

**Consideration of preliminary adoption of rule amendment to 312 IAC 8-2-8 to prohibit the use of an airborne human transportation device on a DNR property or an unmanned motor-driven airborne device (“drone”) on or over a DNR property when launched from an adjacent property; Administrative Cause No. 16-078P**

The proposed amendment of 312 IAC 8-2-8(i) prohibits unmanned aircraft (“Drones”) from flying over Department of Natural Resources property when launched from adjacent property. Currently, manned motor-driven airborne devices and Drones are not permitted to “land, taxi, take off, park, or moor” on DNR property except at a designated site or pursuant to a permit. This proposed amendment adds the additional restriction of prohibiting Drones from operating over Department property when launched from adjacent or distant private or public property.

With the widening availability and advancement of drone technology, private citizens are increasingly able to purchase these Drones and easily, remotely fly them over Department property. Drone flyover is a health and safety concern to Department property guests, personnel, fish, wildlife, and botanical resources. The proposed amendment will not impact manned aircraft flying over Department property.

Department believes this proposed rule amendment is essential for continued protection of Department property, patrons, personnel, and natural resources.

**TITLE 312 NATURAL RESOURCES COMMISSION**

**Proposed Rule**  
LSA Document #16-

**DIGEST**

Amends 312 IAC 8-2-8 to prohibit the use of an airborne human transportation device on a DNR property or an unmanned motor-driven airborne device on or over a DNR property, unless by permit or in an area designated for that activity. Effective 30 days after filing with the Publisher.

**312 IAC 8-2-8**

SECTION 1. 312 IAC 8-2-8 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 8-2-8 Vehicles, trails, boats, and aircraft**

**Authority: IC 14-10-2-1; IC 14-10-2-4; IC 14-11-2-1; IC 14-19-1-1**

**Affected: IC 14-19-1-0.5; IC 14-22-11-1**

Sec. 8. (a) A person must not operate a vehicle:

(1) at a speed greater than:

(A) thirty (30) miles per hour on straight, open stretches of road; or

(B) fifteen (15) miles per hour on steep grades or curves or where posted; or

- (2) except as provided in section 17 of this rule, other than on a public road.
- (b) A person must not park:
  - (1) a vehicle;
  - (2) a boat; or
  - (3) associated equipment;except at a site designated by the department.
- (c) A person must not operate a motorized cart on a DNR property except as follows:
  - (1) The person must demonstrate both of the following:
    - (A) The person holds a valid driver's license.
    - (B) The person:
      - (i) is at least sixty-five (65) years of age that is evidenced by the valid driver's license; or
      - (ii) has a disability, as defined by the federal Social Security Administration guidelines (42 U.S.C. 416), that is evidenced by documentation from the Social Security Administration.
  - (2) A person must not operate a motorized cart other than within a campground.
  - (3) A motorized cart must, if operated between the hours of sunset and sunrise, have a lamp on the:
    - (A) front exhibiting a white light visible at least five hundred (500) feet ahead of the motorized cart; and
    - (B) rear exhibiting a red light visible at least five hundred (500) feet behind the motorized cart.
  - (4) A restriction applicable to the operation, parking, or other use of a vehicle under this section also applies to a motorized cart.
  - (5) As used in this subsection, "motorized cart" has the meaning set forth in IC 14-19-1-0.5.
  - (d) Unless an activity is licensed or exempted from licensure under this rule, a person must not do the following:
    - (1) Leave the designated pathway for a trail while moving cross-country.
    - (2) Except on a trail designated for the purpose:
      - (A) hike;
      - (B) bike;
      - (C) ski;
      - (D) horseback ride; or
      - (E) operate an off-road vehicle or snowmobile.
    - (3) Except where designated by the department, ride, lead, drive, or hitch an animal.
  - (e) A person must not launch, dock, or moor a boat, except:
    - (1) for approved periods; and
    - (2) at sites designated by the department for those purposes.
  - (f) A person must not:
    - (1) leave a boat unattended in a courtesy dock provided by the department; or
    - (2) moor a boat at a designated group dock or mooring post unless the boat exhibits a valid mooring permit.
  - (g) A person must not operate or maintain a boat on a lake unless the person does each of the following:
    - (1) Operates the boat according to any horsepower or speed restrictions applicable to the lake.
    - (2) Except as provided in subdivisions (3) and (6), obtains and displays a valid annual boat lake permit as follows:
      - (A) Purchase from the department a boat lake permit under a fee schedule approved by the commission.
      - (B) Affix the permit in a visible location on the forward half of the boat.

(3) Except as provided in subdivision (6), for a motorboat, obtains and displays a valid annual motorboat lake permit as follows:

(A) Purchase from the department a motorboat lake permit under a fee scheduled approved by the commission.

(B) Affix the permit in a visible location on the port (left) side immediately following the excise tax decal or registration number.

(4) For a lake containing fewer than three hundred (300) acres, operates a motorboat only if the motorboat is either of the following:

(A) Powered by an electric trolling motor with not more than:

(i) two (2) 12-volt batteries; or

(ii) one (1) 24-volt battery.

(B) Operated on Loon Lake, Otter Lake, or Blue Grass Pit in the Blue Grass Fish and Wildlife Area at not greater than idle speed.

(5) Removes a boat from the lake before the expiration of fourteen (14) consecutive days, unless the boat is moored in an area where the department has approved mooring for a longer duration.

(6) A lake located on a DNR property administered by the division of fish and wildlife is exempted from subdivisions (2) and (3).

(h) A person must not leave a vehicle, boat, or associated equipment at a DNR property unless the person is actively engaged in the use of:

(1) a DNR property; or

(2) an adjacent:

(A) public freshwater lake; or

(B) navigable waterway.

(i) A person must not ~~land, taxi, take off, park, or moor:~~

~~(1) an airborne human transportation device; or~~

~~(2) a motor-driven airborne device;~~

**(1) land, taxi, take off, park, or moor an airborne human transportation device; or**

**(2) knowingly land, taxi, take off, park, moor, or operate over DNR property an unmanned motor-driven airborne device;**

except at a site designated for that purpose or pursuant to a license. (*Natural Resources Commission; 312 IAC 8-2-8; filed Oct 28, 1998, 3:32 p.m.: 22 IR 741, eff Jan 1, 1999; filed Nov 5, 1999, 10:14 a.m.: 23 IR 555, eff Jan 1, 2000; filed Jun 17, 2002, 4:13 p.m.: 25 IR 3715; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315; filed Sep 14, 2005, 2:45 p.m.: 29 IR 463, eff Jan 1, 2006; filed Jun 9, 2006, 3:40 p.m.: 20060705-IR-312050344FRA; filed Jun 29, 2007, 2:32 p.m.: 20070725-IR-312060333FRA; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA; filed Aug 18, 2011, 11:38 a.m.: 20110914-IR-312100668FRA; filed Feb 6, 2012, 3:07 p.m.: 20120307-IR-312110442FRA, eff Jan 1, 2013; filed Feb 11, 2014, 3:12 p.m.: 20140312-IR-312130294FRA*)