

Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1385

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

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

SECTION 1. IC 6-6-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 1. As used in this chapter, "boat" means any device in which a person may be transported upon water and includes every motorboat, sailboat, pontoon boat, rowboat, skiff, dinghy, or canoe, regardless of size, or "watercraft" has the meaning set forth for "watercraft" in IC 9-13-2-198.5.

SECTION 2. IC 6-6-11-2 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. Sec. 2: As used in this chapter, "boating equipment" means motors used in connection with a boat.

SECTION 3. IC 6-6-11-3 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. Sec. 3: As used in this chapter, "boating year" means a calendar year.

SECTION 4. IC 6-6-11-4 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. Sec. 4: As used in this chapter, "motorized boat" means a boat that is propelled by an internal combustion, steam, or electrical inboard or outboard motor or engine or propelled by any mechanical means, including a sailboat that is equipped with a motor or engine.

SECTION 5. IC 6-6-11-5, AS AMENDED BY P.L.245-2015, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 5. As used in this chapter, "tax situs" means the taxing district in which a boat is located on the assessment date of

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a boating year unless:

- (1) the boat is acquired after the assessment date; in which case the boat's tax situs is where the owner intends to have the boat on the following assessment date; or
- (2) the boat is registered outside Indiana; in which case the boat's tax situs is the taxing district in which the boat is principally stored or operated during the boating year. **date the boat is registered under IC 9-18.1-14.5.**

SECTION 6. IC 6-6-11-8, AS AMENDED BY P.L.178-2019, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 8. (a) Except as provided in **subsections subsection (b), and (d)**; a boat may not be operated, used, docked, or stored in a county during any part of a **boating registration** year unless:

- (1) unless:
 - (A) the boat excise tax; and
 - (B) the boat registration fees imposed by IC 9-31-3-9; for that boat have been paid for that boating year; and
- (2) unless valid boat excise tax decals for that boating year are affixed to the boat:
 - (1) the boat has been registered under IC 9-18.1-14.5; or**
 - (2) the boat is not required to be registered under IC 9-18.1-14.5.**

(b) A boat may be operated; used; docked; or stored in a county without the boat excise tax having been paid if:

- (1) the boat is exempt from the excise tax under section 9 of this chapter; or
- (2) the operator of the boat 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 and type of boat or the hull identification number.

(b) A boat is exempt from the boat excise tax imposed by this chapter if the boat is:

- (1) exempt from registration fees under IC 9-18.1-14.5-7; or
- (2) used by a person for the production of income and subject to assessment under IC 6-1.1, proof of which has been provided to the bureau.



(c) Boats that are subject to the boat excise tax for a **boating registration** year are not subject to assessment and taxation under IC 6-1.1 for ad valorem property taxes first due and payable in the following **boating registration** year, with respect to the taxpayer who must pay the boat excise tax.

(d) A boat may be operated; used; docked; or stored in a county without valid boat excise tax decals for that boating year being affixed to the boat if the decals do not have to be affixed to the boat under rules adopted by the department of natural resources.

(d) If the boat excise tax imposed by this chapter was not paid for one (1) or more preceding registration years, the bureau of motor vehicles may collect only the boat excise tax imposed by this chapter for the:

- (1) registration year immediately preceding the current registration year;
- (2) current registration year; and
- (3) registration year immediately following the current registration year.

SECTION 7. IC 6-6-11-9 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. Sec. 9: A boat is exempt from the boat excise tax imposed for a year if the boat is:

- (1) owned by the United States;
- (2) owned by the state or one (1) of its political subdivisions (as defined in IC 36-1-2-13);
- (3) owned by an organization exempt from federal income taxation under 501(c)(3) of the Internal Revenue Code;
- (4) a human powered vessel, as determined by the department of natural resources;
- (5) held by a boat manufacturer, distributor, or dealer for sale in the ordinary course of business;
- (6) used by a person for the production of income and subject to assessment under IC 6-1.1;
- (7) stored in Indiana for less than twenty-two (22) consecutive days and not operated; used; or docked in Indiana;
- (8) except as provided in subdivision (9), registered outside Indiana and operated; used; or docked in Indiana for a combined total of less than twenty-two (22) consecutive days during the boating year;
- (9) a motorboat (as defined by IC 9-13-2-103.5) and is registered outside Indiana and docked on the Indiana part of Lake Michigan for a combined total of not more than one hundred eighty (180) consecutive days; or



~~(10) subject to the commercial vessel tonnage tax under IC 6-6-6.~~

SECTION 8. IC 6-6-11-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 10. (a) The amount of boat excise tax that a boat owner shall pay for a **boating registration** year is based on the boat's class and age.

(b) ~~Motorized boats and sailboats~~ **Boats** are classified for excise tax purposes according to the value of the boat when the boat was new. The amount of excise tax for a **boating year** that is imposed for a ~~motorized boat or a sailboat~~ and owed by the boat owner is prescribed in the following table:

CLASS	MOTORIZED BOAT'S or SAILBOAT'S BOAT VALUE		TAX DUE
	AT LEAST but	WHEN NEW LESS THAN	
1	\$ 0.01	\$ 500	\$ 2
2	500	1,000	6
3	1,000	1,500	20
4	1,500	2,000	30
5	2,000	3,000	42
6	3,000	5,000	55
7	5,000	7,500	70
8	7,500	10,000	88
9	10,000	15,000	110
10	15,000	22,500	150
11	22,500	35,000	200
12	35,000	50,000	275
13	50,000	75,000	375
14	75,000 or more		500

The bureau of motor vehicles ~~shall~~ **may** adopt rules under IC 4-22-2 for determining the value of new boats. A tax paid under subsection (c) may be used as a credit against the taxes owed for the same **boating registration** year under this subsection.

(c) Notwithstanding subsection (b), the amount of excise tax imposed and owed by a boat owner is twelve dollars (\$12) for a ~~motorized boat or a sailboat~~ that is stored in Indiana for sixty (60) consecutive days or more but not operated, used, or docked in Indiana waters, except to facilitate storage of the boat.

SECTION 9. IC 6-6-11-13, AS AMENDED BY P.L.178-2019, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 13. (a) A boat owner shall pay the boat excise tax for a **boating registration** year to the bureau of motor vehicles. ~~If the motorboat is legally registered in another state, the boat owner must pay the excise tax and the two dollar (\$2) fee imposed by~~



IC 9-31-3-2 for a boating year to the bureau of motor vehicles:

(b) ~~Subject to subsection (c);~~ The tax and fees set forth in subsection (a) must be paid at the same time that the boat owner pays or would pay the registration fee and vehicle excise taxes on motor vehicles under IC 9-18 (before its expiration), IC 9-18.1, and IC 6-6-5. When the boat owner pays the tax and fees, the owner is entitled to receive the ~~excise tax~~ **registration** decals.

(c) ~~If the boat excise tax imposed by this chapter was not paid for one (1) or more preceding boating years, the bureau may collect only the boat excise tax imposed by this chapter for the:~~

- ~~(1) boating year immediately preceding the current boating year;~~
- ~~(2) current boating year; and~~
- ~~(3) boating year immediately following the current boating year.~~

SECTION 10. IC 6-6-11-14, AS AMENDED BY P.L.256-2017, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 14. (a) ~~For This section applies to~~ a boat which has been acquired, or brought into Indiana, or for any other reason becomes subject to **registration or** the ~~boat~~ excise tax after the regular annual tax payment date in the ~~boating registration~~ year on or before which the owner is required to pay the tax on boats under this chapter. The tax imposed by this chapter shall become due and payable no later than

- ~~(1) the thirty-second day after the boat is operated in Indiana, if the boat is registered in Indiana;~~
- ~~(2) except as provided in subdivision (3), the twenty-second consecutive day during the boating year that the boat is:~~
 - ~~(A) stored in Indiana; or~~
 - ~~(B) operated, used, or docked in Indiana waters if the boat is registered outside Indiana; or~~
- ~~(3) the one hundred eighty-first day that the motorboat (as defined by IC 9-13-2-103.5) is docked on the Indiana part of Lake Michigan if the motorboat is registered outside Indiana: the date the boat is required to be registered in Indiana under IC 9-18.1-14.5-8.~~

~~(b) The amount of excise tax to be paid by the owner for the remainder of the year shall be reduced by one-twelfth (1/12) for each full calendar month which has elapsed since the regular annual tax payment date in the year fixed by the bureau of motor vehicles for tax payment by the owner.~~

(b) The boat excise tax owed by the owner at the time of registration of the boat is calculated in the same manner as a motor vehicle excise tax under IC 6-6-5-7.2(c).



