

First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1422

AN ACT to amend the Indiana Code concerning transportation.

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

SECTION 1. IC 8-23-7-13.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2017]: **Sec. 13.5. (a) If the department determines that real property owned in fee simple by the department is nonmarketable due to environmental mitigation requirements imposed by federal or state regulations, the commissioner may, with the approval of the budget agency, issue an order declaring the real property nonmarketable.**

(b) The department may provide a certified copy of an order described in subsection (a) to the Indiana department of administration.

(c) Nonmarketable real property described in subsection (a) shall be transferred as described under IC 4-20.5-7, except that, after fulfilling the requirements of IC 4-20.5-7-6 through IC 4-20.5-7-7.3, the nonmarketable real property described in subsection (a) may be disposed of only by:

- (1) soliciting proposed uses for the nonmarketable real property from nonprofit land management organizations; and**
- (2) transferring the nonmarketable real property to a chosen nonprofit land management organization for a use consistent with the tendered proposal.**

Nonmarketable real property disposed of as described in this

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subsection does not need to be appraised before the transfer of the real property.

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

- (1) A permit for the transportation of oversized or overweight vehicles and loads under section 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.
 - ~~(5) An overweight permit for transportation of raw milk under section 7 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 9-20-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. **(a) Notwithstanding IC 9-20-4 and subject to subsection (b), the maximum vehicle weight for an authorized emergency vehicle operated on a highway shall not be less than:**

- (1) twenty-four thousand (24,000) pounds on a single steering axle;**
 - (2) thirty-three thousand five hundred (33,500) pounds on a single drive axle;**
 - (3) sixty-two thousand (62,000) pounds on a tandem axle; or**
 - (4) fifty-two thousand (52,000) pounds on a tandem rear drive steer axle.**
- (b) The maximum gross vehicle weight of an authorized emergency vehicle operated on a highway is eighty-six thousand (86,000) pounds.**



(a) (c) The Indiana department of transportation or an agency or a political subdivision authorized by this article to grant permits to operate tractor-mobile home rigs or permits for transporting heavy or oversize vehicles, loads, or other objects not conforming to this article may issue emergency permits to operate in or through Indiana without regard to IC 9-20-14-2 to a person during the period that the following conditions exist:

- (1) A state of disaster emergency has been declared by the governor under IC 10-14-3-12.
- (2) A state of emergency has been declared by the federal government for an area outside Indiana.
- (3) The granting of emergency permits reasonably can be expected to provide relief of the conditions causing the declaration of the state of emergency.

(b) (d) The Indiana department of transportation, an agency, or a political subdivision shall regulate movements by emergency permits to avoid undue hazards.

SECTION 4. IC 9-20-6-14 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]: **Sec. 14. Except as authorized by this chapter or otherwise expressly authorized by statute, a local authority may not adopt or enforce an ordinance that requires an operator of a commercial motor vehicle to obtain a permit from the local authority to operate the commercial motor vehicle within the jurisdiction of the local authority.**

SECTION 5. IC 9-20-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 5. A load on a vehicle or combination of vehicles may not extend more than:**

- (1) ~~three (3)~~ **four (4)** feet beyond the front bumper; and
- (2) ~~four (4)~~ **six (6)** feet beyond the rear;

of a combination of vehicles especially constructed to transport other vehicles or boats. This limit is in addition to any other length limit set forth in this article.

SECTION 6. IC 9-20-9-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 6. Notwithstanding IC 9-20-1, and except for length exclusive devices in accordance with 23 CFR 658.13, the maximum length of a combination of two (2) coupled vehicles that is:**

- (1) especially constructed to transport other vehicles or boats; and
- (2) a stinger-steered vehicle;

is ~~seventy-five (75)~~ **eighty (80)** feet.

