



February 18, 2000

**ENGROSSED
HOUSE BILL No. 1106**

DIGEST OF HB 1106 (Updated February 15, 2000 12:20 PM - DI 92)

Citations Affected: IC 8-15; noncode.

Synopsis: Use of brakes on the toll road. Requires the department of transportation to adopt rules to control the use of compression release engine brakes when a motor vehicle is using the Indiana toll road in Porter County. The rules must include the limitation of the use of the compression release engine brakes instead of the service brake system, except in the case of failure of the service brake system.

Effective: Upon passage; July 1, 2000.

Cheney, Ayres, Mock, Villalpando

(SENATE SPONSORS — ZAKAS, ANTICH)

January 10, 2000, read first time and referred to Committee on Roads and Transportation.
January 19, 2000, amended, reported — Do Pass.
January 24, 2000, read second time, amended, ordered engrossed.
January 25, 2000, engrossed.
January 26, 2000, read third time, passed. Yeas 54, nays 43.

SENATE ACTION

January 27, 2000, read first time and referred to Committee on Transportation and Interstate Cooperation.
February 17, 2000, amended, reported favorably — Do Pass.

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EH 1106—LS 6488/DI 96+



February 18, 2000

Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

ENGROSSED HOUSE BILL No. 1106

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 8-15-3-27 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 27. **(a) As used in this**
3 **section, "compression release engine brake" means a hydraulically**
4 **operated device that converts a power producing diesel engine into**
5 **a power absorbing retarding mechanism.**
6 **(b) Notwithstanding IC 9, the department may adopt rules under**
7 **IC 4-22-2 for the following:**
8 (1) Establishing weight and size limitations for vehicles using a
9 tollway, subject to the following:
10 (A) The operator of any vehicle exceeding any of the
11 maximum allowable dimensions or weights must apply to the
12 department in writing for an application for a special hauling
13 permit. The application must be received at least seven (7)
14 days before the time of desired entry. A permit, if granted,
15 shall be given to the applicant in duplicate, properly
16 completed, and numbered. The driver of the vehicle must have
17 a copy to present to the toll attendant on duty at the point of

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- 1 entry to the tollway.
- 2 (B) The department shall assess a fee for issuing a special
- 3 hauling permit. In assessing the fee, the department shall take
- 4 into consideration the following factors:
- 5 (i) The administrative cost of issuing the permit.
- 6 (ii) The potential damage the vehicle represents to the
- 7 project.
- 8 (iii) The potential safety hazard the vehicle represents.
- 9 (2) Establishing the speed at which a vehicle may be driven on a
- 10 tollway, including a minimum speed and a maximum speed not
- 11 in excess of the maximum provided in IC 9 for the interstate
- 12 defense network of dual highways.
- 13 (3) Designating one-way traffic lanes on a tollway.
- 14 (4) Determining the manner of operation of vehicles entering and
- 15 leaving traffic lanes on a tollway.
- 16 (5) Determining the regulation of U-turns, of crossing or entering
- 17 medians, of stopping, parking, or standing, and of passing
- 18 vehicles on a tollway.
- 19 (6) Determining the establishment and enforcement of traffic
- 20 control signs and signals for vehicles in traffic lanes, acceleration
- 21 and deceleration lanes, toll plazas, and interchanges on a tollway.
- 22 (7) Determining the limitation of entry to and exit from a tollway
- 23 to designated entrances and exits.
- 24 (8) Determining the limitation on use of a tollway by pedestrians
- 25 and aircraft and by vehicles of a type specified in the rules.
- 26 (9) Regulating commercial activity on tollways, including the
- 27 following:
- 28 (A) The offering or display of goods or services for sale.
- 29 (B) The posting, distributing, or displaying of signs,
- 30 advertisements, or other printed or written material.
- 31 (C) The operation of a mobile or stationary public address
- 32 system.
- 33 **(c) Notwithstanding IC 9, the department shall adopt rules**
- 34 **under IC 4-22-2 to control the use of compression release engine**
- 35 **brakes when a motor vehicle is using the Indiana toll road in a**
- 36 **county having a population of more than one hundred twenty-five**
- 37 **thousand (125,000) but less than one hundred twenty-nine**
- 38 **thousand (129,000). These rules must include the limitation of the**
- 39 **use of the compression release engine brakes instead of the service**
- 40 **brake system, except in the case of failure of the service brake**
- 41 **system.**
- 42 SECTION 2. [EFFECTIVE UPON PASSAGE] (a)



1 Notwithstanding IC 8-15-3-27, as amended by this act, the
2 department of transportation shall carry out the duties imposed
3 upon it by IC 8-15-3-27, as amended by this act, under interim
4 written guidelines approved by the commissioner.

5 (b) This SECTION expires on the earlier of the following:

6 (1) The date rules are adopted under IC 8-15-3-27, as
7 amended by this act.

8 (2) December 31, 2000.

9 SECTION 3. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1106, 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 3, delete ""service brake" means the primary system or mechanism" and insert ""**compression release engine brake**" means **a hydraulically operated device that converts a power producing diesel engine into a power-absorbing retarding mechanism.**".

Page 1, delete line 4.

Page 2, line 33, delete "for determining the regulation of controls for the" and insert "**to control the use of compression release engine brakes**".

Page 2, line 34, delete "operation of brakes on a trailer".

Page 2, line 35, delete "road. These rules must include the prohibition of the " and insert "**road in a county having a population of more than one hundred twenty-five thousand (125,000) but less than one hundred twenty-nine thousand (129,000).**".

Page 2, delete lines 36 through 42.

Page 3, delete lines 1 through 6.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1106 as introduced.)

COOK, Chair

Committee Vote: yeas 12, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1106 be amended to read as follows:

Page 2, line 38, after "(129,000)." insert "**These rules must include the limitation of the use of the compression release engine brakes instead of the service brake system, except in the case of failure of the service brake system.**"

(Reference is to HB 1106 as printed January 20, 2000.)

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COMMITTEE REPORT

Mr. President: The Senate Committee on Transportation and Interstate Cooperation, to which was referred House Bill No. 1106, 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 5, delete "power-absorbing" and insert "**power absorbing**".

and when so amended that said bill do pass.

(Reference is to HB 1106 as reprinted January 25, 2000.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 7, Nays 0.

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