(c) The owner of a boat who sells or otherwise disposes of the boat in a year in which the owner has paid the excise tax imposed by this chapter is entitled to receive a credit that is calculated in the same manner and subject to the same requirements as the credit for the excise tax under IC 6-6-5-7.2(e).

(d) If the name of the owner of a boat is legally changed and the change has caused a change in the owner's annual registration date, the boat excise tax liability of the owner shall be adjusted in the same manner as excise taxes are adjusted under IC 6-6-5-7.2(f).

(e) The owner of a boat registered with the bureau of motor vehicles is entitled to a refund of boat excise taxes calculated in the same manner as motor vehicle excise tax under IC 6-6-5-7.4 if, after the owner's registration date:

- (1) the owner registers the boat for use in another state;
- (2) the owner pays tax for use of the boat in another state for the same time period for which the tax was paid under this chapter; and
- (3) the amount of the refund is at least four dollars (\$4).

(f) To claim a credit or a refund, or both, under this chapter, a person must comply with the provisions of IC 6-6-5-7.7.

SECTION 11. IC 6-6-11-15 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. Sec. 15. For a boat which is acquired; or brought into Indiana; or for any other reason becomes subject to taxation under this chapter during the middle of the current boating year; the owner may pay the fees and the excise tax due on the boat as provided in this chapter and any excise tax due on the boat for the remainder of the boating year and simultaneously pay the fees and the excise tax due for the following boating year.

SECTION 12. IC 6-6-11-16 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. Sec. 16. (a) Except as provided in sections 11 and 19 of this chapter, a reduction in the excise tax is not allowed to Indiana residents if the boat was owned by the person on or before the person's tax payment date.

(b) A boat owner is not entitled to a refund of excise taxes paid because the boat owner changes the boat owner's state or country of residency.

SECTION 13. IC 6-6-11-17 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. Sec. 17. (a) The owner of a boat who sells or otherwise disposes of the boat in a year in which the boat owner has paid the tax imposed by this chapter is entitled to receive a credit equal to the remainder of:

- (1) the tax paid for the boat; minus



(2) one-twelfth (1/12) for each full or partial calendar month that has elapsed from the date the tax was due to the date of the sale, destruction, or other disposal of the boat.

(b) If the credit is not fully used within ninety (90) days after the date of the sale, destruction, or other disposal of the boat and the amount of the credit is at least four dollars (\$4), the bureau shall issue a refund to the owner in the amount of the unused credit, less a fee of three dollars (\$3) to cover the costs of processing the refund. The bureau shall deposit the processing fee in the commission fund (established by IC 9-14-14-1).

(c) To claim the credit and refund provided by this section, the owner of the boat must present to the bureau proof of the sale, destruction, or other disposal of the boat.

SECTION 14. IC 6-6-11-17.5 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. Sec. 17.5: (a) To claim a credit or refund, or both, a person must provide a sworn statement to the bureau that the person is entitled to the credit or refund, or both, claimed by the person.

(b) The bureau may inspect records of a person claiming a credit or refund, or both, under this chapter to determine whether a credit or refund, or both, was properly allowed against the excise tax imposed under this chapter for a boat owned by the person.

(c) If the bureau determines that a credit or refund, or both, was improperly allowed to a person for a boat, the person shall pay the bureau the amount of the credit and refund that was improperly allowed to the person plus a penalty equal to ten percent (10%) of the amount of the credit or refund, or both, that was improperly allowed to the person. The tax collected under this section shall be distributed to the county treasurer of the county where the boat's tax situs is located. However, the bureau shall retain any penalty collected under this subsection.

SECTION 15. IC 6-6-11-19 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. Sec. 19: If the name of the owner of a boat is legally changed and the change has caused a change in the owner's annual tax payment date, the excise tax liability of the owner shall be adjusted as follows:

(1) If the name change requires the owner to pay the excise tax sooner than the owner would have been required to pay if there had been no name change, the owner shall, at the time the name change is reported, be authorized a refund from the county treasurer in the amount of the product of:

(A) one-twelfth (1/12) of the owner's last preceding annual excise tax liability; multiplied by



(B) the number of full calendar months between the owner's new tax payment month and the tax payment month that is based on the owner's former name:

(2) If the name change requires the owner to pay the excise tax later than the owner would have been required to pay if there had been no name change, the boat is subject to excise tax for the period between the month in which the owner would have been required to pay if there had been no name change and the new tax payment month. The amount of the tax is equal to the amount determined under STEP FOUR of the following formula:

STEP ONE: Determine the number of full calendar months between the month in which the owner would have been required to register if there had been no name change and the owner's new annual registration month:

STEP TWO: Multiply:

- (i) the STEP ONE result; by
- (ii) one-twelfth (1/12):

STEP THREE: Determine the owner's excise tax liability computed as of the time the owner would have been required to pay the excise tax if there had been no name change:

STEP FOUR: Multiply:

- (i) the STEP TWO result; by
- (ii) the STEP THREE result:

SECTION 16. IC 6-6-11-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 21. The state board of accounts shall prescribe the tax payment form to be used by the bureau of motor vehicles. The board shall prescribe one (1) document to serve as the form. The form must have a sufficient number of copies for distribution and include appropriate spaces for the following information:

- (1) The owner's name and address.
- (2) The name of the county and the address of the location where the boat has its tax situs for the **boating registration** year.
- (3) A description of the boat, including the manufacturer's specified length for the boat.
- (4) The age of the boat.
- (5) The class prescribed for the boat under this chapter.
- (6) The excise tax imposed on the boat for the **boating registration** year under this chapter.
- (7) The boat's state registration or Coast Guard documentation number, if any, and any other information reasonably required by the department of natural resources.



(8) The signature of the boat owner on the owner's copy of the form verifying that the information is true and correct and acknowledging that the boat owner will be subject to penalties for perjury for providing false information.

(9) Any other information prescribed by the state board of accounts.

SECTION 17. IC 6-6-11-22 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. Sec. 22: The department of natural resources shall prescribe the design of the boat excise tax decals in sufficient time for the bureau of motor vehicles to procure a sufficient number of boat excise tax decals for each class of boat. Each decal must:

- (1) state the boating year to which the decal applies;
- (2) have a unique identification number;
- (3) be a different color than the colors used for the previous boating year; and
- (4) be designed so that law enforcement officers can easily identify whether the decal is valid.

SECTION 18. IC 6-6-11-23.5 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. Sec. 23.5: The bureau of motor vehicles may issue a decal to a boat owned by an organization exempt from Federal income taxation under 501(c)(3) of the Internal Revenue Code.

SECTION 19. IC 6-6-11-24 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. Sec. 24: The taxpayer shall affix the boat excise tax decals:

- (1) to the bow of each side of the boat, within three (3) inches to the right of the boat's registration number; or
- (2) on each side of the forward half of the bow above the water line of the boat if a registration number is not required to be displayed.

However, the department of natural resources may adopt rules under IC 4-22-2 providing that decals do not have to be affixed to certain types of boats.

SECTION 20. IC 6-6-11-26 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. Sec. 26: If a boat owner has a judgment entered against the owner for violating section 25 of this chapter, the court shall transmit a copy of the judgment to the bureau of motor vehicles. A boat owner who does not pay the boat excise tax on or before the due date shall pay a delinquent fee equal to one hundred percent (100%) of the boat excise tax due. The bureau of motor vehicles shall collect this delinquent fee along with the excise taxes due for the boat. The amount collected in delinquent fees shall be credited to a special account within the state general fund to be used as provided in section 35 of this



chapter:

SECTION 21. IC 6-6-11-27 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. ~~Sec. 27: A person who falsifies, predates, changes, or counterfeits a boat excise tax decal commits a Class C misdemeanor.~~

SECTION 22. IC 6-6-11-29, AS AMENDED BY P.L.178-2019, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 29. (a) The bureau of motor vehicles shall transfer the boat registration fee, the delinquent excise taxes, and the delinquent fees collected under this chapter during the preceding month as follows:

(1) On or before the eleventh day of each month, the bureau of motor vehicles shall transfer to the bureau of motor vehicles commission fund an amount equal to five percent (5%) of each excise tax transaction completed by the bureau. The money is to be used to cover the expenses incurred by or on behalf of the bureau of motor vehicles ~~for returns, decals, collecting the fees and excise taxes and for amounts deposited in the commission fund: in administering this chapter.~~

~~(2) At least quarterly, the bureau of motor vehicles shall set aside for the department of natural resources the delinquent fees collected under this chapter to use as provided in section 35 of this chapter.~~

~~(3) (2)~~ On or before the tenth day of each month, the bureau of motor vehicles shall distribute to each county the excise tax collections ~~including delinquent tax collections~~, for the county for the preceding month. The bureau of motor vehicles shall include a report with each distribution showing the information necessary for the county auditor to allocate the revenue among the taxing units of the county.

