

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. 1447

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 9-13-2-54, AS AMENDED BY P.L.215-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 54. "Farm product":

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

~~However,~~ The term does not include **lumber**, logs, wood chips, bark, or sawdust.

SECTION 2. IC 9-13-2-120.7, AS AMENDED BY P.L.198-2016, SECTION 141, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: 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;
- (3) meet other requirements for height, length, and width; and
- (4) ~~weigh have a gross vehicle weight of~~ more than ~~the~~ eighty thousand (80,000) ~~pound gross vehicle weight limit in IC 9-20-5~~ **pounds** but ~~weigh~~ **a gross vehicle weight of** not more than:
 - (A) one hundred twenty thousand (120,000) pounds if hauling metal commodities; and

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(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.

SECTION 3. IC 9-20-1-2, AS AMENDED BY P.L.198-2016, SECTION 337, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. Except as otherwise provided in this article, **a person, as defined in IC 9-13-2-124, that is** an owner of:

- (1) a vehicle;
- (2) **a carrier;**
- (3) **a shipper; or**
- (4) **another party;**

may not cause or knowingly permit to be operated or moved upon a highway a vehicle or combination of vehicles of a size or weight exceeding the limitations provided in this article.

SECTION 4. IC 9-20-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]: Sec. 4. A person who violates a ~~restriction imposed under section 3(d)~~ of this chapter commits a Class C infraction. **The bureau may not assess points under the point system for a Class C infraction under this chapter.**

SECTION 5. IC 9-20-18-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]: Sec. 12. (a) Except as provided in subsection (b), a person who violates this article commits a Class C infraction.

(b) A violation of a weight limitation in IC 9-20-4, IC 9-20-5, IC 9-20-11, or IC 9-20-7-1 is:

- (1) a Class B infraction if the total of all excesses of weight under those limitations is more than five thousand (5,000) pounds but not more than ten thousand (10,000) pounds; and
- (2) a Class A infraction if the total of all excesses of weight under those limitations is more than ten thousand (10,000) pounds.

(c) This subsection does not apply to violations that occur on an interstate highway. It is a defense to a charge of violating a weight limitation in IC 9-20-4, IC 9-20-5, or IC 9-20-11 that the total of all excesses of weight under those limitations is less than one thousand (1,000) pounds.

(d) The court may suspend the registration of a vehicle used in violating this article for not more than ninety (90) days.

(e) Upon the conviction of a person for a violation of a law regarding the weight limit of vehicles operated upon a highway, the court may recommend suspension of the person's current chauffeur's



license if the violation was committed knowingly.

(f) Notwithstanding IC 34-28-5-4, funds collected as judgments, except for costs, for violations under subsection (a) or (b) shall be deposited in the state highway fund.

(g) The bureau may not assess points under the point system for a violation of a weight limitation in IC 9-20-4, IC 9-20-5, IC 9-20-11, or IC 9-20-7-1.

SECTION 6. [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]

(a) Points assessed by the bureau of motor vehicles against a person for a violation after December 31, 2015, of a weight limitation in IC 9-20-4, IC 9-20-5, IC 9-20-11, or IC 9-20-7-1 are null and void.

(b) The denial, suspension, or revocation of an operator's, chauffeur's, or public passenger chauffeur's license by the bureau of motor vehicles that is based on the total or partial accumulation of points described in subsection (a) is null and void.

SECTION 7. 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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