



April 7, 2021

ENGROSSED HOUSE BILL No. 1190

DIGEST OF HB 1190 (Updated April 6, 2021 11:44 am - DI 143)

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

Synopsis: Overweight truck permits. Makes certain changes to the maximum gross vehicle weight limit. 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 a civil penalty for deviation from an approved route. 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 8,500 trip permits may be issued annually for applicants with a total equivalent single axle load calculation more than 2.40 equivalent single axle load credit. Provides that the trip permit limit does not include overweight divisible load permits obtained by shippers and carriers that obtained permits before January 1, 2021. Provides that the department may temporarily increase the number of
(Continued next page)

Effective: July 1, 2021.

Pressel, Soliday, Heaton

(SENATE SPONSORS — FORD JON, BOHACEK, NIEZGODSKI)

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.
February 19, 2021, engrossed.
February 22, 2021, read third time, passed. Yeas 57, nays 35.

SENATE ACTION

February 24, 2021, read first time and referred to Committee on Homeland Security and Transportation.
April 6, 2021, amended, reported favorably — Do Pass.

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Digest Continued

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. Allows the department to suspend the overweight divisible load permitting program under certain conditions. Requires the department to adopt 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, the Indiana state police department and the Indiana department of transportation to submit annual reports 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. Requires the department to provide a report on July 1, 2026, and July 1, 2030, to the legislative council and the interim study committee on roads and transportation regarding the impact of overweight divisible loads on roads, highways, and accidents resulting in property damage or personal injury. Requires the interim study committee on roads and transportation to provide a final report on October 31, 2026, that recommends or opposes an overweight divisible load maximum weight increase to 110,000 pounds. Requires the interim study committee on roads and transportation to provide a final report on October 31, 2030, that recommends or opposes an overweight divisible load maximum weight increase to 120,000 pounds. Provides that a local authority may apply for and grant permits for transporting overweight divisible loads on local streets under the control of the local authority. Provides a civil penalty for deviation from an approved local route. Makes conforming changes.



April 7, 2021

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.

ENGROSSED 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:~~
13 ~~(A) one hundred twenty thousand (120,000) pounds if hauling~~
14 ~~metal commodities; and~~
15 ~~(B) ninety-seven thousand (97,000) pounds if hauling from the~~
16 ~~point of harvest to the point of first destination bark, logs,~~
17 ~~sawdust, wood chips, or agricultural commodities; not~~

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1 including bulk milk:

2 **(A) one hundred twenty thousand (120,000) pounds if**
 3 **hauling, delivering, or otherwise carrying metal, bark,**
 4 **logs, sawdust, wood chips, or agricultural commodities, not**
 5 **including bulk milk; and**

6 **(B) one hundred thousand (100,000) pounds if hauling,**
 7 **delivering, or otherwise carrying any commodity not listed**
 8 **in clause (A).**

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

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

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

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

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

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

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

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

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

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

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

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

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

33 SECTION 3. IC 9-20-6-2.2 IS ADDED TO THE INDIANA CODE
 34 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 35 1, 2021]: **Sec. 2.2. (a) This section applies to overweight divisible**
 36 **loads (as defined in IC 9-13-2-120.7).**

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



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

3 (d) Subject to subsection (e), the Indiana department of
4 transportation shall, upon proper application in writing, grant a
5 permit for transporting overweight vehicles and overweight
6 divisible loads carrying resources on a highway in the state
7 highway system, including state maintained routes through cities
8 and towns.

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

12 (f) A permit issued under this section may designate the route
13 to be traversed and may contain any other restrictions or
14 conditions required for the safe movement of the vehicle. If the
15 department designates a route, a deviation from that route
16 constitutes a violation subject to a civil penalty under
17 IC 9-20-18-14.5.

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

24 (h) Except as provided in subsection (j), the Indiana department
25 of transportation may not issue more than eight thousand five
26 hundred (8,500) trip permits annually for applicants with a total
27 equivalent single axle load calculation of more than 2.40 equivalent
28 single axle load credit.

29 (i) A trip permit limit set under subsection (h) does not include
30 overweight divisible load permits obtained by shippers and
31 carriers that obtained permits before January 1, 2021.

32 (j) The Indiana department of transportation may temporarily
33 increase the number of permits issued under subsection (h) by
34 order of the commissioner in response to an emergency or changes
35 in market conditions as defined by rules adopted under subsection
36 (l).

37 (k) The Indiana department of transportation may limit the
38 number of permits issued under subsection (h) to an individual
39 applicant.

40 (l) The Indiana department of transportation shall adopt rules
41 under IC 4-22-2, including emergency rules in the manner
42 provided under IC 4-22-2-37.1, for the issuance, administration, fee



1 structure, calculation of equivalent single axle load values, and
2 enforcement of a permit under this section due to lack of
3 transportation options for certain resources, supply chain
4 interruptions, or supply dock backlogs.

5 (m) The Indiana department of transportation may suspend
6 overweight divisible load permitting if the department observes an
7 unusual increase in:

- 8 (1) infrastructure damage on a permitted route; or
9 (2) the number of accidents associated with overweight
10 divisible loads.

