

IC 9-21-21

Chapter 21. Farm Vehicles Involved in Commercial Enterprises

IC 9-21-21-1

Repealed

(Repealed by P.L.215-2014, SEC.5.)

IC 9-21-21-2

Farm trucks used for personal purposes

Sec. 2. A farm truck may be used for personal purposes if the vehicle otherwise qualifies for that class of registration.

As added by P.L.210-2005, SEC.36. Amended by P.L.215-2014, SEC.6.

IC 9-21-21-3 Version a

Farm vehicles in commercial usage

Note: This version of section effective until 1-1-2015. See also following version of this section, effective 1-1-2015.

Sec. 3. Except as provided in section 4.3 of this chapter, if the owner of a farm truck, farm trailer, or farm semitrailer and tractor begins to operate the farm truck, farm trailer, or farm semitrailer and tractor or permits the farm truck, farm trailer, or farm semitrailer and tractor to be operated:

- (1) in the conduct of a commercial enterprise; or
 - (2) for the transportation of farm products after the commodities have entered the channels of commerce during a registration year for which the license fee under IC 9-29-5-13 has been paid;
- the owner shall pay the amount computed under IC 9-29-5-13.5(b) due for the remainder of the registration year for the license fee.

As added by P.L.210-2005, SEC.36. Amended by P.L.21-2007, SEC.2; P.L.191-2007, SEC.3; P.L.215-2014, SEC.7.

IC 9-21-21-3 Version b

Farm vehicles in commercial usage

Note: This version of section effective 1-1-2015. See also preceding version of this section, effective until 1-1-2015.

Sec. 3. Except as provided in section 4.3 of this chapter, if the owner of a farm truck, farm trailer, or farm semitrailer and tractor begins to operate the farm truck, farm trailer, or farm semitrailer and tractor or permits the farm truck, farm trailer, or farm semitrailer and tractor to be operated:

- (1) in the conduct of a commercial enterprise; or
- (2) for the transportation of farm products after the commodities have entered the channels of commerce during a registration year for which the applicable registration fee under IC 9-29-5 has been paid;

the owner shall pay the amount computed under IC 9-29-5-13.5(b) due for the remainder of the registration year for the license fee.

As added by P.L.210-2005, SEC.36. Amended by P.L.21-2007,

SEC.2; P.L.191-2007, SEC.3; P.L.215-2014, SEC.7; P.L.216-2014, SEC.50.

IC 9-21-21-4

Repealed

(Repealed by P.L.21-2007, SEC.5.)

IC 9-21-21-4.3 Version a

Intrastate operation for perishable crop transportation; extension of license

Note: This version of section effective until 1-1-2015. See also following version of this section, effective 1-1-2015.

Sec. 4.3. (a) Notwithstanding section 3 of this chapter, subsection (b), and IC 9-18-2-4, a farm truck, farm trailer, or farm semitrailer and tractor may be operated intrastate for the transportation of seasonal, perishable, fruit or vegetables to the first point of processing for not more than one (1) thirty (30) day period in a registration year established by IC 9-18-2-7. Before a vehicle may be operated as provided in this subsection, the owner shall pay to the bureau:

- (1) the license fee due under IC 9-29-5-13(b); and
- (2) eight and one-half percent (8.5%) of the license fee paid under IC 9-29-5-13(b);

for the farm truck, farm trailer, or farm semitrailer and tractor.

(b) Notwithstanding section 3 of this chapter, subsection (a), and IC 9-18-2-4, a farm truck, farm trailer, or farm semitrailer and tractor may be operated intrastate for the transportation of tomatoes or silage to the first point of processing for a period of not more than one (1) seventy-one (71) day period in a registration year established by IC 9-18-2-7. Before a vehicle may be operated as provided in this subsection, the owner shall pay to the bureau:

- (1) the license fee due under IC 9-29-5-13(b); and
- (2) seventeen percent (17%) of the license fee paid under IC 9-29-5-13(b);

for the farm truck, farm trailer, or farm semitrailer and tractor.

