



Reprinted
February 23, 1999

HOUSE BILL No. 1469

DIGEST OF HB 1469 (Updated February 22, 1999 5:47 pm - DI 92)

Citations Affected: IC 8-2.1.

Synopsis: Registration of intrastate motor carriers. Specifies that the requirement that intrastate motor carriers that are not operating under authority issued by the United States Department of Transportation must register with the department of state revenue as an intrastate motor carrier does not apply to an intrastate motor carrier or a guest operator operating motor vehicle as a farm vehicle in connection with agricultural pursuits usual and normal to the user's farming operation or for personal purposes, but not operated either part time or incidentally in the conduct of a commercial enterprise.

Effective: July 1, 1999.

Leuck, Linder, Botorff, Cherry

January 19, 1999, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.
February 18, 1999, amended, reported — Do Pass.
February 22, 1999, read second time, amended, ordered engrossed.

HB 1469—LS 7393/DI 92+



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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.

HOUSE BILL No. 1469

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

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

1 SECTION 1. IC 8-2.1-24-18 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 18. (a) 49 CFR Parts
3 382, 385 through 387, 390 through 393, and 395 through 398 is
4 incorporated into Indiana law by reference, and, except as provided in
5 subsections (d), (e), (f), and (g), must be complied with by an interstate
6 and intrastate motor carrier of persons or property throughout Indiana.
7 Intrastate motor carriers subject to compliance reviews under 49 CFR
8 385 shall be selected according to criteria determined by the
9 superintendent which must include but is not limited to factors such as
10 previous history of violations found in roadside compliance checks and
11 other recorded violations. However, the provisions of 49 CFR 395 that
12 regulate the hours of service of drivers, including requirements for the
13 maintenance of logs, do not apply to a driver of a truck that is
14 registered by the bureau of motor vehicles and used as a farm truck
15 under IC 9-18, or a vehicle operated in intrastate construction or
16 construction related service, or the restoration of public utility services
17 interrupted by an emergency. **Except for a carrier or a guest**

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1 **operator operating a motor vehicle as a farm vehicle in connection**
 2 **with agricultural pursuits usual and normal to the user's farming**
 3 **operation or for personal purposes, but not operated either part**
 4 **time or incidentally in the conduct of a commercial enterprise,**
 5 intrastate motor carriers not operating under authority issued by the
 6 United States Department of Transportation shall comply with the
 7 requirements of 49 CFR 390.21(b)(3) by registering with the
 8 department of state revenue as an intrastate motor carrier and
 9 displaying the certification number issued by the department of state
 10 revenue preceded by the letters "IN". All other requirements of 49 CFR
 11 390.21 apply equally to interstate and intrastate motor carriers.

12 (b) 49 CFR 107 subpart F and subpart (G), 171 through 173, 177
 13 through 178, and 180, is incorporated into Indiana law by reference,
 14 and every:

- 15 (1) private carrier;
- 16 (2) common carrier;
- 17 (3) contract carrier;
- 18 (4) motor carrier of property, intrastate;
- 19 (5) hazardous material shipper; and
- 20 (6) carrier otherwise exempt under section 3 of this chapter;

21 must comply with the federal regulations incorporated under this
 22 subsection, whether engaged in interstate or intrastate commerce.

23 (c) Notwithstanding subsection (b), nonspecification bulk and
 24 nonbulk packaging, including cargo tank motor vehicles, may be used
 25 only if all the following conditions exist:

- 26 (1) The maximum capacity of the vehicle is less than three
 27 thousand five hundred (3,500) gallons.
- 28 (2) The shipment of goods is limited to intrastate commerce.
- 29 (3) The vehicle is used only for the purpose of transporting fuel
 30 oil, kerosene, diesel fuel, gasoline, gasohol, or any combination
 31 of these substances.

32 All additional federal standards for the safe transportation of hazardous
 33 materials apply until July 1, 2000. After June 30, 2000, the
 34 maintenance, inspection, and marking requirements of 49 CFR 173.8
 35 and Part 180 are applicable. In accordance with federal hazardous
 36 materials regulations, new or additional nonspecification cargo tank
 37 motor vehicles may not be placed in service under this subsection after
 38 June 30, 1998.