~~(4) (3)~~ The bureau of motor vehicles shall deposit the revenue from the boat registration fee imposed by IC 9-31-3-9 **(before its repeal) and IC 9-18.1-14.5-6** in the conservation officers marine enforcement fund established by IC 14-9-8-21.5, the fish and wildlife fund established by IC 14-22-3-2, and the lake and river enhancement fund established by IC 14-22-3.5, as provided in IC 9-31-3-9 **(before its repeal) or IC 9-18.1-14.5-6.**

(b) Money credited to each county's account in the state general fund is appropriated to make the distributions and the transfers required by subsection (a). The distributions shall be made upon warrants drawn from the state general fund.

SECTION 23. IC 6-6-11-30 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 30. Before March 1 of each year the bureau of motor vehicles shall prepare a boat excise tax summary covering the previous boating year. The summary must include the following:

- (1) The number of boats by county.
- (2) The number of boats by class.
- (3) The amount of excise tax collected by class.

The bureau shall send a copy of the summary to the auditor of state, the department of natural resources, and the county assessors.

SECTION 24. IC 6-6-11-35 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. ~~Sec. 35. The money set aside from the department of natural resources fees for the department of natural resources under section 29 of this chapter is annually appropriated and shall be used exclusively for the following:~~

- ~~(1) The enforcement of laws pertaining to watercraft.~~
- ~~(2) The state's share of the cost of retirement benefits for the department's conservation officers.~~
- ~~(3) Improving the navigable waters of Indiana.~~

SECTION 25. IC 8-4.5-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 16. "Recreational trail" means a trail or path that:

- (1) includes a corridor along any part of its length; ~~and~~
- (2) is intended to be used for:
 - (A) bicycling;
 - (B) exercising;
 - (C) hiking;
 - (D) running;
 - (E) riding:
 - (i) in or on a vehicle of any kind, regardless of the means of propelling the vehicle; or
 - (ii) on any animal;
 - (F) walking; or
 - (G) any other recreational purpose; **and**
- (3) is funded through the recreational trails program under IC 8-4.5-5.**

However, the term does not include a highway, road, or street (as defined in IC 8-23-1-23).

SECTION 26. IC 8-4.5-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. The state may acquire any part of a railroad's interest in a corridor under this chapter for any of the following purposes:

- (1) A present or future rail line.



- (2) A transportation corridor.
- (3) A communication corridor.
- (4) A ~~recreational~~ trail.
- (5) A utility corridor.
- (6) The preservation of a railroad corridor.
- (7) Any combination of purposes described in subdivisions (1) through (6).

SECTION 27. IC 8-4.5-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. In determining whether the state should acquire any part of a railroad's interest in a corridor, the Indiana department of transportation shall consider the following factors:

- (1) The potential for future use of the railroad's interest in the corridor as a freight or high-speed passenger rail line, considering the following:
 - (A) The potential need for use of the railroad's interest in the corridor for future transportation purposes.
 - (B) The cost of maintaining the railroad's interest in the corridor during any time before the future transportation use will begin.
 - (C) The effect of any interim use and the future transportation use of the railroad's interest in the corridor on property owners.
 - (D) Any relevant requirement of any federal law.
 - (E) Any other factor the department considers relevant.
- (2) Based on the recommendation of the department of natural resources, the potential for recreational use of the railroad's interest in the corridor considering the following:
 - (A) The recreational value of the railroad's interest in the corridor.
 - (B) The feasibility of using the railroad's interest in the corridor for recreation.
 - (C) The likelihood that there may be significant recreational use of the railroad's interest in the corridor if the railroad's interest in the corridor is converted to a ~~recreational~~ trail.
 - (D) The general acceptability of the proposed recreational use of the railroad's interest in the corridor to property owners and the community at large.
 - (E) The existence of a willing person, whether public or private, to operate the railroad's interest in the corridor for the proposed recreational use.
 - (F) Any relevant requirement of any federal law.
 - (G) Any other factor the department considers relevant.
- (3) The potential for the use of the railroad's interest in the



corridor for communications or utility use.

(4) Whether there are funds to acquire the railroad's interest in the corridor.

SECTION 28. IC 8-4.5-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. If a railroad's interest in a corridor is acquired under this chapter for a recreational purpose, the railroad's interest in the corridor ~~must~~ **may** be developed and operated under IC 8-4.5-5.

SECTION 29. IC 9-13-2-103.5 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. ~~Sec. 103.5: (a) "Motorboat" means a watercraft propelled by an internal combustion, steam, or electrical inboard or outboard motor or engine or by any mechanical means:~~

~~(b) The term includes a sailboat that is equipped with a motor or an engine described in subsection (a) when the sailboat is in operation whether or not the sails are hoisted:~~

SECTION 30. IC 9-13-2-117.5, AS AMENDED BY P.L.198-2016, SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 117.5. "Operate" means to navigate or otherwise be in actual physical control of a vehicle, ~~motorboat, watercraft,~~ off-road vehicle, or snowmobile.

SECTION 31. IC 9-13-2-118, AS AMENDED BY P.L.198-2016, SECTION 139, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 118. ~~(a)~~ Except as provided in ~~IC 9-31,~~ **subsection (b)**, "operator" means an individual who operates a vehicle, ~~motorboat, watercraft,~~ off-road vehicle, or snowmobile.

(b) "Operator", for purposes of IC 9-18.1-14.5, has the meaning set forth in 33 CFR 174.3.

SECTION 32. IC 9-13-2-121, AS AMENDED BY P.L.198-2016, SECTION 142, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 121. ~~(a)~~ Except as otherwise provided in ~~IC 9-31,~~ **subsection (b)**, "owner" means a person, other than a lienholder, that:

- (1) holds the property in or title to, as applicable, a vehicle, manufactured home, mobile home, off-road vehicle, snowmobile, or watercraft; or
- (2) is entitled to the use or possession of, as applicable, a vehicle, manufactured home, off-road vehicle, snowmobile, or watercraft, through a lease or other agreement intended to operate as a security.

(b) "Owner" for purposes of IC 9-18.1-14.5, has the meaning set forth in 33 CFR 174.3.



SECTION 33. IC 9-13-2-196, AS AMENDED BY P.L.142-2019, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 196. (a) "Vehicle" means, except as otherwise provided in this section, a device in, upon, or by which a person or property is, or may be, transported or drawn upon a highway. The term does not include the following:

- (1) A device moved by human power.
 - (2) A device that runs only on rails or tracks.
 - (3) A wheelchair.
 - (4) An electric foot scooter.
- (b) For purposes of IC 9-17, the term includes the following:
- (1) Off-road vehicles.
 - (2) Manufactured homes or mobile homes that are:
 - (A) personal property not held for resale; and
 - (B) not attached to real estate by a permanent foundation.
 - (3) Watercraft.

(c) For purposes of IC 9-22 (**except IC 9-22-6**) and IC 9-32, the term refers to a vehicle **or watercraft** of a type that must be registered under IC 9-18-2 (before its expiration) or IC 9-18.1, other than an off-road vehicle or a snowmobile under IC 9-18-2.5 (before its expiration) or IC 9-18.1-14.

(d) For purposes of IC 9-30-5, IC 9-30-6, IC 9-30-8, and IC 9-30-9, the term means a device for transportation by land or air. The term does not include an electric personal assistive mobility device.

