

January 27, 1998

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## HOUSE BILL No. 1243

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DIGEST OF HB 1243 (Updated January 22, 1998 12:59 pm - DI 93)

**Citations Affected:** IC 6-6; IC 9-13; IC 9-19.

**Synopsis:** Allows a motor carrier to obtain an annual permit for \$40 to move a yard tractor to another location to have it repaired or relocated. Excludes "yard tractor" from the definition of "motor vehicle" for the purposes of certain motor vehicle laws including the title, registration, and driver's license laws applicable to other motor vehicles. Exempts yard tractors from certain motor vehicle equipment requirements.

**Effective:** July 1, 1998.

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**Cochran, Scholer, Klinker**

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January 13, 1998, read first time and referred to Committee on Roads and Transportation.  
January 26, 1998, amended, reported — Do Pass.

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HB 1243—LS 7191/DI 71



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January 27, 1998

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

## HOUSE BILL No. 1243

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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 6-6-4.1-13, AS AMENDED BY P.L.46-1994,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 1998]: Sec. 13. (a) A carrier may, in lieu of paying the tax  
4 imposed under this chapter that would otherwise result from the  
5 operation of a particular commercial motor vehicle, obtain from the  
6 department a trip permit authorizing the carrier to operate the  
7 commercial motor vehicle for a period of five (5) consecutive days.  
8 The department shall specify the beginning and ending days on the face  
9 of the permit. The fee for a trip permit for each commercial motor  
10 vehicle is fifty dollars (\$50). The report otherwise required under  
11 section 10 of this chapter is not required with respect to a vehicle for  
12 which a trip permit has been issued under this subsection.

13 (b) The department may issue a temporary written authorization if  
14 unforeseen or uncertain circumstances require operations by a carrier  
15 of a commercial motor vehicle for which neither a trip permit described  
16 in subsection (a) nor an annual permit described in section 12 of this  
17 chapter has been obtained. A temporary authorization may be issued

**HB 1243—LS 7191/DI 71**



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1 only if the department finds that undue hardship would result if  
 2 operation under a temporary authorization were prohibited. A carrier  
 3 who receives a temporary authorization shall:

- 4 (1) pay the trip permit fee at the time the temporary authorization  
 5 is issued; or  
 6 (2) subsequently apply for and obtain an annual permit.

7 (c) A carrier may obtain a repair and maintenance permit to:

- 8 (1) travel from another state into Indiana to repair or maintain any  
 9 of the carrier's motor vehicles, semitrailers (as defined in  
 10 IC 9-13-2-164), or trailers (as defined in IC 9-13-2-184); and  
 11 (2) return to the same state after the repair or maintenance is  
 12 completed.

13 The fee for the permit is forty dollars (\$40). The permit is an annual  
 14 permit and applies to all of the motor vehicles operated by the carrier.  
 15 The permit is not transferable to another carrier. A carrier may not  
 16 carry cargo or passengers under the permit. A carrier may operate a  
 17 motor vehicle under the permit in lieu of paying the tax imposed under  
 18 this chapter. The report otherwise required under section 10 of this  
 19 chapter is not required with respect to a motor vehicle that is operated  
 20 under the permit.

21 **(d) A carrier may obtain a repair, maintenance, and relocation**  
 22 **permit to:**

- 23 **(1) move a yard tractor from a terminal or loading or spotting**  
 24 **facility to:**  
 25 **(A) a maintenance or repair facility; or**  
 26 **(B) another terminal or loading or spotting facility; and**  
 27 **(2) return the yard tractor to its place of origin.**

28 **The fee for the permit is forty dollars (\$40). The permit is an**  
 29 **annual permit and applies to all yard tractors operated by the**  
 30 **carrier. The permit is not transferable to another carrier. A**  
 31 **carrier may not carry cargo or transport or draw a semitrailer or**  
 32 **other vehicle under the permit. A carrier may operate a yard**  
 33 **tractor under the permit instead of paying the tax imposed under**  
 34 **this chapter.**

35 ~~(d)~~ **(e)** The department shall establish procedures, by rules adopted  
 36 under IC 4-22-2, for:

- 37 (1) the issuance and use of trip permits, temporary authorizations,  
 38 and repair and maintenance permits; and  
 39 (2) the display in commercial motor vehicles of evidence of  
 40 compliance with this chapter.

41 SECTION 2. IC 9-13-2-196 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 196. (a) "Vehicle"

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1 means, except as otherwise provided in this section, a device in, upon,  
 2 or by which a person or property is, or may be, transported or drawn  
 3 upon a highway.

