



February 26, 2014

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# ENGROSSED HOUSE BILL No. 1219

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DIGEST OF HB 1219 (Updated February 24, 2014 11:03 am - DI 84)

**Citations Affected:** IC 6-6; IC 9-13; IC 9-20; IC 9-21; IC 9-29.

**Synopsis:** Farm products and vehicles. Amends the definitions of "farm product" and "farm vehicles" for purposes of the motor vehicle law. Makes conforming changes.

**Effective:** July 1, 2014.

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## Cherry, Klinker, Friend, Battles

(SENATE SPONSORS — WYSS, ARNOLD J, CRIDER)

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January 14, 2014, read first time and referred to Committee on Roads and Transportation.  
January 23, 2014, reported — Do Pass.  
January 27, 2014, read second time, ordered engrossed. Engrossed.  
January 28, 2014, read third time, passed. Yeas 92, nays 0.

SENATE ACTION

February 4, 2014, read first time and referred to Committee on Agriculture and Natural Resources.  
February 25, 2014, reported favorably — Do Pass.

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EH 1219—LS 6970/DI 103





February 26, 2014

Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1219

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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 6-6-4.1-2, AS AMENDED BY P.L.45-2011,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2014]: Sec. 2. (a) Except as provided in subsection (b), this  
4 chapter applies to each:  
5 (1) road tractor;  
6 (2) tractor truck;  
7 (3) truck having more than two (2) axles;  
8 (4) truck having a gross weight or a declared gross weight greater  
9 than twenty-six thousand (26,000) pounds; and  
10 (5) vehicle used in combination if the gross weight or the declared  
11 gross weight of the combination is greater than twenty-six  
12 thousand (26,000) pounds;  
13 that is propelled by motor fuel.  
14 (b) This chapter does not apply to the following:  
15 (1) A vehicle operated by:  
16 (A) this state;

**EH 1219—LS 6970/DI 103**



- 1 (B) a political subdivision (as defined in IC 36-1-2-13);  
 2 (C) the United States; or  
 3 (D) an agency of states and the United States, or of two (2) or  
 4 more states, in which this state participates.  
 5 (2) A school bus (as defined by the laws of a state) operated by,  
 6 for, or on behalf of a:  
 7 (A) state;  
 8 (B) political subdivision (as defined in IC 36-1-2-13) of a  
 9 state; or  
 10 (C) private or privately operated school.  
 11 (3) A vehicle used in casual or charter bus operations.  
 12 (4) Trucks, trailers, or semitrailers and tractors that are ~~qualified~~  
 13 ~~to be registered and used~~ as farm trucks, farm trailers, or farm  
 14 semitrailers and tractors ~~and that are registered as such by the~~  
 15 ~~bureau of motor vehicles~~ under IC 9-18 or under a similar law of  
 16 another state.  
 17 (5) An intercity bus (as defined in IC 9-13-2-83).  
 18 (6) A vehicle described in subsection (a)(1) through (a)(5) when  
 19 the vehicle is displaying a dealer registration plate.  
 20 (7) A recreational vehicle.  
 21 (8) A pickup truck that:  
 22 (A) is modified to include a third free rotating axle;  
 23 (B) has a gross weight not greater than twenty-six thousand  
 24 (26,000) pounds; and  
 25 (C) is operated solely for personal use and not for commercial  
 26 use.

27 SECTION 2. IC 9-13-2-54 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 54. "Farm  
 29 commodities" for purposes of IC 9-20-4-2, has the meaning set forth in  
 30 IC 9-20-4-2(c) and IC 9-20-4-2(d). **product":**

31 **(1) includes agricultural products; and**

32 **(2) is used interchangeably with "farm commodity".**

33 **However, the term does not include logs, wood chips, bark, or**  
 34 **sawdust.**

35 SECTION 3. IC 9-13-2-58, AS AMENDED BY P.L.262-2013,  
 36 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 JULY 1, 2014]: Sec. 58. "Farm truck", "farm trailer", or "farm  
 38 semitrailer and tractor" means a truck, trailer, or semitrailer and tractor  
 39 used ~~(1) directly in the conduct of a commercial enterprise related to~~  
 40 ~~farming or agriculture; or (2) for the transportation of farm products,~~  
 41 ~~after the farm products have entered the channels of commerce.~~  
 42 **livestock, or machinery or supplies to or from a farm or ranch. The**



1 **term includes a covered farm vehicle (as defined in 49 CFR 390.5).**  
 2 The term does not include an implement of agriculture. **The terms**  
 3 **may be referred to collectively as "farm vehicles".**

4 SECTION 4. IC 9-20-4-2 IS AMENDED TO READ AS FOLLOWS  
 5 [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Section 1 of this chapter  
 6 relating to vehicle weight, IC 9-30 assessing a penalty for transporting  
 7 a load in excess of the registered limit of the load for the transporting  
 8 vehicle, and IC 9-30 prohibiting a person from moving a transported  
 9 vehicle with an excess load until a penalty is paid do not apply to a  
 10 vehicle or combination of vehicles that transports farm commodities  
 11 from the place of production to the first point of delivery where the  
 12 commodities are weighed and title to the commodities is transferred if  
 13 the weight of the vehicle with load or combination of vehicles with  
 14 load does not exceed the gross weight limit by more than ten percent  
 15 (10%).

