



Reprinted
April 15, 2025

ENGROSSED HOUSE BILL No. 1389

DIGEST OF HB 1389 (Updated April 14, 2025 9:05 pm - DI 92)

Citations Affected: IC 36-1; IC 36-7.

Synopsis: Local regulation. Prohibits, subject to specified exceptions, a county, municipality, township, or neighborhood or homeowners association from adopting or enforcing an ordinance, order, regulation, resolution, policy, or similar measure that: (1) prohibits or restricts the use, sale, or lease of a motor vehicle or outdoor equipment; (2) distinguishes between motor vehicles or outdoor equipment; or (3) results in differing regulatory standards for motor vehicles or outdoor equipment; based on the fuel source that powers the motor vehicle or outdoor equipment. Requires political subdivisions located within five miles of the end of a runway of a publicly owned, public use airport to adopt an airspace overlay zoning ordinance.

Effective: Upon passage; July 1, 2025.

Pressel, Haggard

(SENATE SPONSORS — DORIOT, BOHACEK, ROGERS)

January 13, 2025, read first time and referred to Committee on Roads and Transportation.
February 10, 2025, amended, reported — Do Pass.
February 13, 2025, read second time, ordered engrossed.
February 14, 2025, engrossed.
February 17, 2025, read third time, passed. Yeas 90, nays 6.

SENATE ACTION

March 3, 2025, read first time and referred to Committee on Homeland Security and Transportation.
March 27, 2025, amended, reported favorably — Do Pass.
April 3, 2025, read second time, ordered engrossed. Engrossed.
April 10, 2025, returned to second reading.
April 14, 2025, re-read second time, amended, ordered engrossed.

EH 1389—LS 7003/DI 119



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First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1389

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

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

1 SECTION 1. IC 36-1-3-15 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 15. (a) This section does not apply to an**
4 **ordinance, rule, regulation, resolution, policy, or other similar**
5 **measure adopted before May 2, 2025.**

6 **(b) The following definitions apply throughout this section:**

7 **(1) "Motor vehicle" means a vehicle that is:**

8 **(A) self-propelled;**

9 **(B) designed for transporting people or property on a**
10 **street or highway; and**

11 **(C) certified by the vehicle's maker under all applicable**
12 **federal safety and emissions standards and requirements**
13 **for distribution and sale in the United States.**

14 **(2) "Outdoor equipment" means a mechanical device that:**

15 **(A) is powered by a motor;**

16 **(B) is designed to be used outdoors for the purpose of**
17 **facilitating or assisting in the performance of tasks**

EH 1389—LS 7003/DI 119



1 associated with:

2 (i) home or lawn maintenance; or

3 (ii) construction; and

4 (C) if self-propelled, is not permitted under IC 9 to be
5 driven or operated on an interstate highway.

6 The term includes lawn mowers, powered lawn trimmers, and
7 leaf blowers.

8 (c) Except as provided in subsections (d) and (e), a unit,
9 neighborhood association, or homeowners association may not
10 adopt an ordinance, order, regulation, resolution, policy, or similar
11 measure that:

12 (1) prohibits or restricts the use, sale, or lease of a motor
13 vehicle or outdoor equipment;

14 (2) distinguishes between motor vehicles or outdoor
15 equipment; or

16 (3) results in differing regulatory standards for motor vehicles
17 or outdoor equipment;

18 based on the fuel source that powers the motor vehicle or outdoor
19 equipment.

20 (d) This section does not limit the authority of a unit to adopt an
21 ordinance, order, regulation, resolution, policy, or other similar
22 measure that applies only to a motor vehicle or outdoor equipment
23 that:

24 (1) is owned by the unit; and

25 (2) is:

26 (A) included in Indiana's state implementation plan for; or

27 (B) otherwise necessary for compliance with;

28 the federal Clean Air Act (42 U.S.C. Section 7401 et seq.).

29 (e) This section does not limit the authority of a unit to adopt an
30 ordinance, order, regulation, resolution, policy, or other similar
31 measure that:

32 (1) encourages or promotes the use of:

33 (A) alternative fuel sources, such as electricity, hydrogen,
34 natural gas, or biofuels; or

35 (B) motor vehicles or outdoor equipment powered by
36 alternative fuel sources; and

37 (2) does not directly or effectively prohibit or restrict the use,
38 sale, or lease of a motor vehicle or outdoor equipment based
39 on the fuel source that powers the motor vehicle or outdoor
40 equipment.

