and pay to the department a fee established by the department. Upon receipt of the application and fee, the department shall transfer the certificate of registration issued for the vehicle to the new owner. Unless the application is made and the fee paid within fifteen (15) days, the vehicle is considered to be without a certificate of registration and a person may not operate the vehicle until a certificate is issued.

As added by P.L.1-1995, SEC.9. Amended by P.L.186-2003, SEC.46; P.L.246-2005, SEC.117.

IC 14-16-1-15

Duplicate certificates

Sec. 15. If a certificate of registration is lost, mutilated, or illegible, the owner of the vehicle may obtain a duplicate of the certificate upon application and payment of a fee established by the commission.

As added by P.L.1-1995, SEC.9. Amended by P.L.186-2003, SEC.47; P.L.246-2005, SEC.118.

IC 14-16-1-16

Certificates for testing or demonstrating vehicles

Sec. 16. (a) A dealer or manufacturer may obtain certificates of registration for use in the testing or demonstrating of vehicles upon the following:

- (1) Application to the department upon forms provided by the department.
- (2) Payment of a fee established by the department for each of the first two (2) registration certificates. Additional certificates

that the dealer requires may be issued for a fee established by the commission.

(b) An applicant may use a certificate issued under this section only in the testing or demonstrating of vehicles by temporary placement of the numbers on the vehicle being tested or demonstrated. A certificate issued under this section may be used on only one (1) vehicle at any given time. The temporary placement of numbers must conform to the requirements of this chapter or rules adopted under this chapter.

(c) A certificate issued under this section is valid for three (3) years.

As added by P.L.1-1995, SEC.9. Amended by P.L.186-2003, SEC.48; P.L.246-2005, SEC.119.

IC 14-16-1-17

Altered vehicle numbers prohibited

Sec. 17. A person may not possess a vehicle with an altered, defaced, or obliterated vehicle number.

As added by P.L.1-1995, SEC.9.

IC 14-16-1-18

Duties of dealers

Sec. 18. (a) A dealer shall maintain in safe operating condition all vehicles rented, leased, or furnished by the dealer. The dealer or the dealer's agents or employees shall explain the operation of a vehicle being rented, leased, or furnished. If the dealer or the dealer's agent or employee believes the person to whom the vehicle is to be rented, leased, or furnished is not competent to operate the vehicle with safety to the person or others, the dealer or the dealer's agent or employee shall refuse to rent, lease, or furnish the vehicle.

(b) A dealer renting, leasing, or furnishing a vehicle shall carry a policy of liability insurance subject to minimum limits, exclusive of interest and costs, with respect to the vehicle as follows:

(1) Twenty thousand dollars (\$20,000) for bodily injury to or death of one (1) person in any one (1) accident.

(2) Subject to the limit for one (1) person, forty thousand dollars (\$40,000) for bodily injury to or death of at least two (2) persons in any one (1) accident.

(3) Ten thousand dollars (\$10,000) for injury to or destruction of property of others in any one (1) accident.

(c) In the alternative, a dealer may demand and must be shown proof that the person renting, leasing, or being furnished a vehicle carries a liability policy of at least the type and coverage specified in subsection (b).

(d) A dealer:

(1) shall prepare an application for a certificate of title as required by IC 9-17-2-1.5 for a purchaser of an off-road vehicle and shall submit the application for the certificate of title in the format required by IC 9-17-2-2 to the bureau of motor vehicles; and

(2) may charge a processing fee for this service that may not exceed ten dollars (\$10).

(e) This subsection does not apply to an off-road vehicle that is at least five (5) model years old. After January 1, 2008, a dealer may not have on its premise an off-road vehicle that does not have a certificate of:

(1) origin from its manufacturer; or

(2) title issued by;

(A) the bureau of motor vehicles or its equivalent in another state; or

(B) a foreign country.

As added by P.L.1-1995, SEC.9. Amended by P.L.219-2005, SEC.18.

IC 14-16-1-19

Vehicles registered in foreign nation or state

Sec. 19. A vehicle registered in another state or country to a nonresident of Indiana may be operated within Indiana under authority of the registration for a period not to exceed twenty (20) days in one (1) year.

As added by P.L.1-1995, SEC.9.

IC 14-16-1-20

Operation on highways and roads

Sec. 20. (a) An individual may not operate a vehicle required to be registered under this chapter upon a public highway, street, or rights-of-way thereof or on a public or private parking lot not specifically designated for the use of vehicles, except under the following conditions:

(1) A vehicle may be operated on the public right-of-way adjacent to the traveled part of the public highway, except a limited access highway, if there is sufficient width to operate at a reasonable distance off and away from the traveled part and in a manner so as not to endanger life or property.

(2) The operator of a vehicle may cross a public highway, other than a limited access highway, at right angles for the purpose of getting from one (1) area to another when the operation can be done in safety. The operator shall bring the vehicle to a complete stop before proceeding across a public highway and shall yield the right-of-way to all traffic.