SECTION 34. IC 9-13-2-198.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 198.5. (a) "Watercraft" means a contrivance used or designed for navigation on water, including a vessel, boat, motor vessel, steam vessel, sailboat, vessel operated by machinery either permanently or temporarily affixed, scow, tugboat, or any marine equipment that is capable of carrying passengers. ~~except a ferry.~~

- (b) The term does not include a craft that:**
- (1) is powered by its occupants, including a canoe, rowboat, or paddleboat; and**
 - (2) does not contain any type of mechanical propellant, including internal combustion, steam, or electrical inboard or outboard motor or engine.**

SECTION 35. IC 9-14-12-2, AS AMENDED BY P.L.27-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 2. The bureau shall maintain the following records:

- (1) All records related to or concerning certificates of title issued



by the bureau under IC 9-17 and IC 9-31 **(before its repeal)**, including the following:

- (A) An original certificate of title and all assignments and reissues of the certificate of title.
 - (B) All documents submitted in support of an application for a certificate of title.
 - (C) Any notations recorded on a certificate of title.
 - (D) A listing of all reported buyback vehicles in accordance with IC 9-17-3-3.5.
 - (E) Any inspection that is conducted:
 - (i) by an employee of the bureau or commission; and
 - (ii) with respect to a certificate of title issued by the bureau.
- (2) All records related to or concerning registrations issued under IC 9-18 (before its expiration), IC 9-18.1, or IC 9-31 **(before its repeal)**, including the following:
- (A) The distinctive registration number assigned to each vehicle registered under IC 9-18 (before its expiration) or IC 9-18.1 or each watercraft registered under IC 9-31 **(before its repeal)**.
 - (B) All documents submitted in support of applications for registration.
- (3) All records related to or concerning credentials issued by the bureau under IC 9-24, including applications and information submitted by applicants.
- (4) All driving records maintained by the bureau under section 3 of this chapter.
- (5) A record of each individual that acknowledges making an anatomical gift as set forth in IC 9-24-17.

SECTION 36. IC 9-17-1-1, AS AMENDED BY P.L.198-2016, SECTION 199, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 1. (a) This article does not apply to the following:

- (1) A vehicle that is not required to be registered under IC 9-18-2 (before its expiration) or IC 9-18.1.
- (2) Special machinery.
- (3) A motor vehicle that was designed to have a maximum design speed of not more than twenty-five (25) miles per hour and that was built, constructed, modified, or assembled by a person other than the manufacturer.
- (4) Motor driven cycles.
- (5) An off-road vehicle that was purchased or otherwise acquired before January 1, 2010.



(6) Snowmobiles.

(7) A watercraft that is not required to be registered under IC 9-31-3 **(before its repeal) or IC 9-18.1-14.5.**

(b) Notwithstanding subsection (a), a person may apply for:

(1) a certificate of title under IC 9-17-2-2; or

(2) a special identification number under IC 9-17-4;

for a vehicle listed in subsection (a).

(c) If the bureau issues a certificate of title under subsection (b)(1), the vehicle remains subject to this article until the titleholder surrenders the title to the bureau.

SECTION 37. IC 9-18.1-9-4, AS ADDED BY P.L.198-2016, SECTION 326, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 4. The bureau may issue a confidential license plate **or other proof of registration** for investigative purposes to the following:

(1) A state agency upon the annual consent of the bureau or the Indiana department of administration.

(2) Other investigative agencies upon the annual consent of the superintendent of the state police.

SECTION 38. IC 9-18.1-14.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]:

Chapter 14.5. Watercraft

Sec. 1. (a) Except as provided in subsection (b), a watercraft may not be operated, used, docked, or stored in Indiana during any part of a calendar year unless the watercraft:

(1) is registered under this chapter; and

(2) displays proof of registration under this chapter.

(b) Registration is not required for the following watercraft:

(1) A watercraft that is from a country other than the United States temporarily using the waters of Indiana.

(2) A ship's lifeboat, when used solely as a lifeboat of another boat and for no other recreational purpose.

(3) Except as provided in subdivision (4), a watercraft that is registered outside of Indiana and operated, used, stored, or docked in Indiana for a combined total of not more than sixty (60) consecutive days during a calendar year.

(4) A watercraft that is registered outside of Indiana and docked on the Indiana part of Lake Michigan for a combined total of not more than one hundred eighty (180) consecutive days.

(5) A watercraft that belongs to a class of boats that has been



exempted from registration and numbering by the bureau after the bureau has found the following:

(A) That an agency of the federal government has a numbering system applicable to the class of watercraft to which the watercraft in question belongs.

(B) That the watercraft would also be exempt from numbering if the watercraft were subject to federal law.

(6) A watercraft, the operator of which has in the operator's possession a bill of sale from a dealer licensed under IC 9-32 or private individual that includes the following:

(A) The purchaser's name and address.

(B) A date of purchase that is not more than forty-five (45) days preceding the date that the operator is required to show the bill of sale.

(C) The make, model, and identification number of the watercraft provided by the manufacturer.

(7) A watercraft held by a watercraft manufacturer, distributor, or dealer for sale in the ordinary course of business.

(8) A watercraft subject to the commercial vessel tonnage tax under IC 6-6-6.

(c) A person that fails to register a watercraft that is required to be registered under this chapter commits a Class C infraction.

Sec. 2. (a) A person that desires to register a watercraft must submit an application, in a form and manner prescribed by the bureau, that contains the following information:

(1) The name of the owner of the watercraft, and, if the watercraft is leased, the name of the lessee.

(2) The person's address in Indiana, including the county and township, on the date of the application, as follows:

(A) If the person is an individual, the person's residence address. However, if the person participates in the address confidentiality program under IC 5-26.5, the address may be a substitute address designated by the office of the attorney general under IC 5-26.5.

(B) If the person is not an individual, the person's principal office in Indiana.

(C) If the person does not have a physical residence or office in Indiana, the county and township in Indiana where the watercraft will be primarily operated or stored.

(3) A description of the watercraft to be registered, including the identification number and color of the watercraft.



(4) The tax situs of the watercraft as defined in IC 6-6-11-5.

(5) Any other information required by the bureau.

(b) An application made online or through the United States mail is not required to be sworn or notarized.

(c) A person may apply on behalf of another person to register a watercraft under this chapter. However, the person in whose name the watercraft will be registered must sign and verify the application.

(d) A person that makes a false statement in an application under this section commits a Class C infraction.

Sec. 3. The bureau may not register a watercraft unless:

(1) the watercraft has an identification number;

(2) the registrant:

(A) pays the applicable boat excise tax for the watercraft under IC 6-6-11; or

(B) provides proof in a manner acceptable to the bureau that the watercraft is exempt from the boat excise tax for watercraft under IC 6-6-11;

(3) the registrant titles the watercraft under IC 9-17; and

(4) the registrant pays the appropriate registration fee under section 6 of this chapter.

Sec. 4. (a) The bureau shall use due diligence in examining and determining the genuineness, regularity, and legality of the information provided by a person as part of a request to register a watercraft under this chapter.

(b) The bureau may:

(1) make investigations or require additional information; and

(2) reject an application or request;

if the bureau is not satisfied of the genuineness, regularity, or legality of an application or the truth of a statement contained in an application or request, or for any other reason.

Sec. 5. (a) If the bureau determines that a person applying to register a watercraft is entitled to register the watercraft, the bureau shall register the watercraft and issue to the applicant proof of registration for display on the watercraft and a certificate of registration.

(b) Proof of registration for display on the watercraft must be displayed in a manner prescribed by the department of natural resources, including the following:

(1) The registration number set forth in the certificate of registration must be displayed on each side of the bow of the watercraft. The display must be legible. However, a



watercraft that has a valid marine document issued by the United States Bureau of Customs is not required to display the registration number.

(2) If a watercraft is required to be registered under 33 CFR 173, the registration number must be displayed in the manner prescribed by 33 CFR 173.27.

(3) Decals indicating the year of expiration of registration, with a unique identification number and a different color than colors used for the previous registration year, must be affixed:

(A) to the bow of each side of the watercraft, within three (3) inches to the right of the watercraft's registration number; or

(B) on each side of the forward half of the bow above the water line of the watercraft if a registration number is not required to be displayed.

However, the department of natural resources may adopt rules under IC 4-22-2 providing that the decals do not have to be affixed to a particular type of watercraft.

(c) A number other than the number awarded to a watercraft or granted reciprocity under this chapter may not be painted, attached, or otherwise displayed on each side of the bow of the watercraft.

(d) A person that fails to:

(1) carry a certificate of registration or a legible reproduction of a certificate of registration; or

(2) display proof of registration for display on the watercraft as required by the department of natural resources;

commits a Class C infraction.

(e) Certificates of registration, decals, and other proof of registration issued under this section:

(1) remain the property of the bureau; and

(2) may be revoked, canceled, or repossessed as provided by law.

(f) A person who knowingly or intentionally falsifies, predates, changes, or counterfeits proof of registration for a watercraft commits a Class C misdemeanor.

Sec. 6. (a) A request for registration under this chapter must be signed by the owner of the watercraft and accompanied by the appropriate fee specified under subsection (b). The fee to renew a watercraft registration is based upon the appropriate fee specified under subsection (c).

