

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 6887

BILL NUMBER: HB 1150

NOTE PREPARED: Feb 3, 2021

BILL AMENDED: Feb 1, 2021

SUBJECT: Overweight Divisible Loads.

FIRST AUTHOR: Rep. Prescott

FIRST SPONSOR: Sen. Garten

BILL STATUS: As Passed House

FUNDS AFFECTED: **GENERAL**
 X DEDICATED
 FEDERAL

IMPACT: State

Summary of Legislation: This bill has the following provisions:

- (1) Provides that a person who transports a vehicle or combination of vehicles with an overweight divisible load is subject to overweight divisible load permitting.
- (2) Provides that the Indiana Department of Transportation (INDOT) may not issue a permit for an overweight divisible load if the owner or operator of the vehicle has not provided the Department of State Revenue (DOR) with full payment for the permit prior to transporting the overweight divisible load.
- (3) Provides that the DOR shall determine the civil penalties for overweight divisible loads.
- (4) Provides for certain defenses to the civil penalty for transporting overweight divisible loads without a permit.
- (5) Provides that the civil penalty for each permitting violation for transporting overweight divisible loads is not more than \$10,000 for each violation.
- (6) Provides that the DOR may not assess a penalty on a citation for an oversize load after more than one year has passed from the date the person receives the citation.
- (7) Provides that the costs for storage of an abandoned vehicle with a length of at least 30 feet may not exceed \$2,500.
- (8) Makes a technical correction and conforming changes.

Effective Date: July 1, 2021.

Explanation of State Expenditures:

Explanation of State Revenues: This bill could decrease revenue to the Motor Carrier Regulation Fund by

limiting the DOR’s ability to levy penalties for overweight load citations within a year after a previous citation is issued. The bill additionally establishes maximum civil penalties for each violation overweight and oversized load violation, which could impact civil penalty revenue. Net decreases in Motor Carrier Regulation Fund are indeterminable.

Additional Information - Revenue received from overweight load penalties is deposited into the Motor Carrier Regulation Fund. Penalties range from \$500 to \$1,000 per violation. The DOR reports the following violations for CY 2018 to CY 2020.

Calendar Year	Oversize/Overweight Violations
2018	4,946
2019	5,676
2020	2,774*
*Decrease related to COVID-19 pandemic	

The DOR also reports that not all violations result in civil penalties. Data on (1) multiple citations issued to individuals in a single year or (2) which offenses resulted in the issuance of a civil penalty, is not available. First time offenders are issued a warning letter that informs the recipient that further violations could result in civil penalties.

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: DOR.

Local Agencies Affected:

Information Sources: Chris Russell, DOR.

Fiscal Analyst: Bill Brumbach, 317-232-9559.