(3) Notwithstanding this section, a vehicle may be operated on a highway in a county road system outside the corporate limits of a city or town if the highway is designated for this purpose by the county highway department having jurisdiction.

(4) A law enforcement officer of a city, town, or county or the state may authorize use of a vehicle on the public highways, streets, and rights-of-way within the officer's jurisdiction during emergencies when conventional motor vehicles cannot be used for transportation due to snow or other extreme highway conditions.

(5) A vehicle may be operated on a street or highway for a

special event of limited duration conducted according to a prearranged schedule only under permit from the governmental unit having jurisdiction. The event may be conducted on the frozen surface of public waters only under permit from the department.

(b) An individual less than fourteen (14) years of age may not operate a vehicle without immediate supervision of an individual at least eighteen (18) years of age, except on land owned or under the control of the individual or the individual's parent or legal guardian.

(c) An individual may not operate a vehicle on a public highway without a valid motor vehicle driver's license.

(d) A vehicle may not be used to hunt, pursue, worry, or kill a wild bird or a domestic or wild animal.

As added by P.L.1-1995, SEC.9.

IC 14-16-1-21

Lights and brakes

Sec. 21. (a) A vehicle may not be operated between sunset and sunrise unless the vehicle has at least one (1) headlight and one (1) taillight.

(b) A vehicle may not be operated at any time unless the vehicle has adequate brakes capable of producing deceleration at fourteen (14) feet a second on level ground at a speed of twenty (20) miles per hour.

As added by P.L.1-1995, SEC.9. Amended by P.L.14-1998, SEC.2.

IC 14-16-1-22

Local ordinances

Sec. 22. A county, city, or town may pass an ordinance regulating the operation of vehicles if the ordinance meets substantially the minimum requirements of this chapter. However, a county, city, or town may not adopt an ordinance that does any of the following:

- (1) Imposes a fee for a license.
- (2) Specifies accessory equipment to be carried on the vehicles.
- (3) Requires a vehicle operator to possess a driver's license issued under IC 9-24-11 while operating an off-road vehicle or snowmobile.

As added by P.L.1-1995, SEC.9. Amended by P.L.186-2003, SEC.49.

IC 14-16-1-23

Restrictions on operation

Sec. 23. (a) An individual shall not operate a vehicle under any of the following conditions:

- (1) At a rate of speed greater than is reasonable and proper having due regard for existing conditions or in a manner that unnecessarily endangers the person or property of another.
- (2) While:
 - (A) under the influence of an alcoholic beverage; or
 - (B) unlawfully under the influence of a narcotic or other habit forming or dangerous depressant or stimulant drug.

(3) During the hours from thirty (30) minutes after sunset to thirty (30) minutes before sunrise without displaying a lighted headlight and a lighted taillight.

(4) In a forest nursery, a planting area, or public land posted or reasonably identified as an area of forest or plant reproduction and when growing stock may be damaged.

(5) On the frozen surface of public waters within:

(A) one hundred (100) feet of an individual not in or upon a vehicle; or

(B) one hundred (100) feet of a fishing shanty or shelter; except at a speed of not more than five (5) miles per hour.

(6) Unless the vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.

(7) Within one hundred (100) feet of a dwelling between midnight and 6:00 a.m., except on the individual's own property or property under the individual's control or as an invited guest.

(8) On any property without the consent of the landowner or tenant.

(9) While transporting on or in the vehicle a firearm unless the firearm is:

(A) unloaded; and

(B) securely encased or equipped with and made inoperative by a manufactured keylocked trigger housing mechanism.

(10) On or across a cemetery or burial ground.

(11) Within one hundred (100) feet of a slide, ski, or skating area, except for the purpose of servicing the area.

(12) On a railroad track or railroad right-of-way, except railroad personnel in the performance of duties.

(13) In or upon a flowing river, stream, or creek, except for the purpose of crossing by the shortest possible route, unless the river, stream, or creek is of sufficient water depth to permit movement by flotation of the vehicle at all times.

(14) An individual shall not operate a vehicle while a bow is present in or on the vehicle if the nock of an arrow is in position on the string of the bow.

(b) Subsection (a)(9) does not apply to a person who is carrying a handgun if the person:

(1) has been issued an unlimited handgun license to carry a handgun under IC 35-47-2; or

(2) is not required to possess a license to carry a handgun under IC 35-47-2-2.

As added by P.L.1-1995, SEC.9. Amended by P.L.181-1995, SEC.2; P.L.186-2003, SEC.50; P.L.219-2005, SEC.19.

IC 14-16-1-24

Duties in case of accident

Sec. 24. (a) The operator of a vehicle involved in an accident resulting in serious bodily injury to or death of an individual or property damage in an estimated amount of at least seven hundred

fifty dollars (\$750) shall immediately, by the quickest means of communication, notify at least one (1) of the following:

- (1) A state police officer or conservation officer.
 - (2) The sheriff's office of the county where the accident occurred.
 - (3) The office of the police department of the municipality where the accident occurred.
- (b) The police agency receiving the notice shall do the following:
- (1) Complete a report of the accident on forms prescribed by the director.
 - (2) Forward the report to the director.