(b) The fee to register a watercraft in its first year of



registration is the amount determined by STEP THREE of the following formula:

STEP ONE: Determine the appropriate fee based upon the length of the watercraft as follows:

Watercraft Length (in feet)

At Least	But Less Than	Fee (\$) (before January 1, 2017)	Fee (\$) (after December 31, 2016)
0	13	16.50	15
13	26	18.50	18
26	40	21.50	21
40		26.50	24

STEP TWO: Determine the appropriate fee based upon the value of the watercraft as follows:

Value (\$) Greater Than or Equal to	Value (\$) Less Than	Fee (\$)
0	1,000	5
1,000	3,000	10
3,000	5,000	15
5,000	10,000	20
10,000		25

STEP THREE: Determine the sum of the STEP ONE amount plus the STEP TWO amount.

(c) The fee to renew a watercraft registration is based upon the value of the watercraft as follows:

Value (\$) Greater Than or Equal to	Value (\$) Less Than	Fee (\$)
0	1,000	10
1,000	3,000	15
3,000	5,000	20
5,000	10,000	25
10,000		30

(d) The bureau shall determine the value of a watercraft in the same manner as set forth in IC 6-6-11-10.

(e) The fees collected under subsection (b) shall be distributed as follows:

(1) Fees collected from STEP ONE of subsection (b) shall be deposited in the fish and wildlife fund established by IC 14-22-3-2 and shall be used exclusively for the following:

- (A) The enforcement of laws pertaining to watercraft.
- (B) The state's share of the cost of retirement benefits for conservation officers of the department of natural



resources.

(C) Improving the navigable waters of Indiana.

(2) Sixty-six and seven-tenths percent (66.7%) of the fees collected from STEP TWO of subsection (b) shall be deposited in the lake and river enhancement fund established by IC 14-22-3.5-1.

(3) Thirty-three and three-tenths percent (33.3%) of the fees collected from STEP TWO of subsection (b) shall be deposited in the conservation officers marine enforcement fund established by IC 14-9-8-21.5.

(f) A fee collected under subsection (c) shall be distributed as follows:

(1) Five dollars (\$5) shall be deposited in the fish and wildlife fund established by IC 14-22-3-2 and shall be used exclusively for the following:

(A) The enforcement of laws pertaining to watercraft.

(B) The state's share of the cost of retirement benefits for conservation officers of the department of natural resources.

(C) Improving the navigable waters of Indiana.

(2) The remaining amount shall be distributed as follows:

(A) Sixty-six and seven-tenths percent (66.7%) to the lake and river enhancement fund established by IC 14-22-3.5-1.

(B) Thirty-three and three-tenths percent (33.3%) to the conservation officers marine enforcement fund established by IC 14-9-8-21.5.

(g) The owner of a watercraft that is registered under this section is required to renew the registration under subsection (c), and the person must pay any applicable fees and excise tax under IC 6-6-11-13 on the watercraft each year.

Sec. 7. (a) A watercraft that is owned or leased and used for official business by the following is exempt from the payment of registration fees under this article:

(1) A state or state agency (as defined in IC 6-1.1-1-18).

(2) A municipal corporation (as defined in IC 36-1-2-10).

(3) A volunteer fire department (as defined in IC 36-8-12-2).

(b) The bureau may issue proof of registration under this chapter for a watercraft owned by or leased by the federal government.

(c) The bureau may adopt rules under IC 4-22-2 to assign permanent registration numbers and accompanying registration cards to watercraft owned or leased by an entity listed in



subsection (a)(1).

Sec. 8. (a) A watercraft becomes subject to registration under this chapter on the date the watercraft is acquired.

(b) Upon becoming subject to registration under this chapter, a watercraft must be registered for a period that is not:

- (1) less than three (3) months; or**
- (2) greater than twenty-four (24) months.**

(c) A registration under this article may be renewed:

- (1) for a watercraft with an unexpired registration, for a period of twelve (12) months from the date on which the registration will expire; or**
- (2) for a watercraft with an expired registration, for a period of not:**

- (A) less than three (3) months; or**
- (B) greater than twenty-four (24) months.**

(d) Subject to subsection (b), and except as provided for in subsection (h), the registration year for a registration, other than a renewal described in subsection (c), begins on the date on which the watercraft becomes subject to registration as determined under subsection (a) and ends on the following date selected by the person registering the watercraft:

- (1) The date on which the watercraft registration expires, as determined under the schedule established under IC 9-18.1-11-1.**
- (2) Twelve (12) months after the date described in subdivision (1).**

(e) If a person sells or otherwise disposes of a watercraft:

- (1) the certificate of registration and proof of registration for the watercraft are canceled; and**
- (2) except as provided in IC 9-33-3, the person is not entitled to a refund of any unused part of a fee paid by the person under this chapter.**

(f) If the watercraft is transferred or sold, the person shall provide ownership documents at the time of delivering the watercraft.

(g) A person that acquires a watercraft that is registered under this chapter must apply to the bureau under this chapter to register the watercraft.

(h) A watercraft registered under this chapter remains subject to continuous registration under this chapter until:

- (1) the watercraft is sold or otherwise disposed of; or**
- (2) the person that registered the watercraft becomes a**



nonresident.

Sec. 9. (a) If the date on which the registration of a watercraft expires is a day on which all license branches located in the county in which the watercraft is registered are closed, including:

- (1) a Sunday; or
- (2) a legal holiday listed in IC 1-1-9-1;

the registration expires at midnight on the date following the next day on which a license branch located in the county in which the watercraft is registered is open for business.

(b) Except as provided in subsection (a), a person that owns or operates a watercraft may not operate or permit the operation of a watercraft that:

- (1) is required to be registered under this chapter; and
- (2) has an expired registration.

(c) A person that operates or permits the operation of a watercraft in violation of subsection (b) commits a Class C infraction.

Sec. 10. (a) The bureau shall collect an administrative penalty of fifteen dollars (\$15) from the following:

- (1) A person that fails to:
 - (A) register; or
 - (B) provide full payment for the registration of; a watercraft within forty-five (45) days after the date on which the watercraft becomes subject to registration.
- (2) A person that fails to:
 - (A) renew; or
 - (B) provide full payment for the renewal of; the registration of a watercraft by the date on which the registration expires.

(b) An administrative penalty collected under subsection (a) shall be deposited in the commission fund.

(c) A person described in subsection (a) commits a Class C infraction.

Sec. 11. (a) If a certificate of registration or decal issued for a watercraft that is registered under this chapter is lost, stolen, destroyed, or damaged, the owner of the watercraft may apply to the bureau for a replacement certificate of registration or decal. If the certificate of registration or decal is lost or stolen, the owner shall provide notice of the loss or theft to a law enforcement agency with jurisdiction over:

- (1) the site of the loss or theft; or
- (2) the address listed on the certificate of registration.



(b) The bureau shall issue a replacement certificate of registration or decal to the owner of a watercraft after the owner pays a fee of nine dollars and fifty cents (\$9.50).

(c) The fee imposed under subsection (b) shall be distributed as follows:

- (1) Twenty-five cents (\$0.25) to the state construction fund.
- (2) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (3) One dollar (\$1) to the crossroads 2000 fund.
- (4) One dollar and fifty cents (\$1.50) to the motor vehicle highway account.
- (5) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
- (6) Five dollars (\$5) to the commission fund.

(d) A replacement certificate of registration or decal issued under this section must be attached and displayed in the same manner as the original certificate of registration or decal.

Sec. 12. (a) A person that owns a watercraft that is registered under this chapter may apply to the bureau to change the ownership of the watercraft:

- (1) by adding at least one (1) other person as a joint owner; or
- (2) if the person is a joint owner of the watercraft, by transferring the person's ownership interest in the watercraft to at least one (1) remaining joint owner.

(b) The bureau shall issue an amended certificate of registration to a person that applies under subsection (a) after the person does the following:

- (1) Complies with IC 9-17.
- (2) Pays the fee of nine dollars and fifty cents (\$9.50).

(c) A person may apply to the bureau to amend any obsolete or incorrect information contained in the certificate of registration issued with respect to the watercraft. The bureau shall issue an amended certificate of registration after the person pays a fee of nine dollars and fifty cents (\$9.50).

(d) The bureau may not impose or collect a fee for a duplicate, amended, or replacement certificate of registration that is issued as a result of an error on the part of the bureau.

(e) A fee described in subsection (b)(2) or (c) shall be distributed as follows:

- (1) Twenty-five cents (\$0.25) to the state construction fund.
- (2) Fifty cents (\$0.50) to the state motor vehicle technology fund.



(3) One dollar (\$1) to the crossroads 2000 fund.

(4) One dollar and fifty cents (\$1.50) to the motor vehicle highway account.

(5) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(6) Five dollars (\$5) to the commission fund.

