



Motorcycle Dealers Association of Indiana

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Bulletin #4 – November 14, 2005

OFF-ROAD VEHICLES REQUIRED TO BE TITLED JANUARY 1, 2006

House Enrolled Act 1315 from the 2005 Session of the Indiana General Assembly requires a person to obtain a certificate of title from the Bureau of Motor Vehicles for off-road vehicles less than five (5) model years old that the person purchases after December 31, 2005. It also requires a person who becomes an Indiana resident after December 31, 2005 to obtain a certificate of title from the BMV for an off-road vehicle brought into Indiana that is less than five model years old.

More significantly, this new legislation requires dealers selling off-road vehicles to prepare an application for title for the purchaser and submit the application to the BMV. This is a change in current business practice ... meaning you should not give the certificate of origin or title to the customer to take to the BMV. You, the dealer, are required to complete the title application and take it along with all accompanying documentation to the BMV license branch for processing. The new law states a dealer may charge a processing fee of not more than \$10 for this service.

The definition of "off-road vehicle" subject to this new law is as follows:

IC 14-8-2-185

"Off-road vehicle"

Sec. 185. (a) "Off-road vehicle", for purposes of IC 14-16-1 and IC 14-19-1-0.5, means a motor driven vehicle capable of cross-country travel:

- (1) without benefit of a road; and
- (2) on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain.
- (b) The term includes the following:
 - (1) A multi-wheel drive or low pressure tire vehicle.
 - (2) An amphibious machine.
 - (3) A ground effect air cushion vehicle.
 - (4) Other means of transportation deriving motive power from a source other than muscle or wind.
- (c) The term does not include the following:
 - (1) A farm vehicle being used for farming.
 - (2) A vehicle used for military or law enforcement purposes.
 - (3) A construction, mining, or other industrial related vehicle used in performance of the vehicle's common function.
 - (4) A snowmobile (as defined by section 261 of this chapter).
 - (5) A registered aircraft.
 - (6) Any other vehicle properly registered by the bureau of motor vehicles.
 - (7) Any watercraft that is registered under Indiana statutes.
 - (8) A golf cart vehicle.

As added by P.L.1-1995, SEC.1. Amended by P.L.225-2005, SEC.6.

Other sections of the new law require possession of title or certificate of origin for all off-road vehicles offered for sale by a dealer beginning January 1, 2008; make violations of the new law a Class A infraction; and make it a Class B misdemeanor for an individual to operate an off-road vehicle or snowmobile while under the influence of an alcoholic beverage.

If you would like a copy of the new law in its entirety, please contact ADAI headquarters at (800) 872-0363 or (317) 635-1441.