As added by P.L.1-1995, SEC.9. Amended by P.L.186-2003, SEC.51.

IC 14-16-1-25

Enforcement powers

Sec. 25. (a) All law enforcement officers in Indiana shall enforce this chapter.

(b) The attorney general and prosecuting attorneys have concurrent power to approve, file, and prosecute an affidavit charging a violation of this chapter.

As added by P.L.1-1995, SEC.9. Amended by P.L.186-2003, SEC.52.

IC 14-16-1-26

Duties of department; trail land purchases

Sec. 26. (a) The department shall do the following:

- (1) Prescribe the form of accident reports and registration certificates and the form of application for the certificates.
- (2) Conduct a campaign of education with respect to safety in the operation of vehicles in connection with the use and enjoyment of the public and private land of Indiana and with respect to Indiana laws relating to vehicles.
- (3) Construct and maintain vehicle trails on public and private land consistent with the intent of this chapter.

(b) Notwithstanding any other law, the department may purchase land for off-road vehicle and snowmobile trails only from a willing seller of the land.

As added by P.L.1-1995, SEC.9. Amended by P.L.186-2003, SEC.53.

IC 14-16-1-27

Operation on public property

Sec. 27. An individual may not operate a vehicle:

- (1) on public property without the consent of the state or an agency of the state; or
- (2) in a United States forest without the consent of the United States Forest Service.

As added by P.L.1-1995, SEC.9.

IC 14-16-1-28

Duties of landowners and tenants

Sec. 28. (a) Except as provided in subsection (e), landowners and

tenants of land do not owe a duty of care to do any of the following:

- (1) Keep their premises safe for entry or use by persons operating, using, or riding in vehicles for recreational purposes.
- (2) Give a warning of a dangerous condition, use, structure, or activity on their premises to such persons.

(b) Except as provided in subsection (d), a landowner or tenant who invites or permits a person to operate, use, or ride in a vehicle for recreational purposes on the landowner's or tenant's property does not do any of the following:

- (1) Make any representation or extend any assurances that the premises are safe for any purpose.
- (2) Confer upon the person the legal status of invitee or licensee to whom a duty of care is owed.
- (3) Assume responsibility for or incur liability for any injury to a person or property caused by an act or omission of the person.

(c) Unless otherwise agreed in writing, this section is considered applicable to the duties and liabilities of:

- (1) an owner of land leased to; or
- (2) the owner of an interest or a right in land transferred to or the subject of an agreement with;

the United States or an agency or a subdivision of the United States or the state or an agency or a subdivision of the state.

(d) This section does not do the following:

- (1) Limit in any way any liability that otherwise exists.
- (2) Apply to the following:
 - (A) Willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity.
 - (B) Deliberate, willful, or malicious injury to a person or property.
 - (C) Injury suffered in any case where the owner of land or tenant charges a fee or admission charge or other valuable consideration to a person who enters or uses the land with a vehicle for the purpose of using the vehicle for recreational purposes.

However, if land or an interest or a right in land is leased or transferred to or the subject of an agreement with the United States or an agency or a subdivision of the United States or to the state or an agency or subdivision of the state, any consideration received by the holder of the lease, interest, right, or agreement is not considered a charge under this section.

(e) This section does not do any of the following:

- (1) Create or increase a duty of care or ground of liability for injury to a person or property.
- (2) Relieve a person using a vehicle for recreational purposes upon the land of another from an obligation that the person may have in the absence of this section to exercise care in the use of the land and the person's activities on the land or from the legal consequences of failure to employ care.

As added by P.L.1-1995, SEC.9.

IC 14-16-1-29

Violations; offenses

Sec. 29. (a) Except as provided in subsections (b) and (c), a person who violates this chapter commits a Class C infraction.

(b) A person who violates section 17, 18(a), 18(b), 18(c), 23(a)(1), 23(a)(2), or 24 of this chapter commits a Class B misdemeanor.

(c) A person who violates section 18(d) or 18(e) of this chapter commits a Class A infraction.

As added by P.L.1-1995, SEC.9. Amended by P.L.181-1995, SEC.3; P.L.155-2002, SEC.5 and P.L.158-2002, SEC.4; P.L.186-2003, SEC.54; P.L.225-2005, SEC.13; P.L.219-2005, SEC.20; P.L.1-2006, SEC.210.

IC 14-16-1-30

Off-road vehicle and snowmobile fund

Sec. 30. (a) As used in this section, "fund" refers to the off-road vehicle and snowmobile fund established by subsection (b).

(b) The off-road vehicle and snowmobile fund is established. The fund shall be administered by the department.

(c) The fund consists of the revenues obtained under this chapter, appropriations, and donations. Money in the fund shall be used for the following purposes:

(1) Enforcement and administration of this chapter.

(2) Constructing and maintaining off-road vehicle trails.

(3) Constructing and maintaining snowmobile trails.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(e) Money in the fund at the end of the state fiscal year does not revert to the state general fund.

As added by P.L.186-2003, SEC.55.