



January 28, 2020

HOUSE BILL No. 1385

DIGEST OF HB 1385 (Updated January 27, 2020 2:34 pm - DI 139)

Citations Affected: IC 8-4.5; IC 14-8; IC 14-10; IC 14-15; IC 14-22; IC 36-7.

Synopsis: Department of natural resources. Revises the definition of "recreational trail" to specify that the term refers to trails or paths funded through the recreational trails program. Specifies that the state may acquire a railroad's interest in a corridor for use as a trail (rather than as a recreational trail as provided by current law). Specifies that the state may consider a corridor's suitability for use as a trail (rather than as a recreational trail as provided by current law) when considering whether to acquire a railroad's interest in a corridor. Specifies that a railroad's interest in a corridor acquired for a recreational purpose may be developed and operated under the recreational trails program. (Current law requires such acquisitions to be developed and operated under the program.) Modifies the definitions of "all-terrain vehicle" and "recreational off-highway vehicle". Makes it a class C infraction to violate a rule adopted by the natural resources commission or an emergency rule adopted by the department of natural resources, unless otherwise specified under state law. Allows the owner of a boat that carries passengers upon public water for hire to elect to have an underwater survey (survey) conducted instead of the required dry dock inspection. Requires that the boat be inspected in a dry dock once every 120 months. Requires the owner of the boat to hire and pay for the survey. Requires the survey to be conducted by an inspector from a certified organization that is approved by the natural resources commission. Requires that the certificate of inspection and registration certify the method of the boat's inspection and the name of the person and organization that performed
(Continued next page)

Effective: December 31, 2019 (retroactive); July 1, 2020.

Eberhart, Pfaff, Prescott

January 15, 2020, read first time and referred to Committee on Natural Resources.
January 28, 2020, amended, reported — Do Pass.

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Digest Continued

the inspection. Changes acts that are prohibited while operating a motorboat. Removes the sunset provision regarding the use of certain rifles while hunting. Removes an exception for legal minnow seines and dip nets from the prohibition on using various fishing techniques near a dam. Authorizes the natural resources commission to authorize exceptions for the use of otherwise prohibited techniques by rule. Makes various changes to the procedures for revoking or denying a license or permit under the wildlife violator compact. Provides that a court having jurisdiction of an offense committed in violation of an Indiana law for the protection of wildlife may revoke the license of the offender for a minimum of one year. (Current law allows revocations for a period of 30 days, 60 days, 90 days, or one year.) Makes a local planning and zoning statute concerning the alienation of mineral resources and forests outside urban areas applicable to all counties.

HB 1385—LS 6785/DI 92



January 28, 2020

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 BILL No. 1385

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

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

1 SECTION 1. IC 8-4.5-1-16 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 16. "Recreational trail"
3 means a trail or path that:
4 (1) includes a corridor along any part of its length; ~~and~~
5 (2) is intended to be used for:
6 (A) bicycling;
7 (B) exercising;
8 (C) hiking;
9 (D) running;
10 (E) riding:
11 (i) in or on a vehicle of any kind, regardless of the means of
12 propelling the vehicle; or
13 (ii) on any animal;
14 (F) walking; or
15 (G) any other recreational purpose; **and**
16 **(3) is funded through the recreational trails program under**
17 **IC 8-4.5-5.**

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

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

- 7 (1) A present or future rail line.
- 8 (2) A transportation corridor.
- 9 (3) A communication corridor.
- 10 (4) A ~~recreational~~ trail.
- 11 (5) A utility corridor.
- 12 (6) The preservation of a railroad corridor.
- 13 (7) Any combination of purposes described in subdivisions (1)
14 through (6).