39 (d) For the purpose of enforcing this section, only:

- 40 (1) a state police officer or state police motor carrier inspector
 41 who:
 42 (A) has successfully completed a course of instruction



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- 1 approved by the Federal Highway Administration; and
 2 (B) maintains an acceptable competency level as established
 3 by the state police department; or
 4 (2) an employee of a law enforcement agency who:
 5 (A) before January 1, 1991, has successfully completed a
 6 course of instruction approved by the Federal Highway
 7 Administration; and
 8 (B) maintains an acceptable competency level as established
 9 by the state police department;
 10 on the enforcement of 49 CFR, may, upon demand, inspect the books,
 11 accounts, papers, records, memoranda, equipment, and premises of any
 12 carrier, including a carrier exempt under section 3 of this chapter.
 13 (e) A person hired before September 1, 1985, who operates a motor
 14 vehicle intrastate incidentally to the person's normal employment duties
 15 and who is not employed as a chauffeur (as defined in IC 9-13-2-21(a))
 16 is exempt from 49 CFR 391 as incorporated by this section.
 17 (f) Notwithstanding any provision of 49 CFR 391 to the contrary, a
 18 person at least eighteen (18) years of age and less than twenty-one (21)
 19 years of age may be employed as a driver to operate a commercial
 20 motor vehicle intrastate. However, a person employed under this
 21 subsection is not exempt from any other provision of 49 CFR 391.
 22 (g) Notwithstanding subsection (b), the following provisions of 49
 23 CFR do not apply to private carriers of property operated only in
 24 intrastate commerce or any carriers of property operated only in
 25 intrastate commerce while employed in construction or construction
 26 related service:
 27 (1) Subpart 391.41 as it applies to physical qualifications of
 28 drivers hired before September 1, 1985.
 29 (2) Subpart 391.41(b)(3) as it applies to physical qualifications of
 30 a driver who has held a commercial driver's license (as defined in
 31 IC 9-13-2-29) before April 1, 1992, diagnosed as an insulin
 32 dependent diabetic, if the driver has filed an annual statement
 33 with the bureau of motor vehicles completed and signed by a
 34 certified endocrinologist attesting that the driver:
 35 (A) is otherwise physically qualified under Subpart 391.41 to
 36 operate a motor vehicle and is not likely to suffer any
 37 diminution in driving ability due to the driver's diabetic
 38 condition;
 39 (B) is free of severe hypoglycemia or hypoglycemia
 40 unawareness and has had less than one (1) documented,
 41 symptomatic hypoglycemic reaction per month;
 42 (C) has demonstrated the ability and willingness to properly

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1 monitor and manage the driver's diabetic condition;

2 (D) has agreed to and, to the endocrinologist's knowledge, has
3 carried a source of rapidly absorbable glucose at all times
4 while driving a motor vehicle, has self monitored blood
5 glucose levels one (1) hour before driving and at least once
6 every four (4) hours while driving or on duty before driving
7 using a portable glucose monitoring device equipped with a
8 computerized memory; and

9 (E) has submitted the blood glucose logs from the monitoring
10 device to the endocrinologist at the time of the annual medical
11 examination.

12 A copy of the blood glucose logs shall be filed along with the
13 annual statement from the endocrinologist with the bureau of
14 motor vehicles for review by the driver licensing advisory
15 committee established under IC 9-14-4. A copy of the annual
16 statement shall also be provided to the driver's employer for
17 retention in the driver's qualification file, and a copy shall be
18 retained and held by the driver while driving for presentation to
19 an authorized federal, state, or local law enforcement official.

20 (3) Subpart 396.9 as it applies to inspection of vehicles carrying
21 or loaded with a perishable product. However, this exemption
22 does not prohibit a law enforcement officer from stopping these
23 vehicles for an obvious violation that poses an imminent threat of
24 an accident or incident. The exemption is not intended to include
25 refrigerated vehicles loaded with perishables when the
26 refrigeration unit is working.

27 (4) Subpart 396.11 as it applies to driver vehicle inspection
28 reports.

29 (5) Subpart 396.13 as it applies to driver inspection.

30 (h) For purposes of 49 CFR 395.1(l), "planting and harvesting
31 season" refers to the period between January 1 and December 31 of
32 each year. The intrastate commerce exception set forth in 49 CFR
33 395.1(l), as it applies to the transportation of agricultural commodities
34 and farm supplies, is restricted to single vehicles and cargo tank motor
35 vehicles with a capacity of not more than five thousand four hundred
36 (5,400) gallons.

37 (i) The superintendent of state police may adopt rules under
38 IC 4-22-2 governing the parts and subparts of 49 CFR incorporated by
39 reference under this section.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1469, 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 17, delete "operated by the" and insert "**operating only farm vehicles registered and operated in compliance with the requirements of IC 9-29-5-13,**".

Page 2, delete lines 1 through 2.

Page 2, delete "operation,".

and when so amended that said bill do pass.

(Reference is to HB 1469 as introduced.)

LYTLE, Chair

Committee Vote: yeas 13, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1469 be amended to read as follows:

Page 1, line 17, after "carrier" insert "**or a guest operator**".

Page 1, line 17, delete "only" and insert "**a motor vehicle as a**".

Page 2, line 1, delete "vehicles" and insert "**vehicle**".

Page 2, line 1, delete "registered and operated in compliance with the" and insert "**in connection with agricultural pursuits usual and normal to the user's farming operation or for personal purposes, but not operated either part time or incidentally in the conduct of a commercial enterprise,**".

Page 2, line 2, delete "requirements of IC 9-29-5-13,".

(Reference is to HB 1469 as printed February 19, 1999.)

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