4 (b) "Vehicle", for purposes of IC 9-14 through IC 9-18, does not  
 5 include the following:

- 6 (1) A device moved by human power.  
 7 (2) A vehicle that runs only on rails or tracks.  
 8 (3) A vehicle propelled by electric power obtained from overhead  
 9 trolley wires but not operated upon rails or tracks.  
 10 (4) A firetruck and apparatus owned by a person or municipal  
 11 division of the state and used for fire protection.  
 12 (5) A municipally owned ambulance.  
 13 (6) A police patrol wagon.  
 14 (7) A vehicle not designed for or employed in general highway  
 15 transportation of persons or property and occasionally operated or  
 16 moved over the highway, including the following:  
 17 (A) Road construction or maintenance machinery.  
 18 (B) A movable device designed, used, or maintained to alert  
 19 motorists of hazardous conditions on highways.  
 20 (C) Construction dust control machinery.  
 21 (D) Well boring apparatus.  
 22 (E) Ditchdigging apparatus.  
 23 (F) An implement of husbandry.  
 24 (G) An invalid chair.  
 25 **(H) A yard tractor.**

26 (c) For purposes of IC 9-20 and IC 9-21, the term does not include  
 27 devices moved by human power or used exclusively upon stationary  
 28 rails or tracks.

29 (d) For purposes of IC 9-22, the term refers to an automobile, a  
 30 motorcycle, a truck, a trailer, a semitrailer, a tractor, a bus, a school  
 31 bus, a recreational vehicle, or a motorized bicycle.

32 (e) For purposes of IC 9-30-5, IC 9-30-6, IC 9-30-8, and IC 9-30-9,  
 33 the term means a device for transportation by land or air.

34 SECTION 3. IC 9-13-2-201 IS ADDED TO THE INDIANA CODE  
 35 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 36 1, 1998]: **Sec. 201. "Yard tractor" refers to a tractor that is used to  
 37 move semitrailers around a terminal or a loading or spotting  
 38 facility.**

39 SECTION 4. IC 9-19-1-1 IS AMENDED TO READ AS FOLLOWS  
 40 [EFFECTIVE JULY 1, 1998]: Sec. 1. (a) Except as provided in  
 41 subsections (b) through (c) and as otherwise provided in this chapter,  
 42 this article does not apply to the following with respect to equipment

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- 1 on vehicles:
- 2 (1) Implements of husbandry.
- 3 (2) Road machinery.
- 4 (3) Road rollers.
- 5 (4) Farm tractors.
- 6 (5) Vehicle chassis that:
- 7 (A) are a part of a vehicle manufacturer's work in process; and
- 8 (B) are driven under this subdivision only for a distance of less
- 9 than one (1) mile.
- 10 **(6) Yard tractors**
- 11 (b) A farm type dry or liquid fertilizer tank trailer or spreader that
- 12 is drawn or towed on a highway by:
- 13 (1) a farm tractor; or
- 14 (2) a motor vehicle at a speed not greater than thirty (30) miles
- 15 per hour;
- 16 is considered an implement of husbandry with respect to equipment
- 17 requirements and all the requirements of this article regarding lamps
- 18 on combinations, including farm tractors, apply.
- 19 (c) A farm type dry or liquid fertilizer tank trailer or spreader that
- 20 is drawn or towed on a highway by a motor vehicle other than a farm
- 21 tractor at a speed greater than thirty (30) miles per hour is considered
- 22 a trailer for equipment requirement purposes and all equipment
- 23 requirements concerning trailers apply.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1243, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-6-4.1-13, AS AMENDED BY P.L.46-1994, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 13. (a) A carrier may, in lieu of paying the tax imposed under this chapter that would otherwise result from the operation of a particular commercial motor vehicle, obtain from the department a trip permit authorizing the carrier to operate the commercial motor vehicle for a period of five (5) consecutive days. The department shall specify the beginning and ending days on the face of the permit. The fee for a trip permit for each commercial motor vehicle is fifty dollars (\$50). The report otherwise required under section 10 of this chapter is not required with respect to a vehicle for which a trip permit has been issued under this subsection.

(b) The department may issue a temporary written authorization if unforeseen or uncertain circumstances require operations by a carrier of a commercial motor vehicle for which neither a trip permit described in subsection (a) nor an annual permit described in section 12 of this chapter has been obtained. A temporary authorization may be issued only if the department finds that undue hardship would result if operation under a temporary authorization were prohibited. A carrier who receives a temporary authorization shall:

- (1) pay the trip permit fee at the time the temporary authorization is issued; or
- (2) subsequently apply for and obtain an annual permit.

(c) A carrier may obtain a repair and maintenance permit to:

- (1) travel from another state into Indiana to repair or maintain any of the carrier's motor vehicles, semitrailers (as defined in IC 9-13-2-164), or trailers (as defined in IC 9-13-2-184); and
- (2) return to the same state after the repair or maintenance is completed.

