



Reprinted
February 19, 2021

HOUSE BILL No. 1190

DIGEST OF HB 1190 (Updated February 18, 2021 5:21 pm - DI 139)

Citations Affected: IC 9-13; IC 9-20.

Synopsis: Overweight truck permits. Removes the list of commodities and the specific weight limitations for certain commodities from the definition of "overweight divisible load". Provides that the Indiana department of transportation (department) may issue an overweight permit for transporting overweight vehicles and loads carrying resources on certain highways in the state highway system. Provides that the department shall recalculate and apply permit fees for annual and trip permits based on the 2014 Purdue Study, and shall consider the impact of overweight divisible loads on roads and highways. Provides that not more than 118,950 trip permits may be issued annually for applicants with a total equivalent single axle load calculation is more than 2.40 equivalent single axle load credit. Provides that if the number of permits issued comes close to the set limits, the department may give preference to those applicants that have obtained prior permits before January 1, 2021, for overweight divisible loads, not to exceed the number of permits previously issued to that applicant. Provides that the department may temporarily increase the number of overweight divisible load permits issued by order of the commissioner in response to an emergency or changes in market conditions. Provides that the department may limit the number of overweight divisible load permits issued to an individual applicant. Requires the department to adopt
(Continued next page)

Effective: July 1, 2021.

Pressel, Soliday, Heaton

January 7, 2021, read first time and referred to Committee on Roads and Transportation.
February 16, 2021, amended, reported — Do Pass.
February 18, 2021, read second time, amended, ordered engrossed.

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Digest Continued

rules due to lack of transportation options for certain resources, supply chain interruptions, or supply dock backlogs. Provides that the department shall issue a report to the legislative council and the interim study committee on roads and transportation regarding the fee structure of overweight divisible load permits, and regarding the impact of overweight divisible loads on roads and highways by July 1, 2023. Requires, beginning July 1, 2022, annual reports from the department to the legislative council and the interim study committee on roads and transportation regarding market fluctuation in the number of overweight divisible load permits issued during the previous year. Requires, beginning July 1, 2022, annual reports from the Indiana state police department to the legislative council and the interim study committee on roads and transportation regarding the number of accidents involving applicants permitted for overweight divisible loads which should include the number of accidents resulting in property damage, and the number of accidents resulting in personal injury. Provides that a local authority may apply for grant permits for transporting overweight divisible loads on local streets under the control of the local authority. Makes conforming changes.

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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. 1190

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 9-13-2-120.7, AS AMENDED BY P.L.54-2018,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 120.7. "Overweight divisible load" means a
4 tractor-semitrailer and load that:

5 (1) can be traditionally separated or reduced to meet the specified
6 regulatory limits for weight;

7 ~~(2) are involved in hauling, delivering, or otherwise carrying~~
8 ~~metal, bark, logs, sawdust, wood chips, or agricultural~~
9 ~~commodities; not including bulk milk;~~

10 ~~(3) (2)~~ meet other requirements for height, length, and width; and
11 ~~(4) (3)~~ have a gross vehicle weight of more than eighty thousand
12 (80,000) pounds but a gross vehicle weight of not more than **one**
13 **hundred twenty thousand (120,000) pounds.**

14 ~~(A) one hundred twenty thousand (120,000) pounds if hauling~~
15 ~~metal commodities; and~~

16 ~~(B) ninety-seven thousand (97,000) pounds if hauling from the~~
17 ~~point of harvest to the point of first destination bark, logs,~~

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1 sawdust, wood chips, or agricultural commodities, not
2 including bulk milk.

3 SECTION 2. IC 9-20-6-1, AS AMENDED BY P.L.196-2017,
4 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2021]: Sec. 1. (a) This chapter applies to the issuance of the
6 following permits:

7 (1) A permit for the transportation of oversized or overweight
8 vehicles and loads under section 2 **or 2.2** of this chapter.

9 (2) A toll road gate permit under section 3 of this chapter.

10 (3) An emergency permit issued under section 4 of this chapter.

11 (4) A permit for oversized semitrailers or trailers used with
12 semitrailers under section 6 of this chapter.

13 (b) IC 9-20-2-1 applies to the issuance of a permit to operate
14 machinery or equipment for the construction of highways.

15 (c) IC 9-20-9 applies to the issuance of a special towing permit for
16 the operation of a combination of vehicles on a highway.

17 (d) IC 9-20-14 applies to the issuance of the following permits:

18 (1) A general permit for the operation of a tractor-mobile home
19 rig.

20 (2) A special permit for the operation of a tractor-mobile home
21 rig.

22 (e) IC 9-20-15 applies to the issuance of the following permits:

23 (1) A general permit for the operation of a special tractor-mobile
24 home rig.

25 (2) A special permit for the operation of a special tractor-mobile
26 home rig.

