

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1204

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 9-13-2-1.8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 1.8. "Aggregate" includes:**

- (1) sand;
 - (2) gravel;
 - (3) dirt;
 - (4) concrete;
 - (5) shell;
 - (6) slag;
 - (7) millings;
 - (8) crushed stone;
 - (9) other construction materials; and
 - (10) any combination of materials described in this section;
- regardless of whether the material is in a natural or processed state.

SECTION 2. IC 9-20-4-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 0.5. As used in this chapter, "aggregate" has the meaning set forth in IC 9-13-2-1.8.**

SECTION 3. IC 9-20-4-2, AS AMENDED BY P.L.127-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 2. (a) Section 1 of this chapter relating to vehicle**

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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 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%); or

(3) aggregate, if the weight of the vehicle with load does not exceed:

(A) the gross weight limit; and

(B) the axle weight limit by more than ten percent (10%).

(b) A person who transports vehicles or loads and exceeds an exemption in subsection (a) is subject to permit requirements under this article.

(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 4. IC 9-20-18-14.5, AS AMENDED BY P.L.179-2021, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: 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 one thousand dollars (\$1,000) for the first violation and not more than one thousand five hundred



dollars (\$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 **as follows:**

(1) The department of state revenue may assess a civil penalty of five hundred dollars (\$500) for a violation when a vehicle or load is in excess of the dimensional limits.

(2) The department of state revenue may assess a civil penalty of:

(A) five hundred dollars (\$500) for a violation when the total excess weight is at least one thousand (1,000) pounds and less than five thousand (5,000) pounds;

(B) one thousand dollars (\$1,000) for a violation when the total excess weight is at least five thousand (5,000) pounds and less than ten thousand (10,000) pounds; or

(C) five thousand dollars (\$5,000) for a violation when the total excess weight is at least ten thousand (10,000) pounds.

(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.

(h) The department shall adopt rules under IC 4-22-2 regarding the assessment of civil penalties in accordance with this section.

SECTION 5. [EFFECTIVE UPON PASSAGE] (a) The legislative council is urged to assign to an appropriate interim study committee the task of studying civil penalty assessments and the



enforcement of overweight loads as it pertains to the impact on state infrastructure.

(b) This SECTION expires January 1, 2024.

SECTION 6. An emergency is declared for this act.



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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