

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 ENROLLED ACT No. 1190

AN ACT to amend the Indiana Code concerning motor vehicles.

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

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.~~

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

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following permits:

- (1) A permit for the transportation of oversized or overweight vehicles and loads under section 2 **or 2.2** of this chapter.
 - (2) A toll road gate permit under section 3 of this chapter.
 - (3) An emergency permit issued under section 4 of this chapter.
 - (4) A permit for oversized semitrailers or trailers used with semitrailers under section 6 of this chapter.
- (b) IC 9-20-2-1 applies to the issuance of a permit to operate machinery or equipment for the construction of highways.
- (c) IC 9-20-9 applies to the issuance of a special towing permit for the operation of a combination of vehicles on a highway.
- (d) IC 9-20-14 applies to the issuance of the following permits:
- (1) A general permit for the operation of a tractor-mobile home rig.
 - (2) A special permit for the operation of a tractor-mobile home rig.
- (e) IC 9-20-15 applies to the issuance of the following permits:
- (1) A general permit for the operation of a special tractor-mobile home rig.
 - (2) A special permit for the operation of a special tractor-mobile home rig.

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

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

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

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

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



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

(g) A permit issued under this section is limited to a gross vehicle weight of more than eighty thousand (80,000) pounds, but not more than one hundred twenty thousand (120,000) pounds.

(h) Not later than October 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 Joint Transportation Research Program publication No. FHWA/IN/JTRP-2014/14. The Indiana department of transportation shall consider the impact of overweight divisible loads on roads and highways in recalculating permit fees under this subsection.

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

(j) A trip permit limit set under subsection (i) and a permit weight limit set under subsection (g) do not include overweight divisible load permits obtained by shippers and carriers that obtained permits before January 1, 2021.

(k) The Indiana department of transportation may temporarily increase the number of permits issued under subsection (i) by order of the commissioner in response to an emergency or changes in market conditions as defined by rules adopted under subsection (m).

(l) The Indiana department of transportation may limit the number of permits issued under subsection (i) to an individual applicant.

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

(n) 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.

(o) 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.

(p) 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.

(q) 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.

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) 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.**

(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 HEA 1150-2021, SECTION 4, 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 carrier transporting the vehicle or 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 fees or fines imposed by a court; and
- (4) is assessed and determined by the department of state revenue in accordance with the procedures in IC 6-8.1-5-1.

(b) A carrier transporting vehicles or loads under a permit issued under this article that is violated with respect to this article subjects the carrier to a civil penalty of not more than ~~five hundred one thousand~~ **dollars (\$500) (\$1,000)** for the first violation and not more than one thousand ~~five hundred~~ **dollars (\$1,000) (\$1,500)** for each subsequent violation.

(c) A carrier that 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 described in an Indiana state police vehicle examination report.

(d) A carrier that transports vehicles or loads subject to this article in excess of the legal weight or dimensional limits and for which no permit is available to allow for such excess weight or dimension is subject to a civil penalty of not more than ten thousand dollars (\$10,000) for each issued Indiana state police vehicle examination report.

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

(f) A carrier against whom a civil penalty is imposed under this section may protest the civil penalty and request an administrative hearing. If a carrier protests a civil penalty, the department of state revenue shall allow the carrier an opportunity to present information as to why the civil penalty should not be assessed or reduced pursuant to a defense provided under section 7 of this chapter.



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



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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