16 (b) The exemption in subsection (a) does not apply to the following:

17 (1) Weight limits imposed for bridges or sections of highways  
 18 under IC 9-20-1-4.

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

20 (c) For purposes of this section, "farm commodities" includes logs,  
 21 wood chips, bark, sawdust, and bulk milk. The exemptions that apply  
 22 to vehicles that transport farm commodities under subsection (a) apply  
 23 to the transportation of wood chips, bark, and sawdust at all times if the  
 24 weight of the vehicle with load does not exceed either the gross weight  
 25 limit or the axle weight limit by more than ten percent (10%).

26 SECTION 5. IC 9-21-21-1 IS REPEALED [EFFECTIVE JULY 1,  
 27 2014]. ~~Sec. 1. A motor vehicle, trailer, or semitrailer and tractor may~~  
 28 ~~be operated primarily as a farm truck, farm trailer, or farm semitrailer~~  
 29 ~~and tractor if the vehicle meets the specifications set forth in~~  
 30 ~~IC 9-29-5-13(b).~~

31 SECTION 6. IC 9-21-21-2, AS ADDED BY P.L.210-2005,  
 32 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2014]: Sec. 2. A farm truck ~~described in section 1 of this~~  
 34 ~~chapter~~ may be used for personal purposes if the vehicle otherwise  
 35 qualifies for that class of registration.

36 SECTION 7. IC 9-21-21-3, AS AMENDED BY P.L.191-2007,  
 37 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2014]: Sec. 3. Except as provided in section 4.3 of this  
 39 chapter, if the owner of a farm truck, farm trailer, or farm semitrailer  
 40 and tractor ~~described in section 1 of this chapter~~ begins to operate the  
 41 farm truck, farm trailer, or farm semitrailer and tractor or permits the  
 42 farm truck, farm trailer, or farm semitrailer and tractor to be operated:



1 (1) in the conduct of a commercial enterprise; or  
 2 (2) for the transportation of farm products after the commodities  
 3 have entered the channels of commerce during a registration year  
 4 for which the license fee under IC 9-29-5-13 has been paid;  
 5 the owner shall pay the amount computed under IC 9-29-5-13.5(b) due  
 6 for the remainder of the registration year for the license fee.

7 SECTION 8. IC 9-21-21-4.3, AS ADDED BY P.L.191-2007,  
 8 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2014]: Sec. 4.3. (a) Notwithstanding section 3 of this chapter,  
 10 subsection (b), and IC 9-18-2-4, a farm truck, farm trailer, or farm  
 11 semitrailer and tractor ~~described in section 4 of this chapter~~ may be  
 12 operated intrastate for the transportation of seasonal, perishable, fruit  
 13 or vegetables to the first point of processing for not more than one (1)  
 14 thirty (30) day period in a registration year established by IC 9-18-2-7.  
 15 Before a vehicle may be operated as provided in this subsection, the  
 16 owner shall pay to the bureau:

- 17 (1) the license fee due under IC 9-29-5-13(b); and  
 18 (2) eight and one-half percent (8.5%) of the license fee paid under  
 19 IC 9-29-5-13(b);

20 for the farm truck, farm trailer, or farm semitrailer and tractor.

21 (b) Notwithstanding section 3 of this chapter, subsection (a), and  
 22 IC 9-18-2-4, a farm truck, farm trailer, or farm semitrailer and tractor  
 23 ~~described in section 4 of this chapter~~ may be operated intrastate for the  
 24 transportation of tomatoes or silage to the first point of processing for  
 25 a period of not more than one (1) seventy-one (71) day period in a  
 26 registration year established by IC 9-18-2-7. Before a vehicle may be  
 27 operated as provided in this subsection, the owner shall pay to the  
 28 bureau:

- 29 (1) the license fee due under IC 9-29-5-13(b); and  
 30 (2) seventeen percent (17%) of the license fee paid under  
 31 IC 9-29-5-13(b);

32 for the farm truck, farm trailer, or farm semitrailer and tractor.

33 (c) The bureau shall adopt rules under IC 4-22-2 to authorize the  
 34 operation of a farm truck, farm trailer, or farm semitrailer and tractor  
 35 in the manner provided in this section.

36 SECTION 9. IC 9-29-5-13, AS AMENDED BY P.L.125-2012,  
 37 SECTION 316, IS AMENDED TO READ AS FOLLOWS  
 38 [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) This section does not apply  
 39 to a vehicle or person exempt from registration under IC 9-18.

40 (b) The registration fee for a ~~motor vehicle, trailer, or semitrailer~~  
 41 ~~and tractor operated primarily as a farm truck, farm trailer, or farm~~  
 42 semitrailer and tractor:



- 1 (1) having a declared gross weight of at least eleven thousand
- 2 (11,000) pounds; and
- 3 (2) used by the owner or guest occupant in connection with
- 4 agricultural pursuits usual and normal to the user's farming
- 5 operation;
- 6 is fifty percent (50%) of the amount listed in this chapter for a truck,
- 7 trailer, or semitrailer and tractor of the same declared gross weight.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1219, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1219 as introduced.)

Committee Vote: Yeas 13, Nays 0

Representative Soliday

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COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Natural Resources, to which was referred House Bill No. 1219, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB 1219 as printed January 24, 2014.)

Committee Vote: Yeas 7, Nays 0

Senator Yoder, Chairperson