(c) The bureau shall adopt rules under IC 4-22-2 to authorize the operation of a farm truck, farm trailer, or farm semitrailer and tractor in the manner provided in this section.

As added by P.L.191-2007, SEC.4. Amended by P.L.215-2014, SEC.8.

IC 9-21-21-4.3 Version b

Intrastate operation for perishable crop transportation; extension of license

Note: This version of section effective 1-1-2015. See also preceding version of this section, effective until 1-1-2015.

Sec. 4.3. (a) Notwithstanding section 3 of this chapter, subsection (b), and IC 9-18-2-4, a farm truck, farm trailer, or farm semitrailer and tractor may be operated intrastate for the transportation of seasonal, perishable, fruit or vegetables to the first point of

processing for not more than one (1) thirty (30) day period in a registration year established by IC 9-18-2-7. Before a vehicle may be operated as provided in this subsection, the owner shall pay to the bureau:

- (1) the applicable license fee due under IC 9-29-5; and
- (2) eight and one-half percent (8.5%) of the applicable license fee paid under IC 9-29-5;

for the farm truck, farm trailer, or farm semitrailer and tractor.

(b) Notwithstanding section 3 of this chapter, subsection (a), and IC 9-18-2-4, a farm truck, farm trailer, or farm semitrailer and tractor may be operated intrastate for the transportation of tomatoes or silage to the first point of processing for a period of not more than one (1) seventy-one (71) day period in a registration year established by IC 9-18-2-7. Before a vehicle may be operated as provided in this subsection, the owner shall pay to the bureau:

- (1) the applicable license fee due under IC 9-29-5; and
- (2) seventeen percent (17%) of the applicable license fee paid under IC 9-29-5;

for the farm truck, farm trailer, or farm semitrailer and tractor.

(c) The bureau shall adopt rules under IC 4-22-2 to authorize the operation of a farm truck, farm trailer, or farm semitrailer and tractor in the manner provided in this section.

As added by P.L.191-2007, SEC.4. Amended by P.L.215-2014, SEC.8; P.L.216-2014, SEC.51.

IC 9-21-21-5

Penalties for improper use of farm vehicle

Sec. 5. In addition to the penalty provided in section 7 of this chapter, and except as provided in section 4.3 of this chapter, a person that operates a vehicle or allows a vehicle that the person owns to be operated when the vehicle is:

- (1) registered under this chapter as a farm truck, farm trailer, or farm semitrailer and tractor; and
- (2) operated as set forth in section 3 of this chapter;

commits a Class C infraction. However, the offense is a Class B infraction if, within the three (3) years preceding the commission of the offense, the person had a prior unrelated judgment under this section.

As added by P.L.210-2005, SEC.36. Amended by P.L.191-2007, SEC.5.

IC 9-21-21-6

Venue for prosecution

Sec. 6. For purposes of this chapter, the operation of a vehicle in violation of section 3 of this chapter is a continuing offense and the venue for prosecution lies in a county in which the unlawful operation occurred. However, a:

- (1) judgment against; or
- (2) finding by the court for;

the owner or operator bars a prosecution in another county.

As added by P.L.210-2005, SEC.36.

IC 9-21-21-7

Impoundment of farm vehicle operated improperly

Sec. 7. (a) Except as provided in subsection (b), a police officer who discovers a vehicle registered under this chapter as a farm truck, farm trailer, or farm semitrailer and tractor that is being operated as set forth in section 3 of this chapter:

- (1) may take the vehicle into the police officer's custody; and
- (2) may cause the vehicle to be taken to and stored in a suitable place until:

- (A) the legal owner of the vehicle can be found; or
- (B) the proper certificate of registration and license plates have been procured and the amount computed under IC 9-29-5-13.5 has been paid.

(b) A vehicle being operated in violation of section 3 of this chapter that is carrying perishable fruits or vegetables or livestock may not be impounded, and the operator may proceed to the point of destination after having been stopped by a police officer under subsection (a).

As added by P.L.210-2005, SEC.36.