27 SECTION 3. IC 9-20-6-2.2 IS ADDED TO THE INDIANA CODE
28 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
29 1, 2021]: **Sec. 2.2. (a) This section applies to overweight divisible**
30 **loads (as defined in IC 9-13-2-120.7).**

31 **(b) As used in this section, "equivalent single axle load" means**
32 **the known quantifiable and standardized amount of damage to**
33 **highway pavement structures equivalent to one (1) pass of a single**
34 **eighteen thousand (18,000) pound dual tire axle, with all four (4)**
35 **tires on the axle inflated to one hundred ten (110) pounds per**
36 **square inch.**

37 **(c) A permit issued under this section does not apply to a**
38 **highway under a local authority's jurisdiction.**

39 **(d) Subject to subsection (e), the Indiana department of**
40 **transportation shall, upon proper application in writing, grant a**
41 **permit for transporting overweight vehicles and overweight**
42 **divisible loads carrying resources on a highway in the state**



1 highway system, including state maintained routes through cities
2 and towns.

3 (e) A permit granted under this section may be used only on
4 designated highways within the state highway system, avoiding
5 highways under a local authority's jurisdiction.

6 (f) A permit issued under this section may designate the route
7 to be traversed and may contain any other restrictions or
8 conditions required for the safe movement of the vehicle.

9 (g) Not later than August 1, 2021, the Indiana department of
10 transportation shall recalculate and apply permit fees for annual
11 and trip permits granted under this section based on the 2014
12 Purdue Study. The Indiana department of transportation shall
13 consider the impact of overweight divisible loads on roads and
14 highways in recalculating permit fees under this subsection.

15 (h) Except as provided in subsection (j), the Indiana department
16 of transportation may not issue more than one hundred eighteen
17 thousand nine hundred fifty (118,950) trip permits annually for
18 applicants with a total equivalent single axle load calculation of
19 more than 2.40 equivalent single axle load credit.

20 (i) The Indiana department of transportation may give
21 preference to those applicants that have obtained prior permits for
22 overweight divisible loads before January 1, 2021, if the total
23 permits issued come close to the limits set forth in subsection (h).
24 The number of permits issued to an applicant may not exceed the
25 number of permits previously issued to that applicant.

26 (j) The Indiana department of transportation may temporarily
27 increase the number of permits issued under subsection (h) by
28 order of the commissioner in response to an emergency or changes
29 in market conditions.

30 (k) The Indiana department of transportation may limit the
31 number of permits issued under subsection (h) to an individual
32 applicant.

33 (l) The Indiana department of transportation shall adopt rules
34 under IC 4-22-2, including emergency rules in the manner
35 provided under IC 4-22-2-37.1, for the issuance, administration, fee
36 structure, calculation of equivalent single axle load values, and
37 enforcement of a permit under this section due to lack of
38 transportation options for certain resources, supply chain
39 interruptions, or supply dock backlogs.

40 (m) Not later than July 1, 2023, the Indiana department of
41 transportation shall submit a report to the legislative council and
42 to the interim study committee on roads and transportation



1 established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6
2 regarding:

- 3 (1) the fee structure and recommended changes to the fee
4 structure for permits issued under this section; and
5 (2) the impact of overweight divisible loads on roads and
6 highways.

7 (n) Beginning July 1, 2022, the Indiana department of
8 transportation shall, before July 1 of each year, submit a report to
9 the legislative council and to the interim study committee on roads
10 and transportation established by IC 2-5-1.3-4 in an electronic
11 format under IC 5-14-6 regarding the market fluctuation in the
12 number of overweight divisible load permits issued during the
13 previous year.

14 (o) Beginning July 1, 2022, the Indiana state police department
15 shall, before July 1 of each year, submit a report to the legislative
16 council and to the interim study committee on roads and
17 transportation established by IC 2-5-1.3-4 in an electronic format
18 under IC 5-14-6 regarding the number of accidents involving
19 applicants permitted for overweight divisible loads. The report
20 must include at least the following:

- 21 (1) The number of accidents that resulted in property damage.
22 (2) The number of accidents that resulted in personal injury.

23 SECTION 4. IC 9-20-6-2.5, AS ADDED BY P.L.135-2013,
24 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2021]: Sec. 2.5. ~~The Indiana department of transportation or~~
26 ~~A local authority that:~~

- 27 (1) has jurisdiction over a state highway, an interstate highway, or
28 a local street; and
29 (2) is responsible for the repair and maintenance of the state
30 highway, interstate highway, or local street;

31 may, upon proper application in writing and upon good cause shown,
32 grant a permit for transporting overweight divisible loads **on or over**
33 **roads or streets under the control of a local authority.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1190, 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:

Delete the amendment, AM119002, offered in committee by Representative Pressel and adopted by consent on February 1, 2021.

