



Reprinted
February 2, 2021

HOUSE BILL No. 1150

DIGEST OF HB 1150 (Updated February 1, 2021 4:21 pm - DI 143)

Citations Affected: IC 9-20; IC 9-22.

Synopsis: Overweight divisible loads. Provides that a person who transports a vehicle or combination of vehicles with an overweight divisible load is subject to overweight divisible load permitting. Provides that the department of transportation 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 with full payment for the permit prior to transporting the overweight divisible load. Provides that the department of state revenue shall determine the civil penalties for overweight divisible loads. Provides for certain defenses to the civil penalty for transporting overweight divisible loads without a permit. Provides that the civil penalty for each permitting violation for transporting overweight divisible loads is not more than \$10,000 for each violation. Provides that the department of state revenue 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. Provides that the costs for storage of an abandoned vehicle with a length of at least 30 feet may not exceed \$2,500. Makes a technical correction. Makes conforming changes.

Effective: July 1, 2021.

Prescott, Bartels, Pressel, Young J

January 7, 2021, read first time and referred to Committee on Roads and Transportation.
January 28, 2021, amended, reported — Do Pass.
February 1, 2021, read second time, amended, ordered engrossed.

HB 1150—LS 6887/DI 139



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First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1150

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-20-4-2, AS AMENDED BY P.L.13-2015,
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 2. (a) Section 1 of this chapter relating to vehicle
4 weight, section 3 of this chapter assessing a penalty for transporting a
5 load in excess of the registered limit of the load for the transporting
6 vehicle, and section 3 of this chapter prohibiting a person from moving
7 a transported vehicle with an excess load until a penalty is paid do not
8 apply to a vehicle or combination of vehicles that transports:
9 (1) farm commodities from the place of production to the first
10 point of delivery where the commodities are weighed and title to
11 the commodities is transferred if the weight of the vehicle with
12 load or combination of vehicles with load does not exceed the
13 gross weight limit by more than ten percent (10%); or
14 (2) logs, wood chips, bark, and sawdust if the weight of the
15 vehicle with load does not exceed either:
16 (A) the gross weight limit; or
17 (B) the axle weight limit;

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1 by more than ten percent (10%).

2 **(b) Except for a vehicle or combination of vehicles exempted**
 3 **under subsection (a), a person who transports a vehicle or**
 4 **combination of vehicles with an overweight divisible load is subject**
 5 **to permitting requirements under this article.**

6 ~~(b)~~ **(c)** The exemptions in subsection (a) do not apply to the
 7 following:

8 (1) Weight limits imposed for bridges or sections of highways
 9 under IC 9-20-1-3.

10 (2) A vehicle operated on any part of an interstate highway.

11 SECTION 2. IC 9-20-5-8, AS AMENDED BY P.L.257-2017,
 12 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2021]: Sec. 8. The Indiana department of transportation may
 14 not issue a permit under this chapter for the operation of a vehicle if
 15 any of the following conditions apply:

16 (1) The owner or operator of the vehicle has not complied with
 17 IC 8-2.1-24.

18 (2) The owner or operator of the vehicle has not provided the
 19 Indiana department of transportation with the owner's or
 20 operator's Social Security number or federal identification
 21 number.

22 (3) The owner or operator of the vehicle has not registered the
 23 vehicle with the bureau, if the vehicle is required to be registered
 24 under IC 9-18 (before its expiration) or IC 9-18.1.

25 **(4) The owner or operator of the vehicle has not provided the**
 26 **department of state revenue with full payment for a permit**
 27 **prior to transporting an overweight divisible load under this**
 28 **article.**

29 SECTION 3. IC 9-20-18-14.5, AS AMENDED BY P.L.218-2017,
 30 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2021]: Sec. 14.5. (a) The civil penalties imposed under this
 32 section are in addition to the other civil penalties that may be imposed
 33 under IC 8 and IC 9. Notwithstanding section 12 of this chapter, a civil
 34 penalty imposed under this section:

35 (1) is imposed on the ~~person whose United States Department of~~
 36 ~~Transportation number is registered on the vehicle carrier~~
 37 ~~transporting the vehicle or load;~~

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

40 (3) is in addition to any **fees or** fines imposed by a court; and

41 (4) is assessed **and determined** by the department of state
 42 revenue in accordance with the procedures in IC 6-8.1-5-1.