41 SECTION 2. IC 36-7-4-201.2 IS ADDED TO THE INDIANA
42 CODE AS A NEW SECTION TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2025]: Sec. 201.2. (a) This section applies to a political subdivision with local planning and zoning powers that:

(1) is located within five (5) miles of the end of a runway of a publicly owned, public use airport that is classified as a primary, national, or regional airport by the Federal Aviation Administration, as shown on the airport's Federal Aviation Administration accepted airport master plan or airport layout plan; and

(2) has not adopted an airspace overlay zoning ordinance that complies with the requirements of subsection (c).

(b) Not later than July 1, 2027, the administration of the publicly owned, public use airport must provide the political subdivision with a draft airspace overlay zoning ordinance.

(c) Not later than one (1) year after the political subdivision receives the draft airspace overlay zoning ordinance required under subsection (b), the political subdivision shall adopt an airspace overlay zoning ordinance that:

(1) provides for compatible land use with respect to airport flight activities as specified in Federal Aviation Administration Advisory Circular 150/5190-4B; and

(2) is consistent with the requirements of IC 8-21-10-3 and 14 CFR 77 to address airspace protection.

SECTION 3. An emergency is declared for this act.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1389, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, after line 38, begin a new paragraph and insert:

"SECTION 2. IC 36-7-4-201.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 201.2. (a) This section applies to a political subdivision with local planning and zoning powers that:**

(1) is located within five (5) miles of the end of a runway of a publicly owned, public use airport, as shown on the airport's Federal Aviation Administration accepted airport master plan or airport layout plan; and

(2) has not adopted an airspace overlay zoning ordinance.

(b) Not later than July 1, 2027, the administration of the publicly owned, public use airport must provide the political subdivision with a draft airspace overlay zoning ordinance.

(c) Not later than one (1) year after the political subdivision receives the draft airspace overlay zoning ordinance required under subsection (b), the political subdivision shall adopt an airspace overlay zoning ordinance that:

(1) provides for compatible land use with respect to airport flight activities as specified in Federal Aviation Administration Advisory Circular 150/5190-4B; and

(2) is consistent with the requirements of IC 8-21-10-3 and 14 CFR 77 to address airspace protection."

and when so amended that said bill do pass.

(Reference is to HB 1389 as introduced.)

PRESSEL

Committee Vote: yeas 11, nays 0.

EH 1389—LS 7003/DI 119



COMMITTEE REPORT

Mr. President: The Senate Committee on Homeland Security and Transportation, to which was referred House Bill No. 1389, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 2, delete "airport," and insert "**airport that is classified as a primary, national, or regional airport by the Federal Aviation Administration,**".

Page 3, line 5, delete "." and insert "**that complies with the requirements of subsection (c).**".

and when so amended that said bill do pass.

(Reference is to HB 1389 as printed February 10, 2025.)

CRIDER, Chairperson

Committee Vote: Yeas 7, Nays 0.

 SENATE MOTION

Mr. President: I move that Engrossed House Bill 1389, which is eligible for third reading, be returned to second reading for purposes of amendment.

DORIoT

 SENATE MOTION

Mr. President: I move that Engrossed House Bill 1389 be amended to read as follows:

Replace the effective date in SECTION 1 with "[EFFECTIVE UPON PASSAGE]".

Page 1, line 3, after "(a)" delete "The following definitions apply throughout" and insert "**This section does not apply to an ordinance, rule, regulation, resolution, policy, or other similar measure adopted before May 2, 2025.**".

Page 1, delete line 4.

EH 1389—LS 7003/DI 119



Page 1, between lines 4 and 5, begin a new paragraph and insert:

"(b) The following definitions apply throughout this section:".

Page 2, line 6, delete "(b) Except" and insert **"(c) Except"**.

Page 2, line 6, delete "(c) and (d)," and insert **"(d) and (e),"**.

Page 2, line 8, delete "or enforce".

Page 2, line 18, delete "(c)" and insert **"(d)"**.

Page 2, line 18, delete "or".

Page 2, line 19, delete "enforce".

Page 2, line 27, delete "(d)" and insert **"(e)"**.

Page 3, after line 20, begin a new paragraph and insert:

"SECTION 3. An emergency is declared for this act."

(Reference is to EHB 1389 as printed March 28, 2025.)

DORIoT

