

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.

## HOUSE ENROLLED ACT No. 1219

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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 6-6-4.1-2, AS AMENDED BY P.L.45-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Except as provided in subsection (b), this chapter applies to each:

- (1) road tractor;
- (2) tractor truck;
- (3) truck having more than two (2) axles;
- (4) truck having a gross weight or a declared gross weight greater than twenty-six thousand (26,000) pounds; and
- (5) vehicle used in combination if the gross weight or the declared gross weight of the combination is greater than twenty-six thousand (26,000) pounds;

that is propelled by motor fuel.

(b) This chapter does not apply to the following:

- (1) A vehicle operated by:
  - (A) this state;
  - (B) a political subdivision (as defined in IC 36-1-2-13);
  - (C) the United States; or
  - (D) an agency of states and the United States, or of two (2) or more states, in which this state participates.
- (2) A school bus (as defined by the laws of a state) operated by,

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for, or on behalf of a:

- (A) state;
  - (B) political subdivision (as defined in IC 36-1-2-13) of a state; or
  - (C) private or privately operated school.
- (3) A vehicle used in casual or charter bus operations.
- (4) Trucks, trailers, or semitrailers and tractors that are ~~qualified to be registered and used~~ as farm trucks, farm trailers, or farm semitrailers and tractors ~~and that are registered as such by the bureau of motor vehicles~~ under IC 9-18 or under a similar law of another state.
- (5) An intercity bus (as defined in IC 9-13-2-83).
- (6) A vehicle described in subsection (a)(1) through (a)(5) when the vehicle is displaying a dealer registration plate.
- (7) A recreational vehicle.
- (8) A pickup truck that:
- (A) is modified to include a third free rotating axle;
  - (B) has a gross weight not greater than twenty-six thousand (26,000) pounds; and
  - (C) is operated solely for personal use and not for commercial use.

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

- (1) includes agricultural products; and**
- (2) is used interchangeably with "farm commodity".**

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

SECTION 3. IC 9-13-2-58, AS AMENDED BY P.L.262-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 58. "Farm truck", "farm trailer", or "farm semitrailer and tractor" means a truck, trailer, or semitrailer and tractor used ~~(1) directly in the conduct of a commercial enterprise related to farming or agriculture; or (2) for the transportation of farm products, after the farm products have entered the channels of commerce.~~ **livestock, or machinery or supplies to or from a farm or ranch. The term includes a covered farm vehicle (as defined in 49 CFR 390.5).** The term does not include an implement of agriculture. **The terms may be referred to collectively as "farm vehicles".**

SECTION 4. IC 9-20-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Section 1 of this chapter

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relating to vehicle weight, IC 9-30 assessing a penalty for transporting a load in excess of the registered limit of the load for the transporting vehicle, and IC 9-30 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 farm commodities from the place of production to the first point of delivery where the commodities are weighed and title to the commodities is transferred 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%).

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

- (1) Weight limits imposed for bridges or sections of highways under IC 9-20-1-4.
- (2) A vehicle operated on any part of an interstate highway.

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

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

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

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

- (1) in the conduct of a commercial enterprise; or
- (2) for the transportation of farm products after the commodities have entered the channels of commerce during a registration year for which the license fee under IC 9-29-5-13 has been paid;

the owner shall pay the amount computed under IC 9-29-5-13.5(b) due

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for the remainder of the registration year for the license fee.

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

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

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

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

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

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

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

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

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

- (1) having a declared gross weight of at least eleven thousand (11,000) pounds; and
- (2) used by the owner or guest occupant in connection with agricultural pursuits usual and normal to the user's farming operation;

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is fifty percent (50%) of the amount listed in this chapter for a truck, trailer, or semitrailer and tractor of the same declared gross weight.



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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