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

- 16 (1) the fee structure and recommended changes to the fee
17 structure for permits issued under this section; and
18 (2) the impact of overweight divisible loads on roads and
19 highways.

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

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

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

37 (q) Not later than July 1, 2026, the Indiana department of
38 transportation shall submit a report based on the data gathered
39 under subsections (n)(2) and (p) to the legislative council and to the
40 interim study committee on roads and transportation established
41 by IC 2-5-1.3-4 in an electronic format under IC 5-14-6. After
42 receiving the Indiana department of transportation's report, the



1 interim study committee on roads and transportation shall, by
 2 October 31, 2026, 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 ten thousand (110,000) pounds. This subsection expires January 1,
 6 2027.

7 (r) Not later than July 1, 2030, the Indiana department of
 8 transportation shall submit a report based on the data gathered
 9 under subsections (n)(2) and (p) to the legislative council and to the
 10 interim study committee on roads and transportation established
 11 by IC 2-5-1.3-4 in an electronic format under IC 5-14-6. After
 12 receiving the Indiana department of transportation's report, the
 13 interim study committee on roads and transportation shall, by
 14 October 31, 2030, in the interim study committee's final report,
 15 recommend or oppose an overweight divisible load (as defined in
 16 IC 9-13-2-120.7(3)(B)) maximum weight increase to one hundred
 17 twenty thousand (120,000) pounds. This subsection expires
 18 January 1, 2031.

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

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

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

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

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

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

40 (1) is imposed on the person whose United States Department of
 41 Transportation number is registered on the vehicle transporting
 42 the load;



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

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

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

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

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

15 (d) A person against whom a civil penalty is imposed under this
16 section may protest the penalty and request an administrative hearing.
17 If a hearing is requested, the department shall hold an administrative
18 hearing at which the person has an opportunity to present information
19 as to why the civil penalty should not be assessed.

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



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

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:

Page 1, line 12, delete "than one" and insert "than:".

Page 1, line 13, delete "hundred twenty thousand (120,000) pounds."

Page 2, between lines 2 and 3, begin a new line double block indented and insert:

"(A) one hundred twenty thousand (120,000) pounds if hauling, delivering, or otherwise carrying metal, bark, logs, sawdust, wood chips, or agricultural commodities, not including bulk milk; and

(B) one hundred thousand (100,000) pounds if hauling, delivering, or otherwise carrying any commodity not listed in clause (A)."

Page 3, line 8, after "vehicle." insert "**If the department designates**

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a route, a deviation from that route constitutes a violation subject to a civil penalty under IC 9-20-18-14.5."

Page 3, line 16, delete "one hundred eighteen".

Page 3, line 17, delete "thousand nine hundred fifty (118,950)" and insert **"eight thousand five hundred (8,500)"**.

Page 3, line 20, delete "The Indiana department of transportation may give" and insert **"A trip permit limit set under subsection (h) does not include overweight divisible load permits obtained by shippers and carriers that obtained permits before January 1, 2021."**

Page 3, delete lines 21 through 25.

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

Page 3, between lines 39 and 40, begin a new paragraph and insert: **"(m) The Indiana department of transportation may suspend overweight divisible load permitting if the department observes an unusual increase in:**

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

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

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

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

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

Page 4, between lines 22 and 23, begin a new paragraph and insert: **"(q) Not later than July 1, 2026, the Indiana department of transportation shall submit a report based on the data gathered under subsections (n)(2) and (p) 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. After receiving the Indiana department of transportation's report, the interim study committee on roads and transportation shall, by October 31, 2026, in the interim study committee's final report, recommend or oppose an overweight divisible load (as defined in IC 9-13-2-120.7(3)(B)) maximum weight increase to one hundred ten thousand (110,000) pounds. This subsection expires January 1, 2027.**

(r) Not later than July 1, 2030, the Indiana department of transportation shall submit a report based on the data gathered under subsections (n)(2) and (p) 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. After receiving the Indiana department of transportation's report, the interim study committee on roads and transportation shall, by October 31, 2030, in the interim study committee's final report, recommend or oppose an overweight divisible load (as defined in IC 9-13-2-120.7(3)(B)) maximum weight increase to one hundred twenty thousand (120,000) pounds. This subsection expires January 1, 2031."

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

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

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

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

- (1) is imposed on the person whose United States Department of Transportation number is registered on the vehicle transporting the load;
- (2) shall be deposited in the motor carrier regulation fund established by IC 8-2.1-23-1;
- (3) is in addition to any fines imposed by a court; and
- (4) is assessed by the department of state revenue in accordance with the procedures in IC 6-8.1-5-1.

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

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

(d) A person against whom a civil penalty is imposed under this section may protest the penalty and request an administrative hearing. If a hearing is requested, the department shall hold an administrative hearing at which the person has an opportunity to present information as to why the civil penalty should not be assessed.



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

and when so amended that said bill do pass.

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

CRIDER, Chairperson

Committee Vote: Yeas 6, Nays 3.