Sec. 13. (a) If an agency of the federal government has an overall system of identification numbering for watercraft within the United States, the registration and numbering system employed under this chapter by the bureau must conform with the system.

(b) In accordance with any request made by an authorized official or agency of the United States, the bureau shall transmit any information compiled or otherwise available to the bureau under:

(1) IC 14-15-4-1;

(2) IC 14-15-4-2; and

(3) IC 14-15-4-3;

to the official or agency of the United States.

Sec. 14. Every law enforcement officer of this state and its subdivisions, including an enforcement officer of the department of natural resources, may enforce this chapter and may stop and board a watercraft subject to this chapter.

SECTION 39. IC 9-20-13-2, AS AMENDED BY P.L.12-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 2. (a) Notwithstanding IC 9-20-3 and IC 9-20-9, and except for length exclusive devices in accordance with 23 CFR 658.13, the following are the maximum limitations on length of a truck-tractor, semitrailer, truck-tractor-semitrailer combination, or truck-tractor-semitrailer-trailer combination:

(1) The maximum length of the semitrailer unit operating in a truck-tractor-semitrailer combination is fifty-three (53) feet, including the vehicle and the load.

(2) The maximum length of the semitrailer unit or trailer operating in a truck-tractor-semitrailer-trailer combination is twenty-eight (28) feet, six (6) inches.

(3) A maximum overall length limit is not imposed on a truck-tractor-semitrailer or truck-tractor-semitrailer-trailer combination.

(4) The maximum length of a maxi-cube vehicle combination is sixty-five (65) feet, and the maximum length of the separable cargo carrying unit is thirty-four (34) feet.

(5) If the combination is used exclusively or primarily in



connection with motorsports:

(A) the maximum distance between the kingpin and the rearmost axle of the semitrailer operating in the combination is forty-six (46) feet; and

(B) the maximum length of the semitrailer is fifty-seven (57) feet.

(b) This section does not prohibit the transportation of a motor vehicle or ~~boat~~ **watercraft** on part of a truck-tractor.

SECTION 40. IC 9-22-6-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JANUARY 1, 2021]: **Sec. 0.5. For purposes of this chapter, the term "vehicle" does not include a watercraft.**

SECTION 41. IC 9-31 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. (WATERCRAFT TITLING AND REGISTRATION).

SECTION 42. IC 9-32-8-8, AS AMENDED BY HEA 1246-2020 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 8. (a) A watercraft dealer licensed by the secretary under this article may, upon successful application to the secretary, obtain dealer license plates and registration cards for use in the testing or demonstrating of ~~motorboats.~~ **watercraft.**

(b) Two (2) dealer license plates must be displayed within a ~~motorboat~~ **watercraft** that is being tested or demonstrated while the ~~motorboat~~ **watercraft** is being tested or demonstrated.

(c) A transfer dealer or automobile auction company licensed by the secretary under this article may request dealer license plates under subsection (a).

(d) The fee to obtain a dealer license plate and registration card under subsection (a) is ten dollars (\$10).

(e) The secretary shall retain the fee collected under this section.

SECTION 43. IC 14-8-2-5.7, AS AMENDED BY P.L.219-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5.7. "All-terrain vehicle", for purposes of IC 14-8-2-185, means a motorized, off-highway vehicle that:

(1) is ~~fifty (50)~~ **fifty-five (55)** inches or less in width **when measured from outside of tire rim to outside of tire rim;**

(2) has a dry weight of ~~twelve one thousand five hundred (1,200)~~ **(1,500)** pounds or less;

(3) is designed for travel on at least three (3) nonhighway or off-highway tires; and

(4) is designed for recreational use by one (1) or more individuals.

The term includes parts, equipment, or attachments sold with the vehicle.



SECTION 44. IC 14-8-2-233.5, AS AMENDED BY P.L.219-2014, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 233.5. "Recreational ~~off-road~~ **off-highway** vehicle", for purposes of IC 14-8-2-185, means a motorized, off-highway vehicle that:

- (1) is ~~sixty-five (65)~~ **eighty (80)** inches or less in width **when measured from outside of tire rim to outside of tire rim;**
- (2) has a dry weight of two thousand ~~five hundred (2,000)~~ **(2,500)** pounds or less;
- (3) is designed for travel on at least four (4) nonhighway or off-highway tires; and
- (4) is designed for recreational use by one (1) or more individuals.

SECTION 45. IC 14-9-8-21.5, AS AMENDED BY P.L.178-2019, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 21.5. (a) As used in this section, "fund" refers to the conservation officers marine enforcement fund established by this section.

(b) The conservation officers marine enforcement fund is established. The department shall administer the fund. The department may expend the money in the fund exclusively for marine enforcement efforts associated with recreational boating on Indiana waters, including uses described in IC 14-9-9-5.

(c) The fund consists of ~~boat~~ **watercraft** registration fees paid by boat owners and deposited under ~~IC 9-31-3-9.~~ **IC 9-18.1-14.5-6.** Money deposited in the fund is annually appropriated and allotted to the department to carry out the purposes of this section. The expenses of administering the fund shall be paid from money in the fund.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund. However, the department may transfer from the fund to the counties with special boat patrol needs fund (IC 14-9-9-5) an amount that does not exceed twenty percent (20%) of money deposited into the fund.

SECTION 46. IC 14-10-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) The commission shall adopt rules under IC 4-22-2 to carry out the commission's duties under this title.

(b) The commission may adopt rules to exempt an activity from licensing under this title, except:

- (1) IC 14-34;
- (2) IC 14-36-1; and
- (3) IC 14-38-2;

if the activity poses not more than a minimal potential for harm.



(c) Except as provided in subsection (d), whenever the department or the director has the authority to adopt rules under IC 4-22-2, the commission shall exclusively exercise the authority.

(d) Emergency rules adopted under section 5 of this chapter shall be adopted by the director.

(e) A person who violates a rule adopted by the commission commits a Class C infraction, unless otherwise specified under state law.

SECTION 47. IC 14-10-2-5, AS AMENDED BY P.L.154-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) The department may adopt emergency rules under IC 4-22-2-37.1 to carry out the duties of the department under the following:

- (1) IC 14-9.
- (2) This article.
- (3) IC 14-11.
- (4) IC 14-12-2.
- (5) IC 14-14.
- (6) IC 14-15.
- (7) IC 14-17-3.
- (8) IC 14-18, except IC 14-18-6 and IC 14-18-8.
- (9) IC 14-19-1 and IC 14-19-8.
- (10) IC 14-21.
- (11) IC 14-22-3, IC 14-22-4, and IC 14-22-5.
- (12) IC 14-23-1.
- (13) IC 14-24.
- (14) IC 14-25, except IC 14-25-8-3 and IC 14-25-13.
- (15) IC 14-26.
- (16) IC 14-27.
- (17) IC 14-28.
- (18) IC 14-29.
- (19) IC 14-35-1, IC 14-35-2, and IC 14-35-3.
- (20) IC 14-37.
- (21) IC 14-38, except IC 14-38-3.

(b) A rule adopted under subsection (a) expires not later than one (1) year after the rule is accepted for filing by the publisher of the Indiana Register.

(c) A person who violates an emergency rule adopted by the department commits a Class C infraction, unless otherwise specified under state law.

SECTION 48. IC 14-15-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) A person may not



operate a boat upon public water to carry passengers for hire unless the following conditions are met:

- (1) The department **or an organization approved under section 2.5 of this chapter** has inspected and registered the boat.
- (2) A certificate of inspection and registration issued by the department is affixed to the boat in a prominent place within the clear view of the passengers.

(b) A certificate of inspection and registration expires one (1) calendar year after the date on which the watercraft was inspected. However, the department may extend the expiration date for not more than thirty (30) days if conditions exist that would prevent the inspection of the watercraft before the first anniversary of the previous inspection.

SECTION 49. IC 14-15-6-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 2.5. (a) Each boat that carries passengers upon public water for hire must have:**

- (1) a dry dock inspection; or
- (2) an underwater survey;

of the exterior portion of the boat that is below the waterline at least one (1) time every sixty (60) months. However, an underwater survey may only be used to satisfy the requirements of this chapter one (1) time every one hundred twenty (120) months.

(b) If the owner of the boat elects to have an underwater survey, the owner must hire and pay for the underwater survey, which must be conducted by an inspector from a certified organization that is approved under subsection (c).

(c) The commission shall maintain a list of certified organizations that are approved to conduct underwater surveys under this chapter.