The fee for the permit is forty dollars (\$40). The permit is an annual permit and applies to all of the motor vehicles operated by the carrier. The permit is not transferable to another carrier. A carrier may not carry cargo or passengers under the permit. A carrier may operate a motor vehicle under the permit in lieu of paying the tax imposed under this chapter. The report otherwise required under section 10 of this

**HB 1243—LS 7191/DI 71**



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chapter is not required with respect to a motor vehicle that is operated under the permit.

**(d) A carrier may obtain a repair, maintenance, and relocation permit to:**

**(1) move a yard tractor from a terminal or loading or spotting facility to:**

**(A) a maintenance or repair facility; or**

**(B) another terminal or loading or spotting facility; and**

**(2) return the yard tractor to its place of origin.**

**The fee for the permit is forty dollars (\$40). The permit is an annual permit and applies to all yard tractors operated by the carrier. The permit is not transferable to another carrier. A carrier may not carry cargo or transport or draw a semitrailer or other vehicle under the permit. A carrier may operate a yard tractor under the permit instead of paying the tax imposed under this chapter.**

**(e)** The department shall establish procedures, by rules adopted under IC 4-22-2, for:

**(1) the issuance and use of trip permits, temporary authorizations, and repair and maintenance permits; and**

**(2) the display in commercial motor vehicles of evidence of compliance with this chapter.**

**SECTION 2. IC 9-13-2-196 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 196. (a) "Vehicle" means, except as otherwise provided in this section, a device in, upon, or by which a person or property is, or may be, transported or drawn upon a highway.**

**(b) "Vehicle", for purposes of IC 9-14 through IC 9-18, does not include the following:**

**(1) A device moved by human power.**

**(2) A vehicle that runs only on rails or tracks.**

**(3) A vehicle propelled by electric power obtained from overhead trolley wires but not operated upon rails or tracks.**

**(4) A firetruck and apparatus owned by a person or municipal division of the state and used for fire protection.**

**(5) A municipally owned ambulance.**

**(6) A police patrol wagon.**

**(7) A vehicle not designed for or employed in general highway transportation of persons or property and occasionally operated or moved over the highway, including the following:**

**(A) Road construction or maintenance machinery.**

**(B) A movable device designed, used, or maintained to alert**

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motorists of hazardous conditions on highways.

(C) Construction dust control machinery.

(D) Well boring apparatus.

(E) Ditchdigging apparatus.

(F) An implement of husbandry.

(G) An invalid chair.

**(H) A yard tractor.**

(c) For purposes of IC 9-20 and IC 9-21, the term does not include devices moved by human power or used exclusively upon stationary rails or tracks.

(d) For purposes of IC 9-22, the term refers to an automobile, a motorcycle, a truck, a trailer, a semitrailer, a tractor, a bus, a school bus, a recreational vehicle, or a motorized bicycle.

(e) For purposes of IC 9-30-5, IC 9-30-6, IC 9-30-8, and IC 9-30-9, the term means a device for transportation by land or air."

Page 1, line 4, delete ":".

Page 1, run in lines 4 through 5.

Page 1, line 5, delete "(1)".

Page 1, line 5, before "loading" insert "**terminal or a**".

Page 1, line 5, delete ";" and insert "."

Page 1, delete lines 6 through 7, begin a new paragraph and insert:

"SECTION 4. IC 9-19-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. (a) Except as provided in subsections (b) through (c) and as otherwise provided in this chapter, this article does not apply to the following with respect to equipment on vehicles:

(1) Implements of husbandry.

(2) Road machinery.

(3) Road rollers.

(4) Farm tractors.

(5) Vehicle chassis that:

(A) are a part of a vehicle manufacturer's work in process; and

(B) are driven under this subdivision only for a distance of less than one (1) mile.

**(6) Yard tractors**

(b) A farm type dry or liquid fertilizer tank trailer or spreader that is drawn or towed on a highway by:

(1) a farm tractor; or

(2) a motor vehicle at a speed not greater than thirty (30) miles per hour;

is considered an implement of husbandry with respect to equipment requirements and all the requirements of this article regarding lamps



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on combinations, including farm tractors, apply.

(c) A farm type dry or liquid fertilizer tank trailer or spreader that is drawn or towed on a highway by a motor vehicle other than a farm tractor at a speed greater than thirty (30) miles per hour is considered a trailer for equipment requirement purposes and all equipment requirements concerning trailers apply."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to House Bill 1243 as introduced.)

COOK, Chair

Committee Vote: yeas 13, nays 0.

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