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

"SECTION 1. IC 9-13-2-120.7, AS AMENDED BY P.L.54-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 120.7. "Overweight divisible load" means a tractor-semitrailer and load that:

(1) can be traditionally separated or reduced to meet the specified regulatory limits for weight;

~~(2) are involved in hauling, delivering, or otherwise carrying metal, bark, logs, sawdust, wood chips, or agricultural commodities, not including bulk milk;~~

~~(3) (2)~~ meet other requirements for height, length, and width; and

~~(4) (3)~~ have a gross vehicle weight of more than eighty thousand (80,000) pounds but a gross vehicle weight of not more than **one hundred twenty thousand (120,000) pounds.**

~~(A) one hundred twenty thousand (120,000) pounds if hauling metal commodities; and~~

~~(B) ninety-seven thousand (97,000) pounds if hauling from the point of harvest to the point of first destination bark, logs, sawdust, wood chips, or agricultural commodities, not including bulk milk."~~

Page 2, line 10, after "(a)" insert **"This section applies to overweight divisible loads (as defined in IC 9-13-2-120.7).**

(b)".

Page 2, line 16, delete "(b)" and insert "(c)".

Page 2, line 18, delete "(c)" and insert "(d)".

Page 2, line 18, delete "subsections (d) and (e)," and insert **"subsection (e),"**

Page 2, line 19, delete "may," and insert **"shall,"**

Page 2, line 19, delete "and upon" and insert ",".

Page 2, line 20, delete "good cause shown,".

Page 2, line 21, after "vehicles and" insert **"overweight divisible"**.

Page 2, line 24, delete "(d)" and insert "(e)".

Page 2, delete lines 27 through 35.



Page 2, delete lines 39 through 42.

Page 3, delete lines 1 through 9, begin a new paragraph and insert:

"(g) If the Indiana department of transportation grants an annual permit to an applicant whose total equivalent single axle load calculation is equal to or less than 2.40 equivalent single axle load credit, the Indiana department of transportation shall issue the permit annually for a fee of three hundred and fifty dollars (\$350).

(h) Except as provided in subsection (j), the Indiana department of transportation may not issue more than one hundred eighteen thousand nine hundred fifty (118,950) trip permits annually for applicants with a total equivalent single axle load calculation of more than 2.40 equivalent single axle load credit. The Indiana department of transportation shall increase the cost of trip permits issued by thirty percent (30%).

(i) The Indiana department of transportation may give preference to those applicants that have obtained prior permits for overweight divisible loads before January 1, 2021, if the total permits issued come close to the limits set forth in subsection (h). The number of permits issued to an applicant may not exceed the number of permits previously issued to that applicant.

(j) The Indiana department of transportation may temporarily increase the number of permits issued under subsection (h) by order of the commissioner in response to an emergency or changes in market conditions.

(k) The Indiana department of transportation may limit the number of permits issued under subsections (g) and (h) to an individual applicant."

Page 3, line 10, delete "(i)" and insert **"(l)"**.

Page 3, line 12, after "issuance," insert **"administration,"**

Page 3, line 12, after "structure," insert **"calculation of equivalent single axle load values,"**

Page 3, line 13, delete "section." and insert **"section due to lack of transportation options for certain resources, supply chain interruptions, or supply dock backlogs.**

(m) Not later than July 1, 2023, the Indiana department of transportation shall submit a report to the legislative council and to the interim study committee on roads and transportation established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6 regarding:

(1) the fee structure and recommended changes to the fee structure for permits issued under this section; and



(2) the impact of overweight divisible loads on roads and highways.

SECTION 4. IC 9-20-6-2.5, AS ADDED BY P.L.135-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2.5. ~~The Indiana department of transportation or~~ A local authority that:

(1) has jurisdiction over a state highway, an interstate highway, or a local street; and

(2) is responsible for the repair and maintenance of the state highway, interstate highway, or local street;

may, upon proper application in writing and upon good cause shown, grant a permit for transporting overweight divisible loads **on or over roads or streets under the control of a local authority."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1190 as introduced and as amended by AM119002 in the house roads and transportation committee on February 1, 2021.)

PRESSEL

Committee Vote: yeas 7, nays 5.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1190 be amended to read as follows:

Page 3, delete lines 9 through 14.

Page 3, between lines 14 and 15, begin a new paragraph and insert:

"(g) Not later than August 1, 2021, the Indiana department of transportation shall recalculate and apply permit fees for annual and trip permits granted under this section based on the 2014 Purdue Study. The Indiana department of transportation shall consider the impact of overweight divisible loads on roads and highways in recalculating permit fees under this subsection."

Page 3, line 19, delete "The Indiana".

Page 3, delete lines 20 through 21.

Page 3, line 33, delete "subsections (g) and (h)" and insert **"subsection (h)".**

Page 4, between lines 8 and 9, begin a new paragraph and insert:

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"(n) Beginning July 1, 2022, the Indiana department of transportation shall, before July 1 of each year, submit a report to the legislative council and to the interim study committee on roads and transportation established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6 regarding the market fluctuation in the number of overweight divisible load permits issued during the previous year.

(o) Beginning July 1, 2022, the Indiana state police department shall, before July 1 of each year, submit a report to the legislative council and to the interim study committee on roads and transportation established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6 regarding the number of accidents involving applicants permitted for overweight divisible loads. The report must include at least the following:

- (1) The number of accidents that resulted in property damage.**
- (2) The number of accidents that resulted in personal injury."**

(Reference is to HB 1190 as printed February 16, 2021.)

PRESSEL

