



COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Homeland Security and Transportation, to which was referred House Bill No. 1190, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, line 12, delete "than one" and insert "than:".
- 2 Page 1, line 13, delete "hundred twenty thousand (120,000)
- 3 pounds.".
- 4 Page 2, between lines 2 and 3, begin a new line double block
- 5 indented and insert:
- 6 **"(A) one hundred twenty thousand (120,000) pounds if**
- 7 **hauling, delivering, or otherwise carrying metal, bark,**
- 8 **logs, sawdust, wood chips, or agricultural commodities, not**
- 9 **including bulk milk; and**
- 10 **(B) one hundred thousand (100,000) pounds if hauling,**
- 11 **delivering, or otherwise carrying any commodity not listed**
- 12 **in clause (A)."**
- 13 Page 3, line 8, after "vehicle." insert **"If the department designates**
- 14 **a route, a deviation from that route constitutes a violation subject**
- 15 **to a civil penalty under IC 9-20-18-14.5."**
- 16 Page 3, line 16, delete "one hundred eighteen".
- 17 Page 3, line 17, delete "thousand nine hundred fifty (118,950)" and
- 18 insert **"eight thousand five hundred (8,500)".**
- 19 Page 3, line 20, delete "The Indiana department of transportation

1 may give" and insert "A trip permit limit set under subsection (h)
 2 does not include overweight divisible load permits obtained by
 3 shippers and carriers that obtained permits before January 1,
 4 2021."

5 Page 3, delete lines 21 through 25.

6 Page 3, line 29, after "conditions" insert "as defined by rules
 7 adopted under subsection (l)".

8 Page 3, between lines 39 and 40, begin a new paragraph and insert:

9 "(m) The Indiana department of transportation may suspend
 10 overweight divisible load permitting if the department observes an
 11 unusual increase in:

- 12 (1) infrastructure damage on a permitted route; or
 13 (2) the number of accidents associated with overweight
 14 divisible loads."

15 Page 3, line 40, delete "(m)" and insert "(n)".

16 Page 4, line 7, delete "(n)" and insert "(o)".

17 Page 4, line 14, delete "(o)" and insert "(p)".

18 Page 4, line 14, delete "department" and insert "department, in
 19 coordination with the Indiana department of transportation,".

20 Page 4, between lines 22 and 23, begin a new paragraph and insert:

21 "(q) Not later than July 1, 2026, the Indiana department of
 22 transportation shall submit a report based on the data gathered
 23 under subsections (n)(2) and (p) to the legislative council and to the
 24 interim study committee on roads and transportation established
 25 by IC 2-5-1.3-4 in an electronic format under IC 5-14-6. After
 26 receiving the Indiana department of transportation's report, the
 27 interim study committee on roads and transportation shall, by
 28 October 31, 2026, in the interim study committee's final report,
 29 recommend or oppose an overweight divisible load (as defined in
 30 IC 9-13-2-120.7(3)(B)) maximum weight increase to one hundred
 31 ten thousand (110,000) pounds. This subsection expires January 1,
 32 2027.

33 (r) Not later than July 1, 2030, the Indiana department of
 34 transportation shall submit a report based on the data gathered
 35 under subsections (n)(2) and (p) to the legislative council and to the
 36 interim study committee on roads and transportation established
 37 by IC 2-5-1.3-4 in an electronic format under IC 5-14-6. After
 38 receiving the Indiana department of transportation's report, the

1 **interim study committee on roads and transportation shall, by**
 2 **October 31, 2030, in the interim study committee's final report,**
 3 **recommend or oppose an overweight divisible load (as defined in**
 4 **IC 9-13-2-120.7(3)(B)) maximum weight increase to one hundred**
 5 **twenty thousand (120,000) pounds. This subsection expires**
 6 **January 1, 2031."**

7 Page 4, line 26, delete "A" and insert "(a) A".

8 Page 4, after line 33, begin a new paragraph and insert:

9 **"(b) If a local authority grants a permit under subsection (a), the**
 10 **local authority may designate a route for the permit. A deviation**
 11 **from that route constitutes a violation subject to a civil penalty**
 12 **under IC 9-20-18-14.5.**

13 SECTION 5. IC 9-20-18-14.5, AS AMENDED BY P.L.218-2017,
 14 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2021]: Sec. 14.5. (a) The civil penalties imposed under this
 16 section are in addition to the other civil penalties that may be imposed
 17 under IC 8 and IC 9. Notwithstanding section 12 of this chapter, a civil
 18 penalty imposed under this section:

19 (1) is imposed on the person whose United States Department of
 20 Transportation number is registered on the vehicle transporting
 21 the load;

22 (2) shall be deposited in the motor carrier regulation fund
 23 established by IC 8-2.1-23-1;

24 (3) is in addition to any fines imposed by a court; and

25 (4) is assessed by the department of state revenue in accordance
 26 with the procedures in IC 6-8.1-5-1.

27 (b) A person who obtains a permit under this article and violates this
 28 article is subject to a civil penalty of not more than ~~five hundred one~~
 29 **thousand** dollars (~~\$500~~) (**\$1,000**) for the first violation and not more
 30 than one thousand **five hundred** dollars (~~\$1,000~~) (**\$1,500**) for each
 31 subsequent violation.

32 (c) A person who transports vehicles or loads subject to this article
 33 and fails to obtain a permit required under this article is subject to a
 34 civil penalty of not more than five thousand dollars (\$5,000) for each
 35 violation.

36 (d) A person against whom a civil penalty is imposed under this
 37 section may protest the penalty and request an administrative hearing.
 38 If a hearing is requested, the department shall hold an administrative

1 hearing at which the person has an opportunity to present information
2 as to why the civil penalty should not be assessed.

3 (e) The department of state revenue's notice of proposed assessment
4 under IC 6-8.1-5-1 is presumptively valid."

(Reference is to HB 1190 as reprinted February 19, 2021.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 3.

Crider

Chairperson