SECTION 50. IC 14-15-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 3. (a) The department shall charge and collect a fee for the following:**

- (1) Each annual dockside inspection.
- (2) Each dry dock inspection. ~~which shall be conducted at least one (1) time every sixty (60) months:~~

(b) The following fees shall be charged:

- (1) All watercraft, except sailboats, carrying not more than six (6) passengers for hire on navigable water of Indiana:
 - (A) Dockside inspection..... \$ 50
 - (B) Dry dock inspection..... \$ 75
- (2) All watercraft, except sailboats, carrying not more than six (6)



passengers for hire on inland water of Indiana:

(A) Dockside inspection..... \$ 30

(B) Dry dock inspection..... \$ 30

(3) All watercraft, except sailboats, carrying more than six (6) passengers for hire on inland water of Indiana:

(A) Dockside inspection..... \$ 75

(B) Dry dock inspection..... \$100

(4) All watercraft propelled primarily by sail that carry passengers for hire on navigable or inland water of Indiana:

(A) Dockside inspection..... \$ 50

(B) Dry dock inspection..... \$ 75

SECTION 51. IC 14-15-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. Each certificate of inspection and registration must certify that the inspection has been made and must set forth, among other things, the following:

(1) The date of inspection.

(2) A description of the boat, including motors, machinery and equipment.

(3) The age of the boat.

(4) The maximum weight, including both passengers and property, that may safely be carried on the boat.

(5) The method of the boat's inspection and the name of the person and organization that performed the inspection.

SECTION 52. IC 14-15-13-3, AS ADDED BY P.L.165-2011, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. An individual may not do the following:

(1) Operate a motorboat inboard or have the inboard engine of a motorboat run idle while an individual is holding onto the swim platform, swim deck, swim step, swim ladder or any part of the exterior of the transom of a motorboat while the motorboat is underway at any speed.

(2) Operate a motorboat powered by an outboard motor or equipped with an outdrive unit while an individual is:

(A) holding onto the swim platform, swim deck, swim step, swim ladder or any portion of the exterior of the transom of a motorboat while the motorboat is underway at any speed; **or**

(B) swimming, or floating on or in the wake directly behind a motorboat that is underway. ~~or~~

~~(C) floating on a board on or in the wake directly behind a motorboat that is underway using the wake itself as the means of propulsion.~~

(3) Operate a motorboat with the number of individual riders on



a towed device that exceeds the listed capacity on the towed device or the owner's manual.

SECTION 53. IC 14-22-2-8, AS AMENDED BY P.L.39-2018, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2019 (RETROACTIVE)]: Sec. 8. (a) This section applies to a hunting season beginning after June 30, 2016. ~~and ending before January 1, 2020.~~

(b) A hunter may use a rifle to hunt deer on privately owned land subject to the following:

(1) The use of a rifle is permitted during hunting seasons established by the department.

(2) The rifle must be chambered for a cartridge that fires a bullet that is two hundred forty-three thousandths (.243) of an inch in diameter or larger.

(3) The rifle must fire a cartridge that has a minimum case length of one and sixteen-hundredths (1.16) inches, but is no longer than three (3) inches.

(4) A hunter may not possess more than ten (10) cartridges for the rifle while hunting deer under this section.

(5) The rifle must meet any other requirements established by the department.

(c) The use of a full metal jacketed bullet to hunt deer is unlawful.

(d) The department shall report on the impact of the use of rifles to hunt deer under this section to the governor and, in an electronic format under IC 5-14-6, the general assembly before February 15, 2020.

(e) The department may adopt rules under IC 4-22-2 to authorize the use of rifles on public property.

~~(f) This section expires June 30, 2020.~~

SECTION 54. IC 14-22-3.5-4, AS ADDED BY P.L.178-2019, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 4. The fund consists of the revenue from ~~boat watercraft~~ registration fees paid by boat owners and deposited under ~~IC 9-31-3-9. IC 9-18.1-14.5-6.~~

SECTION 55. IC 14-22-9-3, AS AMENDED BY P.L.39-2018, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. A person may not use, set, cause to be used or set, take, or attempt to take fish by means of:

- (1) a trotline;
- (2) a set line;
- (3) a throw line;
- (4) a net;
- (5) a trap; or



(6) a seine;
~~except legal minnow seines or dip nets~~, within two hundred (200) yards of a dam that wholly or partly crosses a river, stream, or waterway in Indiana or the boundary water of the state, **except as authorized by rules adopted by the commission under IC 4-22-2.**

SECTION 56. IC 14-22-11-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 15. (a) Each license and permit issued under this article is issued upon the express condition, to which the licensee or permittee by acceptance of the license or permit is considered to agree and consent, that the licensee or permittee will obey and comply with the following:

- (1) All the terms, conditions, and rules:
 - (A) made by the director under this article; and
 - (B) incorporated in or attached to the license or permit when issued.
- (2) This article.
- (3) A wildlife law (as defined by IC 14-22-41-4(p)) while the licensee is in another jurisdiction that has adopted the wildlife violator compact (IC 14-22-41).

(b) A license or permit may be revoked **or denied** by the director at any time without refund for any of the following:

- (1) Failure to comply with or violation of the terms, conditions, rules, or restrictions incorporated in or attached to the license or permit when issued.
- (2) Violation of this article.
- (3) Violation of a wildlife law (as defined by IC 14-22-41-4(p)) **while occurring after October 31, 2000, by the licensee is or permittee** in another jurisdiction that has adopted the wildlife violator compact (IC 14-22-41).

(c) If a person's license or permit is revoked or denied because of a violation described in subsection (b)(3), the person is entitled to a review of the revocation or denial by the commission. However, the commission may not review the merits of the underlying violation committed in another jurisdiction that prompted the revocation or denial under the wildlife violator compact (IC 14-22-41).

~~(c)~~ **(d)** A person whose license or permit has been revoked **or denied** by the director under this article may, by written request to the ~~director~~, **commission**, have a hearing on the revocation **or denial of issuance**. Upon receipt of written request for a hearing on the revocation, the ~~director~~ **commission** shall do the following:

- (1) Set a date for the hearing, which may not be more than fifteen



(15) days from the date of receipt of the request.

(2) Give the person requesting the hearing at least five (5) days notice of the date of the hearing, which shall be held in the office of the director.

(3) Receive and keep a record of all evidence presented by the person.

(4) After considering the evidence presented at the hearing, rescind or affirm the order revoking **or denying** the license or permit.

~~(d)~~ **(e)** Every court having jurisdiction of an offense committed in violation of an Indiana law for the protection of wildlife may, at the court's discretion, revoke the license of the offender for **any of the following periods:**

~~(1)~~ **(1)** Thirty ~~(30)~~ days.

~~(2)~~ **(2)** Sixty ~~(60)~~ days.

~~(3)~~ **(3)** Ninety ~~(90)~~ days.

~~(4)~~ **(4)** a **minimum** of one (1) year.

~~(e)~~ **(f)** After a revocation, the court shall forward to the division a record of the conviction of the person in the court for a violation of the law. At the time of the conviction, the court shall do the following:

(1) Obtain the license certificate of the defendant.

(2) Return the license certificate to the division.

(g) Any denial or revocation of a permit or license under this section is subject to the terms of the wildlife violator compact (IC 14-22-41).

SECTION 57. IC 14-26-2.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 2.1. Ownership of Lake Michigan in Public Trust

Sec. 0.5. This chapter applies only to the recreational use of Lake Michigan.

Sec. 1. As used in this chapter, "Lake Michigan" means:

(1) the waters of Lake Michigan;

(2) the land under the waters of Lake Michigan; and

(3) the land adjoining the waters of Lake Michigan up to the ordinary high water mark;

within the boundaries of Indiana.

Sec. 2. As used in this chapter, "ordinary high water mark" means the line on the bank or shore of Lake Michigan that is:

(1) established by the fluctuations of water; and

(2) indicated by physical characteristics, including:

(A) a clear and natural line impressed on the shore;



- (B) shelving;**
- (C) changes in character of soils;**
- (D) the destruction of terrestrial vegetation; and**
- (E) the presence of litter or debris.**

Sec. 3. (a) Absent any authorized legislative conveyance before February 14, 2018, the state of Indiana owns all of Lake Michigan within the boundaries of Indiana in trust for the use and enjoyment of all citizens of Indiana.

(b) An owner of land that borders Lake Michigan does not have the exclusive right to use the water or land below the ordinary high water mark of Lake Michigan.

Sec. 4. (a) As used in this section, "natural scenic beauty" refers to conditions produced by nature without manmade additions or alterations.