SECTION 7. IC 9-20-9-9, AS AMENDED BY P.L.198-2016,



SECTION 347, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 9. A combination of vehicles, including a towing vehicle and a disabled vehicle or ~~disabled~~ combination of **disabled** vehicles, that exceeds the dimensional and weight restrictions imposed by this article may be operated on a highway upon the following conditions and in accordance with the rules that the Indiana department of transportation prescribes:

- (1) The towing vehicle must be:
 - (A) specifically designed for such operations;
 - (B) equipped with amber flashing lights; and
 - (C) capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles if the systems are operational.
- (2) **Subject to subdivision (3)**, the disabled vehicle or ~~disabled~~ combination of **disabled** vehicles may not exceed the dimensional or weight restrictions imposed by this article unless a permit for operation in excess of those restrictions has been granted to the disabled vehicle or ~~disabled~~ combination of **disabled** vehicles under this article.
- (3) However, an owner or operator of a towing vehicle that is **assisting transporting** a disabled vehicle or ~~disabled~~ combination of **disabled** vehicles **from the place where the vehicle became disabled to the nearest appropriate repair facility and has a gross vehicle weight that is equal to or exceeds the gross vehicle weight of the disabled vehicle or combination of disabled vehicles** is not subject to the penalties imposed by IC 9-20-18-1 through IC 9-20-18-10 and IC 9-20-18-12 if:
 - (A) the disabled vehicle or ~~disabled~~ combination of **disabled** vehicles exceeds the dimensional or weight restrictions imposed by IC 9-20-3 or IC 9-20-4; and
 - (B) a permit for the excess has not been granted.

SECTION 8. IC 9-21-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) Each traffic signal installation on a street or highway within Indiana ~~may be erected only after the completion of traffic engineering studies that verify that the traffic signal control is necessary as~~ **must comply with the installation guidelines** set forth in the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways.

(b) **The Indiana department of transportation shall adopt rules under IC 4-22-2, including emergency rules adopted in the manner provided under IC 4-22-2-37.1, to establish a procedure for approving the installation of traffic control signals under this**



chapter. The rules must include the following:

(1) A procedure that requires a traffic engineering study that verifies that the installation of a traffic control signal at a particular location is necessary.

(2) A procedure that does not require a traffic engineering study that verifies that the installation of a traffic control signal at a particular location is necessary.

(b) (c) If:

(1) the proposed installation is in the immediate vicinity of a school; and

(2) the installation does not meet the requirements of this section; the governmental unit responsible for the control of traffic at the location shall grant a special hearing on the question to a person who has properly petitioned for the installation of a traffic signal.

SECTION 9. IC 36-1-3-11.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]: Sec. 11.4 (a) As used in this section, "commercial motor vehicle" has the meaning set forth in IC 9-13-2-31.

(b) A unit may not adopt or enforce an ordinance that requires an operator of a commercial motor vehicle to obtain a permit from the unit to operate the commercial motor vehicle within the jurisdiction of the unit unless expressly authorized by statute.

SECTION 10. [EFFECTIVE UPON PASSAGE] (a) To the extent that an operator of a commercial motor vehicle has paid for a permit now prohibited under IC 9-20-6-14 or IC 36-1-3-11.4, the eligible operator is entitled to a refund of the amounts paid. Any claim for a refund filed by an eligible operator under this subsection must be filed with the local authority before September 1, 2017. The local authority shall pay the refund due under this SECTION in one (1) installment.

(b) This SECTION expires September 1, 2017.

SECTION 11. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "legislative council" refers to the legislative council created by IC 2-5-1.1-1.

(b) As used in this SECTION, "study committee" means either of the following:

(1) A statutory committee established under IC 2-5.

(2) An interim study committee.

(c) The legislative council is urged to assign to the appropriate study committee the task of studying whether to increase the minimum amounts:



(1) relevant when certain financial statements must be prepared and attested as audited, reviewed, or certified as correct in a bid for a department of transportation contract under IC 8-23-10-3; and

(2) of a subcontract entered into by a successful bidder involving work upon which the bidder may be engaged for the department under IC 8-23-10-4.

(d) If an appropriate study committee is assigned the topics described under subsection (c), the study committee shall submit to the legislative council a final report containing the study committee's findings and recommendations in an electronic format under IC 5-14-6 not later than November 1, 2017.

(e) This SECTION expires December 31, 2017.

SECTION 12. 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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