



March 26, 1999

**ENGROSSED
HOUSE BILL No. 1130**

DIGEST OF HB 1130 (Updated March 23, 1999 11:34 am - DI 92)

Citations Affected: IC 9-20; IC 9-29.

Synopsis: Tractor-mobile home rigs. Allows a manufacturer or the agent of a manufacturer of mobile homes to transport a tractor-mobile home rig from the manufacturing facility to a storage lot if the distance between the manufacturing facility and storage lot is less than 15 miles and the manufacturer or agent has obtained an annual permit from the motor carrier service division of the department of state revenue. Provides that the fee for the annual permit is \$40 for each three mile increment that a tractor-mobile home rig is transported up to a maximum of 15 miles. Provides that the maximum annual fee may not exceed \$200.

Effective: July 1, 1999.

Frenz, Pelath, Cook, Mock

(SENATE SPONSORS — RIEGSECKER, CRAYCRAFT, ZAKAS)

January 6, 1999, read first time and referred to Committee on Roads and Transportation.
February 10, 1999, amended, reported — Do Pass.
March 1, 1999, read second time, amended, ordered engrossed.
March 2, 1999, engrossed. Read third time, passed. Yeas 90, nays 1.

SENATE ACTION

March 8, 1999, read first time and referred to Committee on Transportation and Interstate Cooperation.
March 25, 1999, amended, reported favorably — Do Pass.

EH 1130—LS 6747/DI 71+



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March 26, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

ENGROSSED HOUSE BILL No. 1130

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 9-20-15-2.1 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1999]: **Sec. 2.1. Notwithstanding IC 9-20-14 or this chapter, a**
4 **manufacturer of mobile homes or an agent of a manufacturer of**
5 **mobile homes may transport a tractor-mobile home rig of any size**
6 **permitted under IC 9-20-14 or this chapter from the**
7 **manufacturing facility to a storage lot if:**

8 (1) before transporting a tractor-mobile home rig the
9 manufacturer or agent:
10 (A) receives a permit from the motor carrier service
11 division of the department of state revenue; and
12 (B) complies with the requirements of IC 9-20-14-2; and
13 (2) the distance between the manufacturing facility and the
14 storage lot is less than fifteen (15) miles.

15 SECTION 2. IC 9-29-6-12 IS ADDED TO THE INDIANA CODE
16 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
17 1, 1999]: **Sec. 12. The fee for an annual permit to move**

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1 tractor-mobile home rigs under IC 9-20-15-2.1 is forty dollars
2 (\$40) for each three (3) mile increment that a tractor-mobile home
3 rig is transported up to a maximum of fifteen (15) miles. A fee
4 imposed under this section may not exceed two hundred dollars
5 (\$200).

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1130, 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, line 12, after "suspended" insert "**for an alcohol related offense**".

and when so amended that said bill do pass.

(Reference is to HB 1130 as introduced.)

PELATH, Chair

Committee Vote: yeas 7, nays 5.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1130 be amended to read as follows:

Page 1, after line 13, begin a new paragraph and insert:

"SECTION 2. IC 9-30-4-6 IS AMENDED TO READ AS FOLLOWS: Sec. 6. (a) Whenever the bureau suspends or revokes the current driver's license upon receiving a record of the conviction of a person for any offense under the motor vehicle laws not enumerated under subsection (b), the bureau ~~may~~ **shall** also suspend any of the certificates of registration and license plates issued for any motor vehicle registered in the name of the person so convicted. ~~However, the bureau may not suspend the evidence of registration, unless otherwise required by law, if the person has given or gives and maintains during the three (3) years following the date of suspension or revocation proof of financial responsibility in the future in the manner specified in this section.~~

(b) The bureau shall suspend or revoke without notice or hearing the current driver's license and all certificates of registration and license plates issued or registered in the name of a person who is convicted of any of the following:

- (1) Manslaughter or reckless homicide resulting from the operation of a motor vehicle.
- (2) Perjury or knowingly making a false affidavit to the department under this chapter or any other law requiring the registration of motor vehicles or regulating motor vehicle operation upon the highways.
- (3) A felony under Indiana motor vehicle laws or felony in the commission of which a motor vehicle is used.
- (4) Three (3) charges of criminal recklessness involving the use of a motor vehicle within the preceding twelve (12) months.
- (5) Failure to stop and give information or assistance or failure to stop and disclose the person's identity at the scene of an accident that has resulted in death, personal injury, or property damage in excess of two hundred dollars (\$200).
- (6) Possession, distribution, manufacture, cultivation, transfer, use, or sale of a controlled substance or counterfeit substance, or attempting or conspiring to possess, distribute, manufacture, cultivate, transfer, use, or sell a controlled substance or counterfeit substance.