(b) As used in this section, "recreational purpose" means any of the following:

- (1) Walking.**
- (2) Fishing.**
- (3) Boating.**
- (4) Swimming.**
- (5) Any other recreational purpose for which Lake Michigan is ordinarily used, as recognized by the commission for the purposes of this section.**

(c) The citizens of Indiana have a vested right to:

- (1) enjoy the natural scenic beauty of Lake Michigan;**
- (2) enjoy and use the natural resources of Lake Michigan; and**
- (3) use Lake Michigan for recreational purposes.**

(d) The citizens of Indiana have a vested right in the preservation and protection of Lake Michigan.

Sec. 5. (a) The commission may adopt rules under IC 4-22-2 to administer this chapter.

(b) In the adoption of a rule under subsection (a):

- (1) the public hearing held under IC 4-22-2-26 concerning the proposed rule; and**
- (2) any additional public meeting concerning the proposed rule that is held by:**

- (A) the commission; or**
- (B) officers or employees of the department or any other individuals authorized under IC 4-22-2-15 to perform rulemaking actions other than the final adoption of the rule; may be held only in a county that borders Lake Michigan.**

SECTION 58. IC 14-28-1-19.5 IS ADDED TO THE INDIANA



CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 19.5. For purposes of this chapter, property owners may jointly apply for a permit.**

SECTION 59. IC 14-29-1-9 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 9. The department may adopt rules under IC 4-22-2 to identify the location of the ordinary high water mark on the land adjoining the waters of Lake Michigan for purposes of administering this chapter.**

SECTION 60. IC 34-28-6-1, AS AMENDED BY P.L.1-2010, SECTION 137, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 1. Whenever a person who is not a resident of Indiana:

(1) is arrested or stopped for a misdemeanor violation or infraction under:

- (A) ~~IC 9-31-3~~; **IC 9-18.1-14.5**;
- (B) IC 14-15-2 through IC 14-15-7;
- (C) IC 14-16-1; or
- (D) IC 14-22; and

(2) is not immediately taken to court;

the person may, at the discretion of the officer, be released upon the deposit of a security. The security shall be the amount of the fine or judgment and costs for the violation in the form of cash, money order, or a traveler's check made payable to the clerk of the court in which the person will appear.

SECTION 61. IC 34-30-19.5 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 19.5. Immunity of Owner of Property Adjacent to Lake Michigan

Sec. 1. As used in this chapter, "owner" means a person that:

- (1) has a fee interest in;
- (2) is a tenant, lessee, or occupant of; or
- (3) is otherwise legally in control of;

a private property that is adjacent to Lake Michigan.

Sec. 2. As used in this chapter, "private property" means a property whose owner is a person other than the state of Indiana.

Sec. 3. (a) The owner of a private property that is adjacent to Lake Michigan does not assume responsibility or incur liability for an injury to an individual or damage to property that:

- (1) occurs after June 30, 2020, when an individual is crossing the private property:



- (A) to enter; or
 - (B) upon leaving;
- the area of the beach of Lake Michigan that the public has a vested right to use for recreational purposes; and
- (2) is caused by:
 - (A) an act or omission of a person other than the owner;
 - (B) an act or omission of the owner, except for an act of the owner constituting intentional misconduct; or
 - (C) the condition of the property.
 - (b) This section does not affect the following:
 - (1) Existing Indiana case law on the liability of property owners with respect to:
 - (A) business invitees in commercial establishments; or
 - (B) invited guests.
 - (2) The attractive nuisance doctrine.

SECTION 62. IC 35-52-6-45 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. ~~Sec. 45. IC 6-6-11-27 defines a crime concerning taxes.~~

SECTION 63. IC 35-52-9-7.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: **Sec. 7.6. IC 9-18.1-14.5-5 defines a crime concerning proof of registration of a watercraft.**

SECTION 64. IC 36-1-29 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 29. Seawall and Revetment Permits

Sec. 1. This chapter applies only in a county that is located along the shore of Lake Michigan.

Sec. 2. This chapter does not:

- (1) affect the determination of the location of the ordinary high water mark; or
- (2) interfere with or supersede state law, state administrative rules, or local ordinances concerning the issuance of permits for seawalls or revetments.

Sec. 3. As used in this chapter, "emergency" means a situation that:

- (1) requires immediate action;
- (2) is induced by weather or high lake levels; and
- (3) either:
 - (A) creates the potential for imminent structural damage to private property in an area adjacent to Lake Michigan; or
 - (B) threatens or creates an imminent risk to the public



health, welfare, or safety in areas adjacent to Lake Michigan.

Sec. 4. As used in this chapter, "local governmental agency" has the meaning set forth in IC 36-7-4-1109(a).

Sec. 5. As used in this chapter, "ordinary high water mark" has the meaning set forth in IC 14-26-2.1-2.

Sec. 6. As used in this chapter, "owner" means a person that has a fee interest in a private property adjacent to and landward of Lake Michigan.

Sec. 7. As used in this chapter, "permit" has the meaning set forth in IC 36-7-4-1109(b).

Sec. 8. As used in this chapter, "private property" means real property that is not owned or leased by the state or a political subdivision.

Sec. 9. As used in this chapter, "real property" includes any improvements to real property.

Sec. 10. (a) An owner of private property who is subject to the jurisdiction of a local governmental agency in a county subject to this chapter may:

- (1) subject to applicable state laws and administrative rules, local ordinances, and section 11 of this chapter, in the case of an emergency, repair an existing seawall or revetment on the owner's private property; or
- (2) subject to applicable state laws and administrative rules, local ordinances, and section 12 of this chapter, in the case of an emergency, construct a new seawall or revetment on the owner's private property;

whichever applies.

(b) For the purposes of this chapter, side seawalls on Lake Michigan are temporary structures and must be at least eighteen (18) inches from the private property line.

Sec. 11. In accordance with applicable state laws, state administrative rules, and local ordinances, the repair of an existing seawall or revetment may include placing seawalls or revetments into the waters of Lake Michigan where the water is already coming into contact with those seawalls or revetments as long as the seawall or revetment repair is as close to the existing seawall or revetment as reasonably possible.

Sec. 12. In accordance with applicable state laws, state administrative rules, and local ordinances, the owner of private property may construct a new seawall or revetment on the private property in a location in which the new seawall or revetment can



reasonably be expected to provide protection to the property.

Sec. 13. A seawall may be contiguous to another seawall if making one (1) or more seawalls contiguous does not interfere, obstruct, or otherwise inhibit the public's ability to use a public access point or easement that provides access to the shore of Lake Michigan and all parts of the seawall are on private property.

Sec. 14. Not later than ten (10) business days after a person submits a completed application for an emergency seawall or revetment permit and meets all required conditions, a local governmental agency shall:

- (1) approve; or
- (2) deny;

the person's application for the emergency permit. If a local governmental agency does not approve or deny the emergency seawall or revetment permit within ten (10) business days, the emergency permit is automatically approved and considered issued to the person.

Sec. 15. If a local governmental agency denies the emergency seawall or revetment permit, the local governmental agency shall provide the reasons for the denial in a single response to the person. A person may submit not more than one (1) completed reapplication for an emergency seawall or revetment permit that lists reasons why the local governmental agency should approve the person's emergency permit. Not later than ten (10) business days after the person submits the completed reapplication, a local governmental agency shall:

- (1) approve; or
- (2) deny;

the person's reapplication for the emergency permit. If a local governmental agency does not approve or deny the person's reapplication for the emergency seawall or revetment permit within ten (10) business days, the emergency permit is automatically approved and considered issued to the person.

Sec. 16. This section applies to an application for a seawall or revetment permit that is not an emergency permit. Not later than thirty (30) business days after a person submits a completed application and meets all required conditions for a seawall or revetment permit, a local governmental agency shall:

- (1) approve; or
- (2) deny;

the person's application for the permit.

SECTION 65. IC 36-7-4-1103, AS AMENDED BY P.L.119-2012,



SECTION 195, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1103. (a) ~~This section does not apply to a plan commission exercising jurisdiction in a county having a population of more than twenty thousand nine hundred (20,900) but less than twenty-one thousand (21,000):~~

(b) ~~(a)~~ **ADVISORY—AREA.** For purposes of this section, urban areas include all lands and lots within the corporate boundaries of a municipality, any other lands or lots used for residential purposes where there are at least eight (8) residences within any quarter mile square area, and other lands or lots that have been or are planned for residential areas contiguous to the municipality.

(c) ~~(b)~~ **ADVISORY—AREA.** This chapter does not authorize an ordinance or action of a plan commission that would prevent, outside of urban areas, the complete use and alienation of any mineral resources or forests by the owner or alienee of them.

SECTION 66. An emergency is declared for this act.



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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