1 (b) A ~~person who obtains~~ **carrier transporting vehicles or loads**
 2 **under** a permit **issued** under this article ~~and who~~ violates this article
 3 is subject to a civil penalty of not more than five hundred dollars
 4 (\$500) for the first violation and not more than one thousand dollars
 5 (\$1,000) for each subsequent violation.

6 (c) A ~~person who~~ **carrier that** transports vehicles or loads subject
 7 to this article and fails to obtain a permit required under this article is
 8 subject to a civil penalty of not more than five thousand dollars
 9 (\$5,000) for each violation.

10 (d) **A carrier who transports an overweight divisible load that**
 11 **exceeds limits on weight or dimensions and fails to obtain a permit**
 12 **required to transport the overweight divisible load is subject to a**
 13 **civil penalty of not more than ten thousand dollars (\$10,000) for**
 14 **each violation.**

15 (e) **The department of state revenue may not assess a penalty**
 16 **under this section after more than one (1) year has passed from the**
 17 **date the department is notified of a violation described under**
 18 **subsection (b), (c), or (d).**

19 ~~(d)~~ (f) A ~~person carrier~~ against whom a civil penalty is imposed
 20 under this section may protest the **civil** penalty and request an
 21 administrative hearing. If a ~~hearing is requested,~~ **carrier protests a**
 22 **civil penalty**, the department of state revenue shall ~~hold an~~
 23 ~~administrative hearing at which the person has~~ **allow the carrier** an
 24 opportunity to present information as to why the civil penalty should
 25 not be assessed. **A person may assert a defense described under**
 26 **section 7 of this chapter.**

27 ~~(e)~~ (g) The department of state revenue's notice of proposed
 28 assessment under IC 6-8.1-5-1 is presumptively valid.

29 SECTION 4. IC 9-22-1-4, AS AMENDED BY P.L.157-2017,
 30 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2021]: Sec. 4. (a) Except as provided in subsection ~~(e)~~; (d),
 32 the owner of an abandoned vehicle or parts is:

- 33 (1) responsible for the abandonment; and
 34 (2) liable for all of the costs incidental to the removal, storage,
 35 and disposal;

36 of the vehicle or the parts under this chapter.

37 (b) **Except as provided in subsection (c)**, the costs for storage of
 38 an abandoned vehicle may not exceed two thousand dollars (\$2,000).

39 (c) **The costs for storage of an abandoned vehicle with a length**
 40 **of at least thirty (30) feet may not exceed two thousand five**
 41 **hundred dollars (\$2,500).**

42 ~~(e)~~ (d) If an abandoned vehicle is sold by a person who removed,



1 towed, or stored the vehicle, the person who previously owned the
2 vehicle is not responsible for storage fees.

3 ~~(d)~~ (e) If an abandoned vehicle is sold by a person who removed,
4 towed, or stored the vehicle, and proceeds from the sale of the vehicle
5 covered the removal, towing, sale disposal, and storage expenses, any
6 remaining proceeds from the sale of the vehicle shall be returned as
7 described in this chapter or IC 9-22-6, whichever is applicable.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1150, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-20-4-2, AS AMENDED BY P.L.13-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) Section 1 of this chapter relating to vehicle weight, section 3 of this chapter assessing a penalty for transporting a load in excess of the registered limit of the load for the transporting vehicle, and section 3 of this chapter prohibiting a person from moving a transported vehicle with an excess load until a penalty is paid do not apply to a vehicle or combination of vehicles that transports:

- (1) farm commodities from the place of production to the first point of delivery where the commodities are weighed and title to the commodities is transferred if the weight of the vehicle with load or combination of vehicles with load does not exceed the gross weight limit by more than ten percent (10%); or
- (2) logs, wood chips, bark, and sawdust if the weight of the vehicle with load does not exceed either:
 - (A) the gross weight limit; or
 - (B) the axle weight limit;
 by more than ten percent (10%).

(b) Except for a vehicle or combination of vehicles exempted under subsection (a), a person who transports a vehicle or combination of vehicles with an overweight divisible load is subject to permitting requirements under this article.