(c) The license of a person shall also be suspended upon conviction in another jurisdiction for any offense described in subsections (b)(1), (b)(2), (b)(3), (b)(4), and (b)(5), except if property damage is less than

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two hundred dollars (\$200), the bureau may determine whether the driver's license and certificates of registration and license plates shall be suspended or revoked. The license of a person shall also be suspended upon conviction in another jurisdiction for any offense described in subsection (b)(6).

(d) A suspension or revocation remains in effect and a new or renewal license may not be issued to the person and a motor vehicle may not be registered in the name of the person as follows:

(1) Except as provided in subdivisions (2) and (3), for six (6) months from the date of conviction or on the date on which the person is otherwise eligible for a license, whichever is later. Except as provided in IC 35-48-4-15, this includes a person convicted of a crime for which the person's license is suspended or revoked under subsection (b)(6).

(2) Upon conviction of an offense described in subsection (b)(1), for a fixed period of not less than two (2) years and not more than five (5) years, to be fixed by the bureau based upon recommendation of the court entering a conviction. A new or reinstated license may not be issued to the person unless that person, within the three (3) years following the expiration of the suspension or revocation, gives and maintains in force at all times during the effective period of a new or reinstated license proof of financial responsibility in the future in the manner specified in this chapter. However, the liability of the insurance carrier under a motor vehicle liability policy that is furnished for proof of financial responsibility in the future as set out in this chapter becomes absolute whenever loss or damage covered by the policy occurs, and the satisfaction by the insured of a final judgment for loss or damage is not a condition precedent to the right or obligation of the carrier to make payment on account of loss or damage, but the insurance carrier has the right to settle a claim covered by the policy. If the settlement is made in good faith, the amount shall be deductive from the limits of liability specified in the policy. A policy may not be canceled or annulled with respect to a loss or damage by an agreement between the carrier and the insured after the insured has become responsible for the loss or damage, and a cancellation or annulment is void. The policy may provide that the insured or any other person covered by the policy shall reimburse the insurance carrier for payment made on account of any loss or damage claim or suit involving a breach of the terms, provisions, or conditions of the policy. If the policy provides for limits in excess of the limits specified in this chapter,

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the insurance carrier may plead against any plaintiff, with respect to the amount of the excess limits of liability, any defenses that the carrier may be entitled to plead against the insured. The policy may further provide for prorating of the insurance with other applicable valid and collectible insurance. An action does not lie against the insurance carrier by or on behalf of any claimant under the policy until a final judgment has been obtained after actual trial by or on behalf of any claimant under the policy.

(3) For the period ordered by a court under IC 35-48-4-15.

(e) The bureau may take action as required in this section upon receiving satisfactory evidence of a conviction of a person in another state.

(f) For the purpose of this chapter, "conviction" includes any of the following:

- (1) A conviction upon a plea of guilty.
- (2) A determination of guilt by a jury or court, even if:
 - (A) no sentence is imposed; or
 - (B) a sentence is suspended.
- (3) A forfeiture of bail, bond, or collateral deposited to secure the defendant's appearance for trial, unless the forfeiture is vacated.
- (4) A payment of money as a penalty or as costs in accordance with an agreement between a moving traffic violator and a traffic violations bureau.

(g) A suspension or revocation under this section or under IC 9-25-6-8 stands pending appeal of the conviction to a higher court and may be set aside or modified only upon the receipt by the bureau of the certificate of the court reversing or modifying the judgment that the cause has been reversed or modified. However, if the suspension or revocation follows a conviction in a court of no record in Indiana, the suspension or revocation is stayed pending appeal of the conviction to a court of record.

(h) A person aggrieved by an order or act of the bureau under this section or IC 9-25-6-8 may file a petition for a court review."

(Reference is to HB1130 as printed February 11, 1999.)

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1130 be amended to read as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

(Reference is to HB 1130 as printed February 11, 1999.)

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SENATE MOTION

Mr. President: I move that Senator Zakas be added as cosponsor of Engrossed House Bill 1130.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Transportation and Interstate Cooperation, to which was referred House Bill No. 1130, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 14, delete "three (3)" and insert "**fifteen (15)**".

Page 1, line 17, after "for" insert "**an**".

Page 2, line 1, delete "." and insert "**for each three (3) mile increment that a tractor-mobile home rig is transported up to a maximum of fifteen (15) miles. A fee imposed under this section may not exceed two hundred dollars (\$200).**".

and when so amended that said bill do pass.

(Reference is to HB 1130 as reprinted March 2, 1999.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 9, Nays 0.

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