15 SECTION 3. IC 8-4.5-4-4 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. In determining
17 whether the state should acquire any part of a railroad's interest in a
18 corridor, the Indiana department of transportation shall consider the
19 following factors:

- 20 (1) The potential for future use of the railroad's interest in the
21 corridor as a freight or high-speed passenger rail line, considering
22 the following:
 - 23 (A) The potential need for use of the railroad's interest in the
24 corridor for future transportation purposes.
 - 25 (B) The cost of maintaining the railroad's interest in the
26 corridor during any time before the future transportation use
27 will begin.
 - 28 (C) The effect of any interim use and the future transportation
29 use of the railroad's interest in the corridor on property owners.
 - 30 (D) Any relevant requirement of any federal law.
 - 31 (E) Any other factor the department considers relevant.
- 32 (2) Based on the recommendation of the department of natural
33 resources, the potential for recreational use of the railroad's
34 interest in the corridor considering the following:
 - 35 (A) The recreational value of the railroad's interest in the
36 corridor.
 - 37 (B) The feasibility of using the railroad's interest in the
38 corridor for recreation.
 - 39 (C) The likelihood that there may be significant recreational
40 use of the railroad's interest in the corridor if the railroad's
41 interest in the corridor is converted to a ~~recreational~~ trail.
 - 42 (D) The general acceptability of the proposed recreational use



- 1 of the railroad's interest in the corridor to property owners and
 2 the community at large.
 3 (E) The existence of a willing person, whether public or
 4 private, to operate the railroad's interest in the corridor for the
 5 proposed recreational use.
 6 (F) Any relevant requirement of any federal law.
 7 (G) Any other factor the department considers relevant.
 8 (3) The potential for the use of the railroad's interest in the
 9 corridor for communications or utility use.
 10 (4) Whether there are funds to acquire the railroad's interest in the
 11 corridor.

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

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

- 21 (1) is ~~fifty (50)~~ **fifty-five (55)** inches or less in width **when**
 22 **measured from outside of tire rim to outside of tire rim;**
 23 (2) has a dry weight of ~~twelve one thousand five hundred (1,200)~~
 24 **(1,500)** pounds or less;
 25 (3) is designed for travel on at least three (3) nonhighway or
 26 off-highway tires; and
 27 (4) is designed for recreational use by one (1) or more individuals.

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

30 SECTION 6. IC 14-8-2-233.5, AS AMENDED BY P.L.219-2014,
 31 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2020]: Sec. 233.5. "Recreational ~~off-road~~ **off-highway**
 33 vehicle", for purposes of IC 14-8-2-185, means a motorized,
 34 off-highway vehicle that:

- 35 (1) is ~~sixty-five (65)~~ **eighty (80)** inches or less in width **when**
 36 **measured from outside of tire rim to outside of tire rim;**
 37 (2) has a dry weight of two thousand ~~five hundred (2,000)~~
 38 **(2,500)** pounds or less;
 39 (3) is designed for travel on at least four (4) nonhighway or
 40 off-highway tires; and
 41 (4) is designed for recreational use by one (1) or more individuals.

42 SECTION 7. IC 14-10-2-4 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) The commission
2 shall adopt rules under IC 4-22-2 to carry out the commission's duties
3 under this title.

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

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

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

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

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

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

18 SECTION 8. IC 14-10-2-5, AS AMENDED BY P.L.154-2019,
19 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2020]: Sec. 5. (a) The department may adopt emergency rules
21 under IC 4-22-2-37.1 to carry out the duties of the department under
22 the following:

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



1 (21) IC 14-38, except IC 14-38-3.

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

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

8 SECTION 9. IC 14-15-6-1 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) A person may not
10 operate a boat upon public water to carry passengers for hire unless the
11 following conditions are met:

12 (1) The department **or an organization approved under section**
13 **2.5 of this chapter** has inspected and registered the boat.

14 (2) A certificate of inspection and registration issued by the
15 department is affixed to the boat in a prominent place within the
16 clear view of the passengers.

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

23 SECTION 10. IC 14-15-6-2.5 IS ADDED TO THE INDIANA
24 CODE AS A NEW SECTION TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2020]: **Sec. 2.5. (a) Each boat that carries**
26 **passengers upon public water for hire must have:**

27 **(1) a dry dock inspection; or**

28 **(2) an underwater survey;**

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

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

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

40 SECTION 11. IC 14-15-6-3 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) The department
42 shall charge and collect a fee for the following:



- 1 (1) Each annual dockside inspection.
- 2 (2) Each dry dock inspection. ~~which shall be conducted at least~~
- 3 ~~one (1) time every sixty (60) months:~~
- 4 (b) The following fees shall be charged:
- 5 (1) All watercraft, except sailboats, carrying not more than six (6)
- 6 passengers for hire on navigable water of Indiana:
- 7 (A) Dockside inspection..... \$ 50
- 8 (B) Dry dock inspection..... \$ 75
- 9 (2) All watercraft, except sailboats, carrying not more than six (6)
- 10 passengers for hire on inland water of Indiana:
- 11 (A) Dockside inspection..... \$ 30
- 12 (B) Dry dock inspection..... \$ 30
- 13 (3) All watercraft, except sailboats, carrying more than six (6)
- 14 passengers for hire on inland water of Indiana:
- 15 (A) Dockside inspection..... \$ 75
- 16 (B) Dry dock inspection..... \$100
- 17 (4) All watercraft propelled primarily by sail that carry passengers
- 18 for hire on navigable or inland water of Indiana:
- 19 (A) Dockside inspection..... \$ 50
- 20 (B) Dry dock inspection..... \$ 75

21 SECTION 12. IC 14-15-6-6 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. Each certificate of
 23 inspection and registration must certify that the inspection has been
 24 made and must set forth, among other things, the following:

- 25 (1) The date of inspection.
- 26 (2) A description of the boat, including motors, machinery and
- 27 equipment.
- 28 (3) The age of the boat.
- 29 (4) The maximum weight, including both passengers and
- 30 property, that may safely be carried on the boat.
- 31 **(5) The method of the boat's inspection and the name of the**
- 32 **person and organization that performed the inspection.**

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

- 36 (1) Operate a motorboat inboard or have the inboard engine of a
- 37 motorboat run idle while an individual is holding onto the swim
- 38 platform, swim deck, swim step, swim ladder or any part of the
- 39 exterior of the transom of a motorboat while the motorboat is
- 40 underway at any speed.
- 41 (2) Operate a motorboat powered by an outboard motor or
- 42 equipped with an outdrive unit while an individual is:



- 1 (A) holding onto the swim platform, swim deck, swim step,
 2 swim ladder or any portion of the exterior of the transom of a
 3 motorboat while the motorboat is underway at any speed; **or**
 4 (B) swimming, or floating on or in the wake directly behind a
 5 motorboat that is underway. **or**
 6 ~~(C) floating on a board on or in the wake directly behind a~~
 7 ~~motorboat that is underway using the wake itself as the means~~
 8 ~~of propulsion.~~
- 9 (3) Operate a motorboat with the number of individual riders on
 10 a towed device that exceeds the listed capacity on the towed
 11 device or the owner's manual.
- 12 SECTION 14. IC 14-22-2-8, AS AMENDED BY P.L.39-2018,
 13 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 December 31, 2019 (RETROACTIVE)]: Sec. 8. (a) This section
 15 applies to a hunting season beginning after June 30, 2016. ~~and ending~~
 16 ~~before January 1, 2020.~~
- 17 (b) A hunter may use a rifle to hunt deer on privately owned land
 18 subject to the following:
- 19 (1) The use of a rifle is permitted during hunting seasons
 20 established by the department.
- 21 (2) The rifle must be chambered for a cartridge that fires a bullet
 22 that is two hundred forty-three thousandths (.243) of an inch in
 23 diameter or larger.
- 24 (3) The rifle must fire a cartridge that has a minimum case length
 25 of one and sixteen-hundredths (1.16) inches, but is no longer than
 26 three (3) inches.
- 27 (4) A hunter may not possess more than ten (10) cartridges for the
 28 rifle while hunting deer under this section.
- 29 (5) The rifle must meet any other requirements established by the
 30 department.
- 31 (c) The use of a full metal jacketed bullet to hunt deer is unlawful.
- 32 (d) The department shall report on the impact of the use of rifles to
 33 hunt deer under this section to the governor and, in an electronic format
 34 under IC 5-14-6, the general assembly before February 15, 2020.
- 35 (e) The department may adopt rules under IC 4-22-2 to authorize the
 36 use of rifles on public property.
- 37 ~~(f) This section expires June 30, 2020.~~
- 38 SECTION 15. IC 14-22-9-3, AS AMENDED BY P.L.39-2018,
 39 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2020]: Sec. 3. A person may not use, set, cause to be used or
 41 set, take, or attempt to take fish by means of:
 42 (1) a trotline;