~~(b)~~ (c) The exemptions in subsection (a) do not apply to the following:

- (1) Weight limits imposed for bridges or sections of highways under IC 9-20-1-3.
- (2) A vehicle operated on any part of an interstate highway.

SECTION 2. IC 9-20-5-8, AS AMENDED BY P.L.257-2017, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. The Indiana department of transportation may not issue a permit under this chapter for the operation of a vehicle if any of the following conditions apply:

- (1) The owner or operator of the vehicle has not complied with IC 8-2.1-24.



(2) The owner or operator of the vehicle has not provided the Indiana department of transportation with the owner's or operator's Social Security number or federal identification number.

(3) The owner or operator of the vehicle has not registered the vehicle with the bureau, if the vehicle is required to be registered under IC 9-18 (before its expiration) or IC 9-18.1.

(4) The owner or operator of the vehicle has not provided the department of state revenue with full payment for a permit prior to transporting an overweight divisible load under this article."

Page 1, line 7, strike "person whose United States Department of".

Page 1, line 8, strike "Transportation number is registered on the vehicle" and insert "**carrier**".

Page 1, line 9, after "the" insert "**vehicle or**".

Page 1, line 12, after "any" insert "**fees or**".

Page 1, line 13, after "assessed" insert "**and determined**".

Page 1, line 15, strike "person who obtains" and insert "**carrier transporting vehicles or loads under**".

Page 1, line 15, after "permit" insert "**issued**".

Page 1, line 15, strike "and" and insert "**who**".

Page 2, line 2, strike "person who" and insert "**carrier that**".

Page 2, between lines 5 and 6, begin a new paragraph and insert:

"(d) A carrier who transports an overweight divisible load that exceeds limits on weight or dimensions and fails to obtain a permit required to transport the overweight divisible load is subject to a civil penalty of not more than ten thousand dollars (\$10,000) for each violation."

Page 2, line 6, delete "(d)" and insert "(e)".

Page 2, line 8, delete "a person receives a citation for an overweight load." and insert "**the department is notified of a violation described under subsection (b), (c), or (d).**".

Page 2, line 9, delete "(e)" and insert "(f)".

Page 2, line 9, strike "person" and insert "**carrier**".

Page 2, line 10, after "protest the" insert "**civil**".

Page 2, line 11, strike "hearing is requested," and insert "**carrier protests a civil penalty,**".

Page 2, line 11, strike "hold an".

Page 2, line 12, strike "administrative hearing at which the person has" and insert "**allow the carrier**".

Page 2, line 13, after "assessed." insert "**A person may assert a defense described under section 7 of this chapter.**".



Page 2, line 14, delete "(f)" and insert "(g)".

Page 2, after line 15, begin a new paragraph and insert:

"SECTION 4. IC 9-22-1-4, AS AMENDED BY P.L.157-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) Except as provided in subsection ~~(c)~~; **(d)**, the owner of an abandoned vehicle or parts is:

- (1) responsible for the abandonment; and
- (2) liable for all of the costs incidental to the removal, storage, and disposal;

of the vehicle or the parts under this chapter.

(b) Except as provided in subsection (c), the costs for storage of an abandoned vehicle may not exceed two thousand dollars (\$2,000).

(c) The costs for storage of an abandoned vehicle with a length of at least thirty (30) feet may not exceed five thousand dollars (\$5,000).

~~(c)~~ **(d)** If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, the person who previously owned the vehicle is not responsible for storage fees.

~~(d)~~ **(e)** If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, and proceeds from the sale of the vehicle covered the removal, towing, sale disposal, and storage expenses, any remaining proceeds from the sale of the vehicle shall be returned as described in this chapter or IC 9-22-6, whichever is applicable."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1150 as introduced.)

PRESSEL

Committee Vote: yeas 11, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1150 be amended to read as follows:

Page 3, line 40, delete "five thousand dollars" and insert "**two**



thousand five hundred dollars".

Page 3, line 41, delete "\$5,000)." and insert "**(\$2,500).**".

(Reference is to HB 1150 as printed January 28, 2021.)

PRESCOTT