- 1 (2) a set line;
 2 (3) a throw line;
 3 (4) a net;
 4 (5) a trap; or
 5 (6) a seine;
 6 ~~except legal minnow seines or dip nets~~, within two hundred (200) yards
 7 of a dam that wholly or partly crosses a river, stream, or waterway in
 8 Indiana or the boundary water of the state, **except as authorized by**
 9 **rules adopted by the commission under IC 4-22-2.**
- 10 SECTION 16. IC 14-22-11-15 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 15. (a) Each license
 12 and permit issued under this article is issued upon the express
 13 condition, to which the licensee or permittee by acceptance of the
 14 license or permit is considered to agree and consent, that the licensee
 15 or permittee will obey and comply with the following:
- 16 (1) All the terms, conditions, and rules:
 17 (A) made by the director under this article; and
 18 (B) incorporated in or attached to the license or permit when
 19 issued.
- 20 (2) This article.
- 21 (3) A wildlife law (as defined by IC 14-22-41-4(p)) while the
 22 licensee is in another jurisdiction that has adopted the wildlife
 23 violator compact (IC 14-22-41).
- 24 (b) A license or permit may be revoked **or denied** by the director at
 25 any time without refund for any of the following:
- 26 (1) Failure to comply with or violation of the terms, conditions,
 27 rules, or restrictions incorporated in or attached to the license or
 28 permit when issued.
- 29 (2) Violation of this article.
- 30 (3) Violation of a wildlife law (as defined by IC 14-22-41-4(p))
 31 **while occurring after October 31, 2000, by the licensee is or**
 32 **permittee** in another jurisdiction that has adopted the wildlife
 33 violator compact (IC 14-22-41).
- 34 (c) **If a person's license or permit is revoked or denied because**
 35 **of a violation described in subsection (b)(3), the person is entitled**
 36 **to a review of the revocation or denial by the commission.**
 37 **However, the commission may not review the merits of the**
 38 **underlying violation committed in another jurisdiction that**
 39 **prompted the revocation or denial under the wildlife violator**
 40 **compact (IC 14-22-41).**
- 41 (↵) (d) A person whose license or permit has been revoked **or**
 42 **denied** by the director under this article may, by written request to the



1 ~~director, commission~~, have a hearing on the revocation **or denial of**
 2 **issuance**. Upon receipt of written request for a hearing on the
 3 revocation, the ~~director commission~~ shall do the following:

4 (1) Set a date for the hearing, which may not be more than fifteen
 5 (15) days from the date of receipt of the request.

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

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

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

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

18 ~~(1) Thirty (30) days:~~

19 ~~(2) Sixty (60) days:~~

20 ~~(3) Ninety (90) days:~~

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

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

25 (1) Obtain the license certificate of the defendant.

26 (2) Return the license certificate to the division.

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

30 SECTION 17. IC 36-7-4-1103, AS AMENDED BY P.L.119-2012,
 31 SECTION 195, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2020]: Sec. 1103. ~~(a) This section does not~~
 33 ~~apply to a plan commission exercising jurisdiction in a county having~~
 34 ~~a population of more than twenty thousand nine hundred (20,900) but~~
 35 ~~less than twenty-one thousand (21,000):~~

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

42 ~~(c)~~ (b) ADVISORY—AREA. This chapter does not authorize an



1 ordinance or action of a plan commission that would prevent, outside
2 of urban areas, the complete use and alienation of any mineral
3 resources or forests by the owner or alienee of them.
4 SECTION 18. **An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1385, 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 3, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 5. 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 6. 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)** ~~(2,000)~~ 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 7. 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.

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(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 8. 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 9. 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 10. 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 11. 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 12. 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 13. 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 14. 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."~~

Page 5, after line 8, begin a new paragraph and insert:

"SECTION 17. 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 18. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1385 as introduced.)

EBERHART

Committee Vote: yeas 8, nays 0.

